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Review of Environmental Factors

CONDONG PUBLIC SCHOOL

FLOOD RECOVERY WORKS

Document version: Final_reviewed
Date: 13 December 2024

NSW GOVERNMENT

Acknowledgement of Country

The NSW Department of Education acknowledges the Bundjalung people, the traditional custodians of the land on which Condong Public School is proposed.

We pay our respects to their Elders past and present and celebrate the diversity of Aboriginal people and their ongoing cultures and connections to the lands and waters of Australia.

The NSW Department of Education is committed to honouring Aboriginal peoples' cultural and spiritual connections to the land, waters and seas and their rich contribution to society.

The NSW Department of Education recognises that by acknowledging our past, we are laying the groundwork for a future that embraces all Australians; a future based on mutual respect and shared responsibility.

Declaration

This Review of Environmental Factors (REF) has been prepared for School Infrastructure NSW (SINSW) on behalf of the NSW Department of Education (DoE) and assesses the potential environmental impacts which could arise from the demolition of structures and construction of a new, elevated school building at Condong Public School, 77 McLeod Street, Condong.

This REF has been prepared in accordance with the *Guidelines for Division 5.1 Assessments* (the Guidelines) and the relevant provisions of the *Environmental Planning and Assessment Act 1979* (EP&A Act), the *Environmental Planning and Assessment Regulation 2021* (EP&A Regulation) and *State Environmental Planning Policy (Transport and Infrastructure) 2021* (T&I SEPP).

This REF provides a true and fair review of the activity in relation to its likely impact on the environment and the information it contains is neither false nor misleading. It addresses to the fullest extent possible all the factors listed in Section 3 of the Guidelines, the EP&A Regulation and the Commonwealth *Environmental Protection and Biodiversity Conservation Act 1999* (EPBC Act).

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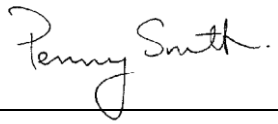
Signature		
Date	13 December 2024	13 December 2024

I certify that I have reviewed and endorsed the contents of this REF document and, to the best of my knowledge, it is in accordance with the EP&A Act, the EP&A Regulation and the Guidelines approved under clause 170 of the EP&A Regulation, and the information it contains is neither false nor misleading.

Reviewing Officer	Andrew Robinson
Qualification	
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Signature	
Date	

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Abbreviations

Abbreviation	Description
AEC	Area of Environmental Concern
AEP	Annual Exceedance Probability
AHD	Australian Height Datum
AHIP	Aboriginal Heritage Impact Permit

Abbreviation	Description
AHIMS	Aboriginal Heritage Information Management System
BC Act 2016	*Biodiversity Conservation Act 2016*
BC Regulation	Biodiversity Conservation Regulation 2017
BAM	Biodiversity Assessment Method
BCA	Building Code of Australia
CA	Certifying Authority
CE	Chief Executive
CM Act	*Coastal Management Act 2016*
CMP	Construction Management Plan
CWC	Connecting with Country
CRA	Conservation Risk Assessment
DPC	Department of Premier and Cabinet
DoE	Department of Education
DPE	Department of Planning and Environment
EIS	Environmental Impact Statement
EMP	Environmental Management Plan
EPA	Environment Protection Authority
EP&A Act	*Environmental Planning and Assessment Act 1979*
EP&A Regulation	*Environmental Planning and Assessment Regulation 2021*
EPBC Act	*Environment Protection and Biodiversity Conservation Act 1999*
EPI	Environmental Planning Instrument
FM Act	*Fisheries Management Act 1994*
Ha	Hectares
LEP	Local Environmental Plan
LGA	Local Government Area
MNES	Matters of National Environmental Significance
NCC	National Construction Code
NorBE	Neutral or Beneficial Effect on Water Quality Assessment Guideline (2022)
NPW Act	*National Parks and Wildlife Act 1974*

Abbreviation	Description
NPW Regulation	National Parks and Wildlife Regulation 2009
NT Act (Cth)	*Commonwealth Native Title Act 1993*
OEH	(Former) Office of Environment and Heritage
PCMP	Preliminary Construction Management Plan
Planning Systems SEPP	State Environmental Planning Policy (Planning Systems) 2021
POEO Act	*Protection of the Environment Operations Act 1997*
Proponent	Department of Education
REF	Review of Environmental Factors
RF Act	*Rural Fires Act 1997*
RFS	Rural Fire Service
Resilience and Hazards SEPP	State Environmental Planning Policy (Resilience and Hazards) 2021
SEPP	State Environmental Planning Policy
SIS	Species Impact Statement
SINSW	School Infrastructure NSW
T&I SEPP	State Environmental Planning Policy (Transport and Infrastructure) 2021
WM Act	*Water Management Act 2000*

Executive Summary

This proposal is for the demolition of existing buildings and construction of a new elevated school building at Condong Public School, 77 McLeod Street (Lot 2 DP 634945), Condong. Condong Public School was significantly damaged in the 2022 floods, and most of the existing structures are no longer habitable due to the damage caused by the flood waters. The new elevated school building has been designed to be flood and climate change resilient with the floor level of the new building being located above the design flood level and the 1 in 500 year (0.2% AEP) level.

The site is within the Condong Heritage Conservation Area and investigations were carried out to establish the feasibility of retaining and lifting the existing structures. However, these investigations concluded that demolition of the items and construction of a new flood resilient school was necessary. The redevelopment will include the demolition of the existing structures, construction of a new elevated school building with amenities and storage on the undercroft level and administration, general learning spaces, library and canteen on the elevated level (**0**). The works also comprise new hard and soft landscaping, ancillary structures and new site servicing. The new building utilises modular construction techniques, whereby an elevated platform will be constructed off site, whilst the new general learning spaces and other school facilities are constructed on-site and craned into place. The off-site manufacturing provides benefits through a standardised approach that maximises design efficiencies, reduces construction impacts and provides high level sustainability outcomes. However, façade treatments and exterior design has been done with careful consideration of the heritage context of the area and is supported by a Statement of Heritage Impact.

View of the new elevated building (Source: Pedavoli Architects)

Under Division 5.1 of the *Environmental Planning & Assessment Act* (EP&A Act), a public authority can assess the environmental impact of certain activities that they are carrying out themselves. These activities are defined as “development permitted without consent” under an environmental planning instrument (EPI). The works at Condong Public School are proposed to be undertaken by

the NSW Department of Education (as both the proponent and determining authority for the activity) as “development permitted without consent” pursuant to Section 3.37 of *State Environmental Planning Policy (Transport & Infrastructure) 2021* (T&I SEPP). As required under Division 5.1 of the EP&A Act, the environmental impacts of the proposed activity are assessed using a Review of Environmental Factors (REF). It is a statutory requirement under section 5.5 of the EP&A Act that the REF assesses the impacts to the “fullest extent possible” all matters affecting or likely to affect the environment, for the purpose of the protection and enhancement of the environment. This REF for Condong Public School has been prepared to fulfil the Department of Education’s duties under the EP&A Act.

This REF has been prepared in accordance with the relevant provisions of EP&A Act, *Environmental Planning and Assessment Regulation 2021* (EP&A Regulation), T&I SEPP, *Biodiversity Conservation Act 2016* (BC Act), Fisheries Management Act 1994 (FM Act) and the Commonwealth *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act). It has also been prepared with regard to the Department of Planning and Environment (DPE)’s *Guidelines for Division 5.1 Assessments*, October 2024 (the Guidelines), which respond to the requirements of Section 171 of the EP&A Regulation.

This REF provides an assessment of the impacts of the proposed activity at Condong Public School including flooding, ecology and biodiversity, sustainability and climate change, built heritage, historical archaeological, aboriginal cultural heritage, acid sulfate soils, contamination and hazardous building materials, waste management, water quality and quantity, traffic and parking, and construction management. Mitigation measures have been identified to eliminate or reduce any environmental impacts. The REF concludes that the environmental impacts of the proposed activity are not likely to be significant and therefore, it is not necessary for an environmental impact statement (EIS) to be prepared and approval to be sought for the proposal from the Minister for Planning under Division 5.2 of Part 5 of the EP&A Act.

The proposal is unlikely to affect threatened species, populations or ecological communities or their habitats, within the meaning of the BC Act and/or FM Act. Therefore, a species impact statement or biodiversity development assessment report is not required. The proposal does not affect the environment of Commonwealth land or have an impact on any matters of national environmental significance.

The design of the new school buildings has been prepared in accordance with connecting with Country, the heritage context of the site as well as the Education Standards Facilities Guide to ensure the building is respectful of its heritage context and provides modern, flexible, resilient and sustainable educational facilities for the local community.

Statutory notification of the proposed activity has occurring in accordance with the requirements of Part 3.2 Division 1 and section 3.38 of the T&I SEPP to Tweed Shire Council, NSW State Emergency Services and occupiers of adjoining properties. Feedback from the statutory notification has been incorporated into the design and mitigation measures outlined in this REF.

In accordance, with Section 171(4) of the EP&A Regulation, a copy of the REF will be published on the School Infrastructure NSW’s website.

In addition, to the approval for the proposed activity under Part 5 of the EP&A Act, the following approvals will be required:

- Section 138 of the *Roads Act 1993*
- Section 68 of the *Local Government Act 1993*

1. Introduction

School Infrastructure NSW (SINSW) on behalf of the NSW Department of Education (DoE) propose to demolish the existing buildings and structures, construct a new elevated school building and ancillary development (the proposal) at Condong Public School located at 77 McLeod Street (Lot 2 DP 634945), Condong (the site).

The existing buildings at Condong Public School were significantly inundated during the February / March 2022 floods and most of the structures are no longer habitable due to the damages caused by the flood waters. As a result, DoE is proposing to demolish the existing school buildings and construct a new elevated school building to replace it. The floor level of the new building will be located above the 1 in 500 Annual Exceedance Probability (AEP) event level to increase flood resistance and create useable undercroft spaces.

The works proposed under this Review of Environmental Factors (REF) will comprise the following:

- Site preparation including site establishment works and earthworks.
- Demolition of existing buildings
- Construction of a new elevated school building, with at-grade (undercroft) amenities and storage including:

  Ground Level:
  - Open undercroft space.
  - Male and female amenities with accessible toilet and changerooms.
  - Cleaners' store.
  - Equipment store.
  - Sports equipment store.

  Elevated Level:
  - New administration comprising interview room, clerical spaces, Principal's office, staff room, sick bay, store and male, female and accessible amenities.
  - School library with computer room, store, main communications room and library office.
  - Four (4) General Learning Spaces (GLS) with learning commons and multi-purpose space.
  - Canteen with open servery space.
  - Store.
  - Male, female and accessible amenities.
  - Mechanical plant.
- New hard and soft landscaping.
- Upgrades to existing site services.
- New ancillary sheds and other structures.

It is not proposed to increase staff or student numbers as a result of these works.

A separate tree removal development application (DA) will be lodged with Tweed Shire Council (Council).

The works are proposed as 'development permitted without consent' pursuant to Section 3.37 of *State Environmental Planning Policy (Transport and Infrastructure) 2021* (T&I SEPP).

This Review of Environmental Factors (REF) has been prepared by EPM Projects on behalf of DoE to determine the environmental impacts of the works at Condong Public School. For the purposes of these works, DoE is the proponent and the determining authority under Part 5 of the *Environmental Planning and Assessment Act 1979* (EP&A Act).

The purpose of this REF is to describe the proposal, document the examination and taking into account of all matters affecting or likely to affect the environment and to detail protective measures to be implemented to mitigate impacts.

The description of the proposed activity and associated environmental impacts have been undertaken in the accordance with the *Guidelines for Division 5.1 Assessments* (DPE June 2022), Guidelines for *Division 5.1 Assessments Consideration of environmental factors for health services facilities and schools Addendum* (DPHI, October 2024), the EP&A Act, the *Environmental Planning and Assessment Regulation 2021* (EP&A Regulation), and the *Commonwealth Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act).

The assessment contained within the REF has been prepared having regard to:

- Whether the proposed activity is likely to have a significant impact on the environment and therefore the necessity for an EIS to be prepared and approval to be sought from the Minister for Planning and Public Spaces under Part 5 of the EP&A Act; and
- The potential for the proposal to significantly impact *Matters of National Environmental Significance* (MNES) on Commonwealth land and the need to make a referral to the Australian Government Department of Environment and Energy for a decision by the Commonwealth Minister for the Environment on whether assessment and approval is required under the EPBC Act.

The REF addresses the requirements of Section 5.5 of the EP&A Act, which requires that DoE examine, and take into account to the fullest extent possible, all matters affecting, or likely to affect, the environment by reason of the proposed activity.

Pursuant to section 171(4) of the EP&A Regulation, a copy of the REF must be published on the proponent's website or on the NSW Planning Portal, if the activity:

- Has an estimated development cost (EDC) of more than $5 million, or
- Requires an approval or permit for the activity under *Fisheries Management Act 1994* (FM Act), *Heritage Act 1977*, *National Parks and Wildlife Act 1974* (NPW Act) or *Protection of the Environment Operations Act 1997*, or
- If the determining authority considers it in the public interest to publish the REF.

The proposed activity has an EDC of more than $5 million and therefore a copy of the REF will be published on the School Infrastructure NSW website.

Following consideration of the key environmental aspects and the information presented in this REF, it is concluded that by adopting the mitigation measures identified in **Appendix B**, it is unlikely that there would be significant environmental impacts associated with the proposal and therefore an Environmental Impact Statement is not required. In addition, the proposed activity will not be carried out in a declared area of outstanding value; is not likely to significantly affect threatened species, populations or ecological communities, or their habitats; or impact biodiversity values. Accordingly, a Species Impact Statement (SIS) or Biodiversity Development Assessment Report (BDAR) is not required.

2. Site Analysis and Description

2.1. The Site

Table 1: Property Details

Property Details	Condong Public School
School Address	77 McLeod Street, Condong
Lot and DP	Lot 2 DP 634945
Local Government Area	Tweed Shire Council
Local Aboriginal Land Council	Tweed Byron
Site Area (by Title)	4,777m^2
Owner	Minister for Education

Condong Public School is sited on the eastern bank of the Tweed River within the village of Condong with the Tweed Shire Local Government Area (LGA) (**Figure 1**).

Figure 1: Location Plan (Source: Nearmap dated 22 January 2024)

The site comprises one (1) allotment and is legally described as Lot 2 DP 634945 (**Figure 2**). The site has a total area of 4,777m^2 (by title) and a total frontage to McLeod Street of approximately 80m. The western site boundary is the mean high water mark of the Tweed River. The site's topography is relatively flat.

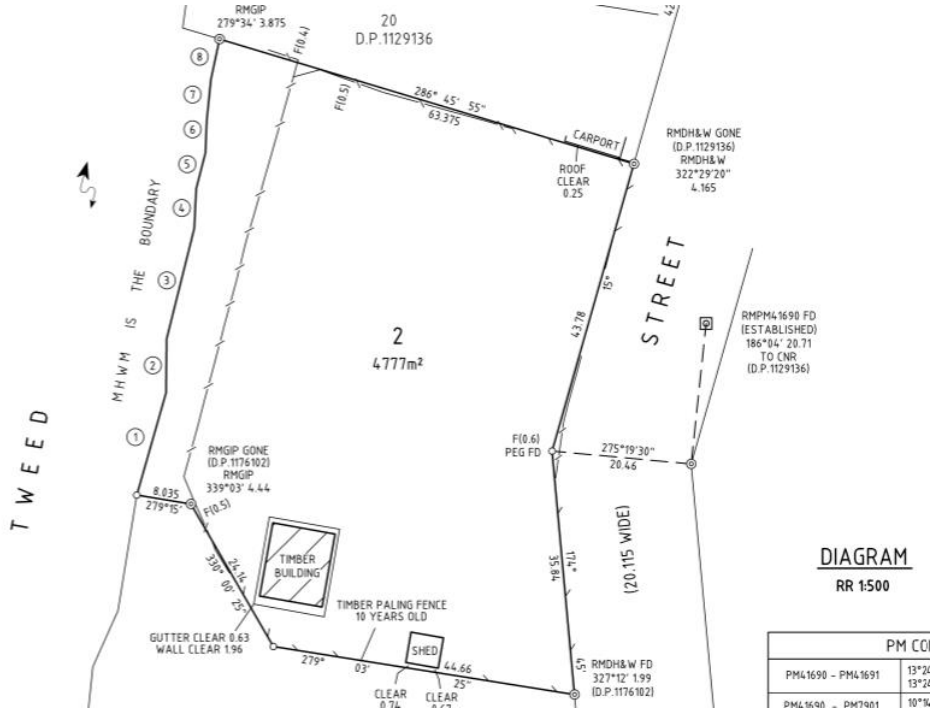

Figure 2: Extract of DP 634945

Figure 3: Aerial image of the site (Source: Nearmap dated 22 January 2024)

A site survey has been prepared by Beveridge Williams (**Appendix E**).

2.2. Existing Development

Existing development on the site is located at the southern end of the site. Existing single-storey buildings on the site including:

- Block A: Weatherboard building (c.1906) containing classrooms, library, canteen and store.
- Block B: Amenities.
- Block D: Store
- Block E: Classroom
- Block F: Sports store
- Administration building and store (demountable classrooms)

The buildings are linked by covered walkways and there are two (2) Covered Outdoor Learning Areas (COLA). The main outdoor play spaces are located on the northern part of the site and include playground equipment, a hard court, cricket pitch and shade structure. **Figure 4** is an extract of the site analysis plan prepared by Pedavoli Architects.

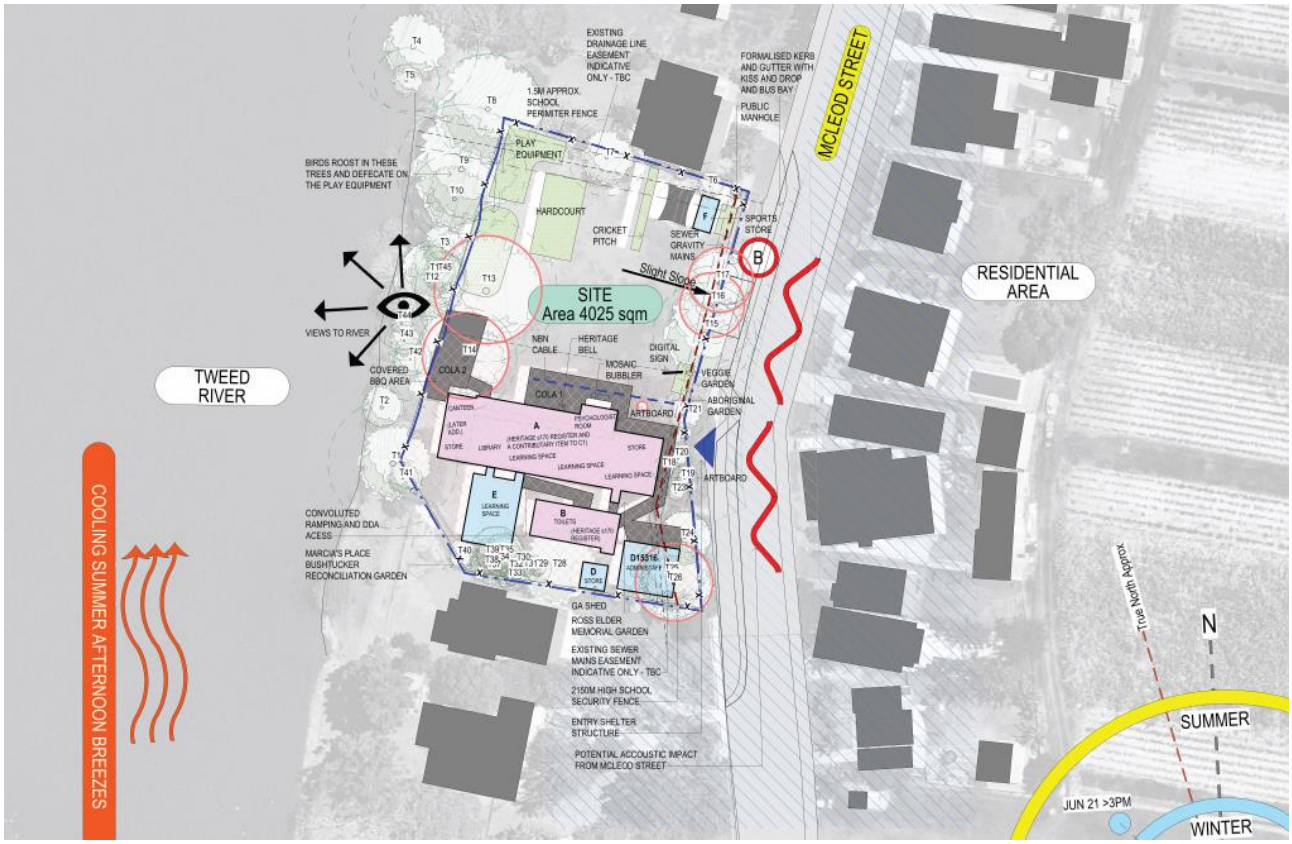

Figure 4: Site Analysis Plan (Source: Pedavoli Architects)

Existing vegetation on the site is predominantly located on the site boundary and includes vegetation along the riverbank that is located outside the school's fence line. There are several trees that have been identified as having high or very high significance including two (2) Hoop Pines (*Araucaria cunninghamii*) (Tree Nos 13 and 14), three (3) trees located along the McLeod Street frontage (Tree Nos 16, 17 and 26) and a Davidson Plum (*Davesia jerseyana*) (Tree No 22). The school grounds also includes a number of special gardens and landscape elements including Marcia's Place Bushtucker Reconciliation Garden, Ross Elder Memorial Garden, heritage bell and mosaic bubbler.

Photographs of the existing school site are provided in **Figures 5 – 9**.

Figure 5: Main entry to the school from McLeod Street (Source: EPM August 2022)

Figure 6: Block A looking west towards the Tweed River (Source: EPM August 2022)

Figure 7: Looking towards Block B with Block E behind (Source: EPM August 2022)

Figure 8: Mosaic bubbler (Source: EPM August 2022)

Figure 9: Significant Hoop Pines with Tweed River beyond. (Source: EPM August 2022)

2.3. Site Considerations and Constraints

A section 10.7 Planning Certificate No. ePlanCer22/2323 dated 16 August 2022 has been obtained from Tweed Shire Council (**Appendix D**) and provides the following planning context for the site.

Table 2: Section 10.7 Planning Certificate

Section 10.7 Planning Certificate: Condong Public School	
Zoning	R2 Low Density Residential Development (the R2 zone) under *Tweed Local Environmental Plan 2014* (TLEP 2014)
Critical Habitat	No
Environmental Heritage Item	The site does not contain an item of local heritage significance under Schedule 5 of the TLEP 2014. However, the property directly to the south of the site contains two (2) items of heritage significance under TLEP 2014 – I16 Residence; I17 Tennis Courts and Gazebo
Conservation Area (Environmental Protection Area)	Yes – Condong Mill Conservation Area
Coastal Protection	Not affected
Mine Subsidence	Not affected
Road Widening or Realignment	Not affected
Acid Sulfate Soils	Class 3 and Class 4
Cattle tick dip sites	Site is not identified as has having been used for this purpose
Contaminated Land	Due to the historical nature of land uses in the Tweed Shire, there is a possibility that land previously used for such purposes as agriculture, industrial, residential, commercial or similar uses would contain contamination. Enquiries should be made at the Council for any information held in their files and enquiries should also be made with all other relevant authorities. Tweed Shire Council has not yet prepared any detailed information as to whether this land is contaminated land.
Flood related controls	The land is a flood control lot and is within the flood planning area and subject to flood related controls. The site is within the high flow area under Tweed Valley Floodplain Risk Management Study (and Draft Plan) 2005 – Part 2 Planning Controls for High Flow Areas dated August 2006. Council advises that there is an extremely low probability of structural failure of the **Clarrie Hall Dam** and although this risk is extremely low, the risk does exist. If such a failure did occur it may result in a flood that is, generally, just below the largest historical flood on record and would affect this land or part thereof. Council has put in place an emergency response plan to alter all potentially affected residents.

Section 10.7 Planning Certificate: Condong Public School	
Land Reserved for Acquisition	No
Contributions Plans	• Section 94 Plan No 4 - Tweed Road Contribution Plan • Section 94 Plan No 5 - Open Space Contributions • Section 94 Plan No 11 - Tweed Shire Library Facilities • Section 94 Plan No 12 - Bus Shelters • Section 94 Plan No 13 - Eviron Cemetery • Section 94 Plan No 15 - Developer Contributions for Community Facilities • Section 94 Plan No 18 - Council Administration Offices and Technical Support Facilities • Section 94 Plan No 22 - Cycleways • Section 94 Plan No 26 - Shirewide/Regional Open Space
Biodiversity Certified Land	No
Bushfire Prone Land	No
Property Vegetation Plans	No
Tree Dispute Orders	No
Site Compatibility Certificates	No
Site Verification Certificates	No
Affected Building Notices	No
Building Product Rectification Orders	No
Other	The site is not affected by the Tweed Coast Comprehensive Koala Plan of Management

Zoning and Permissibility

The site is zoned R2 Low Density Residential under TLEP 2014 (**Figure 10**). Educational establishments are permitted in the R2 zone under the TLEP 2014 by virtue of being “any other development not specified in item 2 or 4”. In addition, the R2 zone is a prescribed zone for the purposes of school development under T&I SEPP. Accordingly, schools are permissible in the R2 zone.

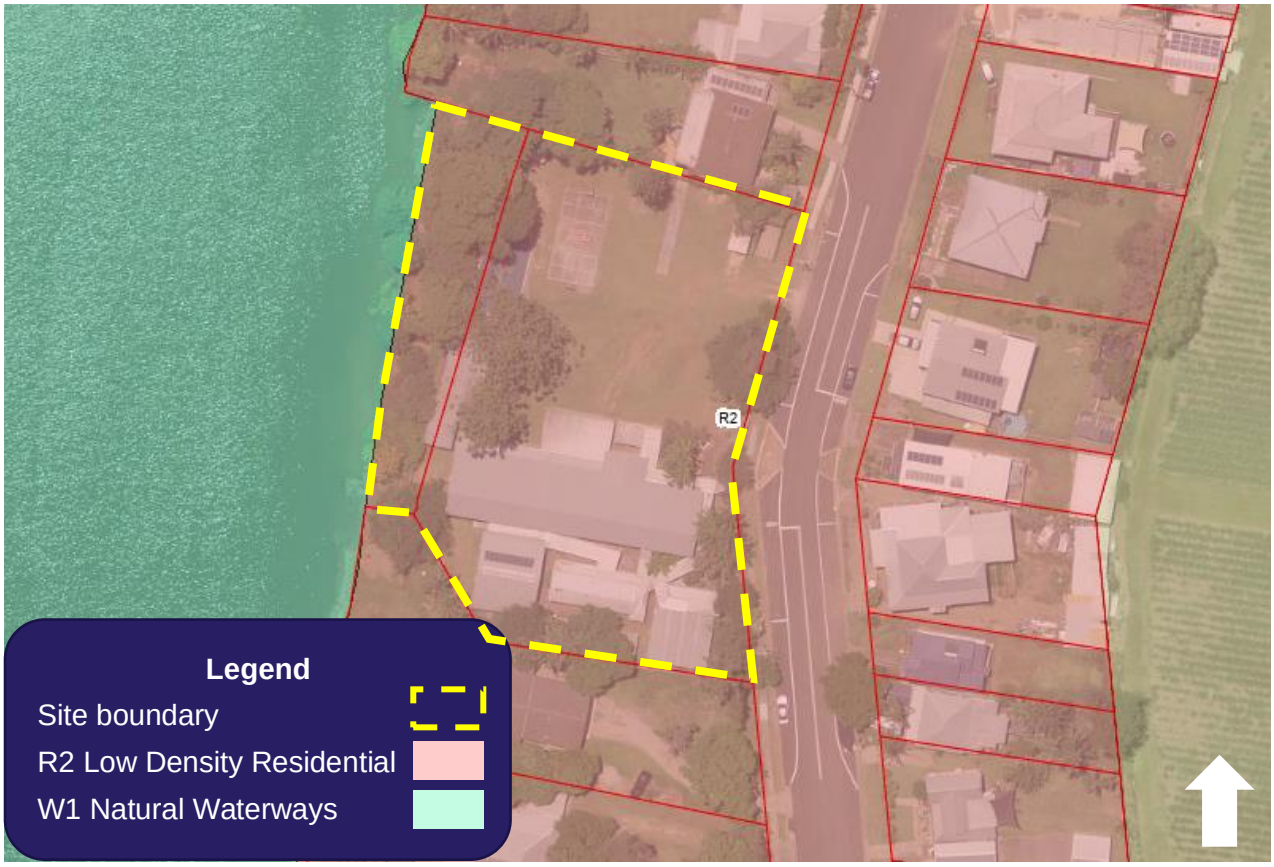

Figure 10: Zoning Map (Source: ePlanning Spatial Viewer)

Building Height

The site has a maximum building height of 9m.

Floor Space Ratio

The site has a maximum floor space ratio (FSR) of 0.8:1.

Heritage

The site is located within the 'Condong Mill Conservation Area (Item C1) under Schedule 5 of the TLEP 2014 (**Figure 11**). Condong Public School is identified as being a 'contributory item' in the heritage conservation area. The site is also located within the vicinity of two (2) local heritage items:

- Item 16 "Residence" 105 McLeod Street, Condong
- Item 17 "Tennis Courts and Gazebo" 105 McLeod Street, Condong

Condong Public School is identified on the NSW Department of Education's Section 170 Heritage and Conservation Register (Item 5065849, B00A and B00B).

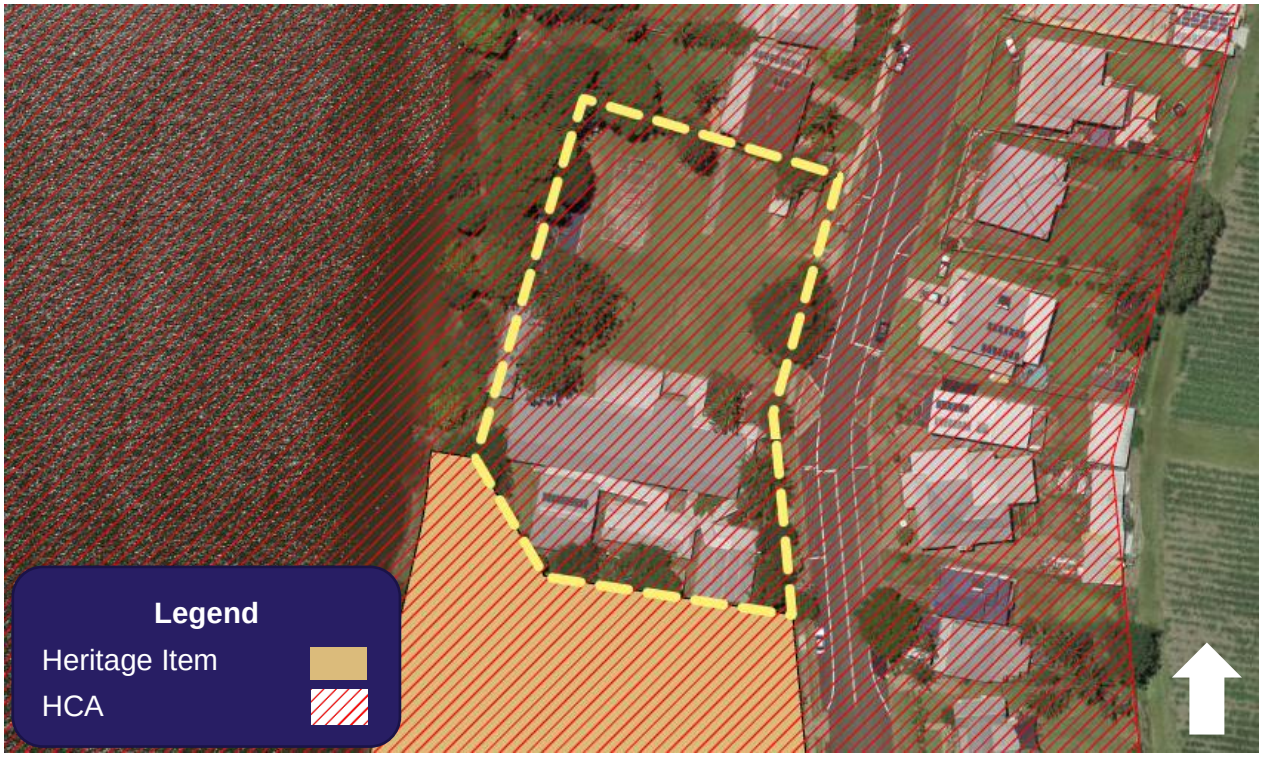

Figure 11: Heritage Map (Source: ePlanning Spatial Viewer)

Acid Sulfate Soils

The site is mapped as containing Class 3 and 4 ASS under the TLEP 2014 (**Figure 12**).

Figure 12: Acid Sulfate Soils Map (Source: ePlanning Spatial Viewer)

Flooding

The site is mapped as being located within the flood planning area and is subject to flooding in the 5-year Annual Recurrence Interval (ARI) (20% AEP) flood.

Coastal Management

The site is mapped as being in the 'coastal use area' and 'coastal environment area' under Chapter 2 of *State Environmental Planning Policy (Resilience and Hazards) 2021* (RH SEPP).

Ecology

The Flora and Fauna Assessment (FFA) has identified 24 native flora species within the site, with one threatened flora species, the Davidson's Plum. The FFA also idenfied six (6) native fauna species within the site, none of which are threatened species.

2.4. Easements and Encumbrances

EPM obtained a copy of the Certificate of Title and Deposited Plan for the site (**Appendix C**). The following easements applies to the site:

- Land excludes minerals and is subject to reservations and conditions in favour of the Crown (see Crown Grant(s)

It is noted that there is an existing stormwater drainage line that is located along the northern site boundary. In addition, there is an existing main sewer line that is located along the McLeod Street frontage.

2.5. Development Consents

A review of Council's DA tracker identified two (2) previous development consents for the site.

Table 3: Development consents applying to the site

Development Application #	Description	Date Determined
K98/0105	Erection of all-weather shelter	24 August 1998
DA08/1109	Undercover luncheon area and storage shed to school.	21 January 2009

Due to the minor nature of the works approved under the development consents, it is considered that neither of these consents are likely to include conditions that would preclude the works being able to be undertaken as "development permitted without consent" pursuant to section 3.37 of the T&I SEPP.

2.6. Concurrent Projects

Tree Removal Application

A Tree Removal application will be submitted to Tweed Shire Council for the removal of three (3) trees, as specified in **Table 4**.

Table 4: Proposed Tree Removal

Tree #	Species	Height (m)	Crown (m)	Tree Significance/Condition
21	Weeping Bottlebrush	5	6	Moderate/ Good
24	Lilli Pilli	12	10	Moderate/ Good
28	Jacaranda	8	14	Very Low/ Failed

Tree #22, a Davidsons Plum, which is 6 metres high, with a crown of 2 metres and is a threatened species is proposed to be relocated from within the proposed building envelope to another part of the site. In addition, trees #7, 14, 15, 16, 17 and 25 require pruning to facilitate construction of the new building.

Exempt Development

Due to its encroachment into the 5-metre front boundary setback, the stair on the north-eastern façade of the new building is being installed as exempt development pursuant to Section 3.39(1)(f) of *State Environmental Planning Policy (Transport and Infrastructure) 2021*.

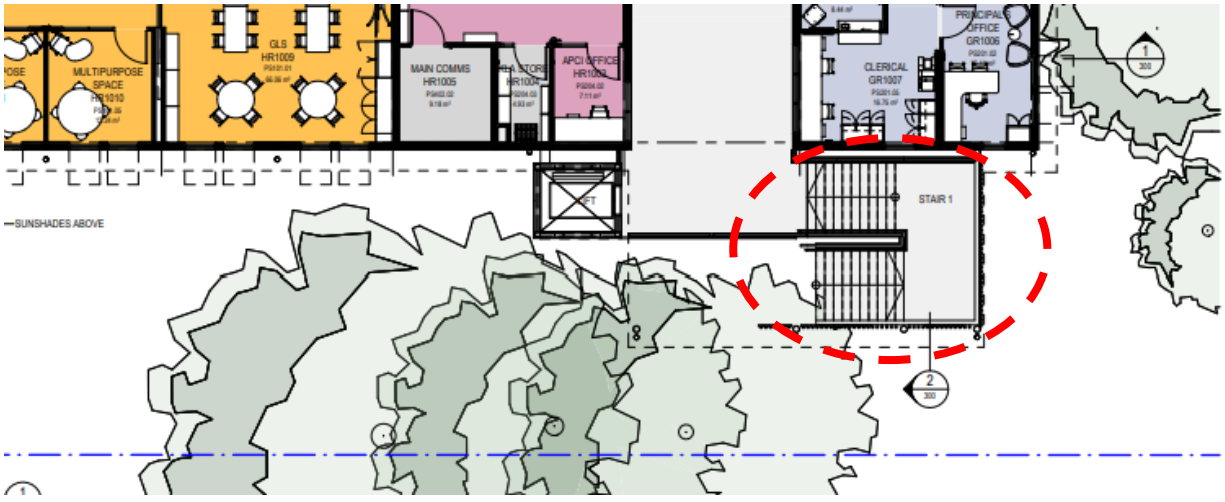

Figure 13: Stair identified by red dashed line

2.7. Surrounding Development

The locality of Condong is characterised by low-density residential development that is located along the eastern bank of the Tweed River. Most of the existing dwellings are two (2) storey with habitable rooms raised above the ground level (**Figure 14**). Further east is predominantly sugar cane fields.

Directly south of the site is two (2) local heritage items. One of the prominent features of Condong is the Condong Sugar Mill (**Figure 15**).

Figure 14: Residential development on the eastern side of McLeod Street (Source: EPM)

Figure 15: Condong Sugar Mill (Source: EPM August 2022)

3. Proposed Activity

The existing buildings at Condong Public School were significantly inundated during the February / March 2022 floods and most of the structures are no longer habitable due to the damages caused by the flood waters. As a result, the NSW Department of Education is proposing to demolish the existing school buildings and construct a new elevated school building to replace it. The floor level of the new building will be located above the 1 in 500 Annual Exceedance Probability (AEP) event level to increase flood resistance and create useable undercroft spaces.

The works will comprise the following:

- Site preparation including site establishment works and earthworks.
- Demolition of buildings and structures.
- Construction of a new elevated school building, with at-grade (undercroft) amenities and storage including:

  Ground Level:
  - Open undercroft space.
  - Male and female amenities with accessible toilet and changerooms.
  - Cleaners' store.
  - Equipment store.
  - Sports equipment store.

  Elevated Level:
  - New administration comprising interview room, clerical spaces, Principal's office, staff room, sick bay, store and male, female and accessible amenities.
  - School library with computer room, store, main communications room and library office.
  - Four (4) General Learning Spaces (GLS) with learning commons and multi-purpose space.
  - Canteen with open servery space.
  - Store.
  - Male, female and accessible amenities.
  - Mechanical plant.
- New hard and soft landscaping.
- Upgrades to existing site services.
- New ancillary sheds and other structures.

In addition, an application for a tree removal DA has been lodged with Tweed Shire Council.

It is not proposed to increase staff or student numbers as a result of these works. Architectural plans prepared by Pedavoli Architects are provided in **Appendix A** of this REF.

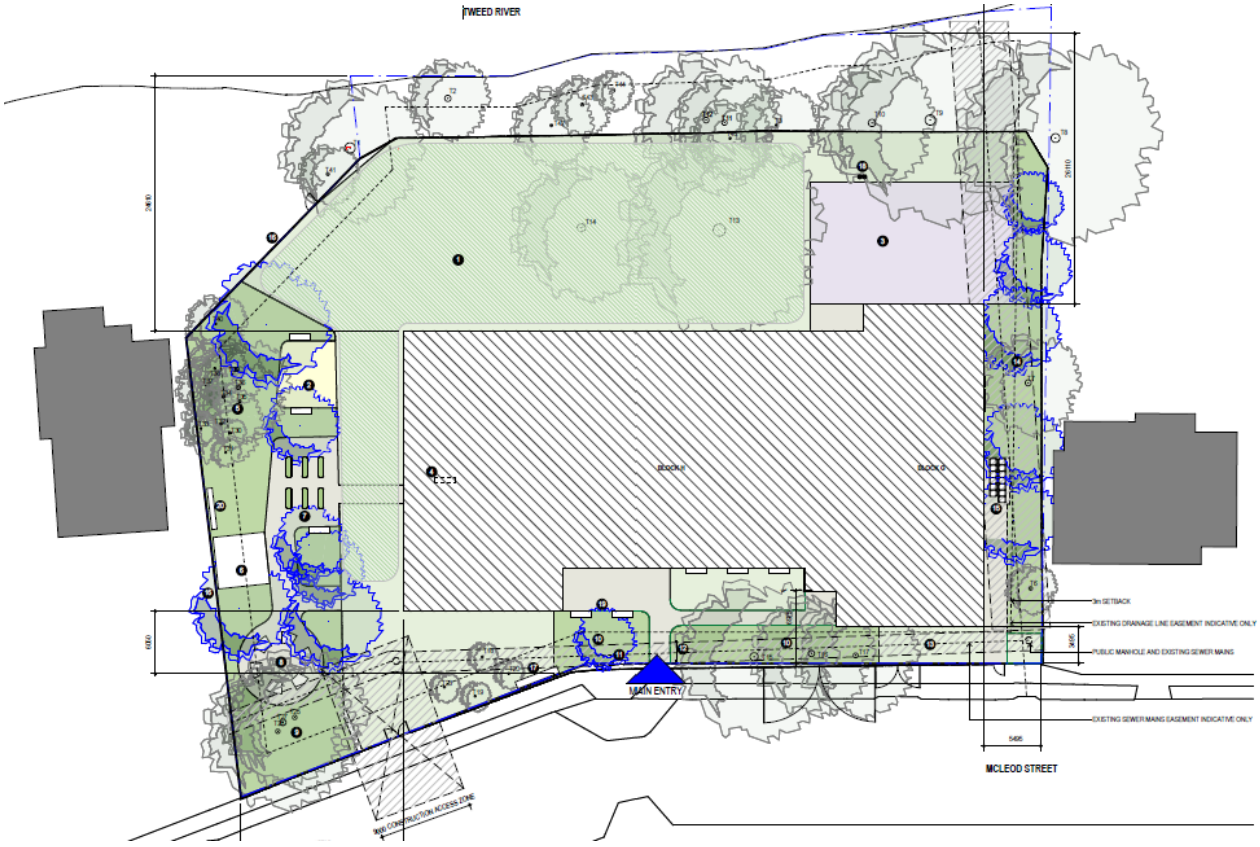

Figure 16: Proposed site plan (Source: Pedavoli Architects)

3.1. Site Preparation and Demolition

The extent of demolition is shown on the demolition plans prepared by Pedavoli Architects (**Appendix A**). The proposed activity includes the demolition of the following buildings and structures:

- Demolition of Buildings A, B, D, E and F
- Demolition of covered walkway structures and two (2) covered outdoor learning area (COLA).
- Services disconnections and diversions

The activity includes the removal of three (3) trees. These trees will be subject to a separate tree removal development application submitted to Tweed Shire Council. Any tree removal will be required to be undertaken in accordance with the recommendations of the Arboricultural Impact Assessment Report prepared by Northern Tree Care (**Appendix Y**).

Sediment and erosion control measures will be implemented prior to the commencement of works.

3.2. Built Form

The new elevated building is located along the McLeod Street frontage and replaces the existing buildings that were damaged by the floods. The new building comprises amenities and storage within the undercroft and the school facilities including administration, four (4) GLAs, library, canteen and amenities on the elevated level (**Figure 17**). Access to the elevated level is via stairs and a lift.

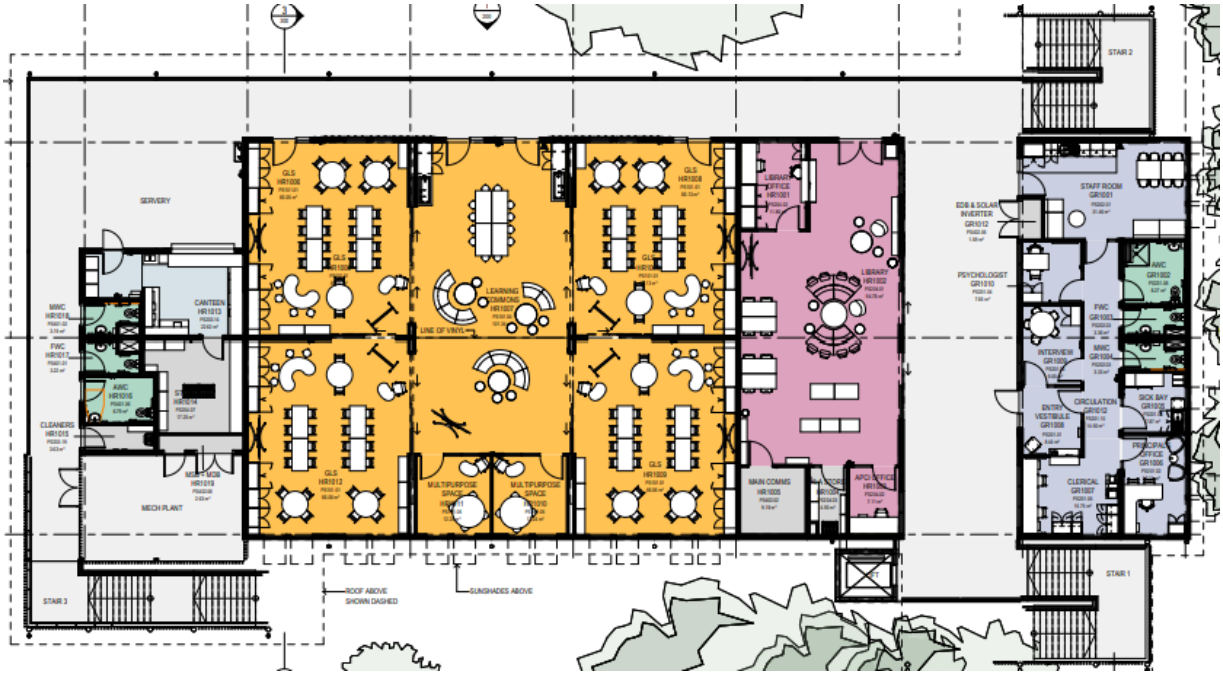

Figure 17: Proposed Elevated Floor Plan (Source: Pedavoli Architects)

The new building has a total Gross Floor Area (GFA) of 822.82m^2 consisting of 82.28m^2 within the undercroft and 740.54m^2 on the elevated level. The building has a maximum height of 8.2m to the top of the lift overrun above the existing ground level.

The new building utilises modular construction techniques. An elevated platform will be constructed on site, whilst the new GLAs and other school facilities are constructed off-site and craned into place. The off-site manufacturing provides benefits through a standardised approach that maximises design efficiencies and reduces construction impacts.

The proposed elevated building has been designed using flood resilient construction methods and materials.

External finishes for the new building have been influenced by the colours of country and community including the colours of endemic flora and the school's colours. The finishes and materials also reference the heritage significance of the site and its surrounds. The use of coloured vertical battens and shading elements creates visual interest and provides articulation.

Figure 18: Render of the new school building from McLeod St (Source: Pedavoli Architects)

3.3. Landscape

Landscape plans for Condong Public School have been prepared by Taylor Brammer Landscape Architects (**Appendix F**). The landscape design has focused on retention of the two (2) significant hoop pines along the river and the mosaic bubbler, as well as reinstating landscape features that were damaged during the 2022 floods.

A total of twelve (12) new trees will be planted on site. The proposed species were selected through the Connecting with Country consultation and include trees with documented traditional Bundjalung uses such as White Booyong, Silky Oak, Blck Apple and Red Apple Lilly Pilly. The landscape plan includes tree planting to screen the raised buildings and boundary planting to increase screening to adjacent residential properties. A Yarning Circle in the south-eastern corner will feature a diverse stand of endemic trees and under plantings with rich biological, aesthetic and cultural value.

The landscape plan includes relocating the memorial garden; new like for like play equipment; a raised growing garden; and bush tucker garden adjacent to the yarning circle.

Below is an extract of the proposed landscape plan.

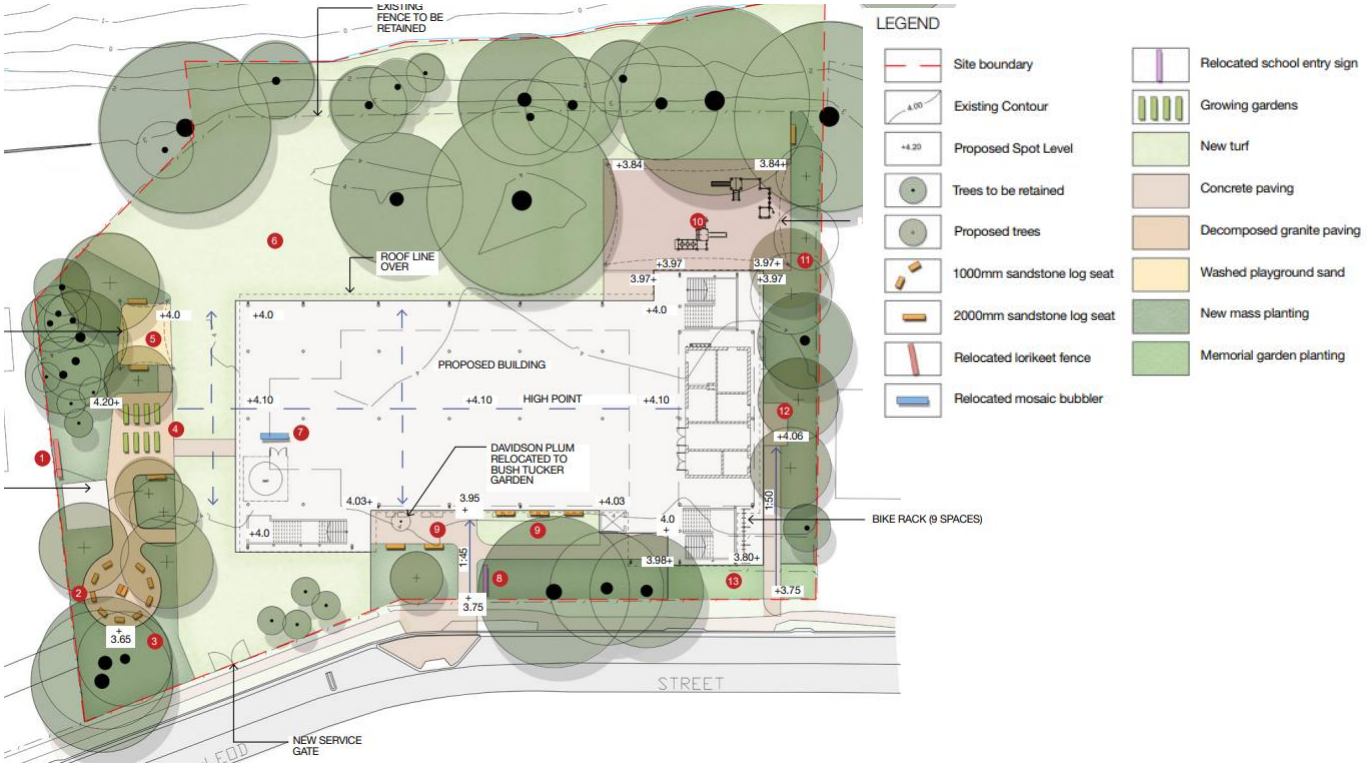

Figure 19: Landscape Concept Plan (Source: Taylor Brammer)

3.4. Access and Parking

Construction vehicle access is proposed from McLeod Street at the southern end of the site. This entry gate will be retained for use by the school as a service and emergency access way only. The main pedestrian accessway is proposed in the centre of the site from McLeod Street, with a secondary pedestrian gate at the northern end of the site.

No change is proposed to the existing operational parking arrangements on site. Staff parking, kiss and drop, service vehicle parking and a bus stop are provided along the site frontage on McLeod Street.

3.5. Connecting with Country

Condong Public School sits within the tribal boundaries of the Minjungbal people of the Bundjalung Nation. Ongoing consultation is underway with local Aboriginal community members about the design, landscaping and cultural elements proposed to be implemented to the redevelopment, including:

- Bush tucker garden with plantings for the six seasons (Yirrimbu, Guyumbu, Waringu, Yarregehmbu, Gagabalingu and Moogerahmby)
- Yarning circle gathering space

- Planting of endemic species
- Artwork for signage and wayfinding
- Colours of Country have been utilised in the facades and finishes.

3.6. Stormwater

A Civil Report has been prepared by Henry & Hymas Consulting Engineers that describes the proposed stormwater system (**Appendix G**). It has been designed to reduce the overall impact of the development by collecting concentrated flows from the proposed impervious areas as well as stormwater run off generated by pervious areas such as landscaping and earthworks batters.

The network has been designed to cater for the 20-year average recurrence interval (ARI) stormwater event. The system also allows for stormwater generated during the 100-year ARI storm event to be effectively conveyed via piped and overland flow paths with no impacts to existing buildings or surrounding development.

Stormwater quality management measures include the installation of two (2) pit baskets to assist with the removal of pollutants and contamination. Rainwater tanks with a total capacity of 17,000L are proposed to promote reuse and recycling of stormwater.

3.7. ESD

A Sustainable Development Plan has been prepared by E-Lab Consulting to describe the ecologically sustainable design (ESD) strategies and measures that have been incorporated into the design of the proposed activity (**Appendix V**). The project is seeking to achieve a 4 Star Green Star Design & As Built v1.3 equivalency.

A number of sustainable design initiatives will be implemented as part of the proposal as follows:

- Resilience – including a site-specific climate change risk assessment and adaptation plan.
- Energy and carbon – energy efficiency across the buildings and the use of on-site renewable energy.
- Water management – water efficient fixtures and fittings, collection, and reuse of water and improved stormwater quality.
- Health and wellbeing – maximising daylight and improving indoor quality through the use of low emissions materials.
- Materials – consideration of the whole of life impact of materials and selection to minimise harm to the environment and efficient construction methods.

3.8. Waste Management

A Waste Management Plan has been prepared by MRA Consulting Group to describe the proposed operational waste management practices (**Appendix DD**). The proposed activity does not seek to increase staff or student numbers; therefore, it is not expected that the works will result in an increase

in the total waste generated by the school. Nevertheless, ongoing waste management practices will aim to contribute towards the NSW Waste and Sustainable Materials Strategy 2041 target to achieve an 80% average recovery rate from all waste streams by 2030.

Based on the current school enrolment and the waste generation rates detailed in the NSW Environment Protection Authority (EPA) Better Practice Guide for Resource Recovery in Residential Developments (2019), the school requires the following bins:

- Five (5) x 240L general waste bins.
- Three (3) x 240L comingled recycling bins.
- One (1) x 240L green waste bin.

These bins are proposed to be stored along the northern boundary of the site, hidden in buffer planting and behind the amenities.

Council is responsible for waste collection. Collection times will be scheduled to occur during early mornings to minimise disruption to students. Bins will be transferred from the waste storage area to the collection point on McLeod Street.

3.9. Utilities and Services

An Infrastructure Services Statement has been prepared by JHA (**Appendix BB**). Following is an overview of what is proposed for the development:

- **Water** - The site has adequate access to Tweed Shire Council's water main for all potable water and fire servicing requirements. New connections are proposed.
- **Power** - Will be fed from the existing power pole on McLeod Street via an underground cable and reticulated to the new main switch board (MSB) within the elevated school building.
- **Communications** - An existing communications pit is located at the front of the site. New fibre optic cable will be connected to the communications room.
- **Emergency Fire Fighting Equipment** – under the BCA, a fire hydrant system must be installed in accordance with the requirements of *AS 2419.1 Fire hydrant installations – System Design Installation and Commissioning* in order to facilitate NSW Fire and Rescue's firefighting operations. The fire hydrant system comprises:
  - A double detector check valve off the new 100mm connection
  - Hydrant booster assembly and
  - Two (2) external fire hydrants.
- **Sewer** – sewage from the elevated facilities will be gravity fed to Council's existing sewer main. Sewage from the undercroft facilities will discharge into an in-ground sewer pumping station, which will then connect into the gravity sewer main (as the site is located within a flood zone).

3.10. Earthworks

Minor site grading will be undertaken to generally match the site's existing topography where possible and improve drainage on the site.

3.11. BCA and Access

A BCA Design Compliance Report has been prepared by MBC Group that provides an assessment of the proposed works at Condong Public School against the relevant provisions of BCA 2019 in accordance with Section 6.28 (2) of the EP&A Act (**Appendix T**). The BCA Design Compliance Report confirms that the proposed activity is capable of complying with the relevant provisions of the BCA, subject to the recommendations of the report as well as the performance solutions detailed in the Fire Engineering Brief Questionnaire (FEBQ) prepared by E-Lab (**Appendix U**). The FEBQ was submitted to Fire and Rescue NSW for consultation on 30 September 2024.

An Access Assessment Report has been prepared by MBC Group to address the relevant requirements of the Commonwealth Disability Discrimination Act 1992, Disability (Access to Premises) Standards 2010, BCA and relevant Australian Standards (**Appendix W**). The Access Assessment Report details two performance solutions that are proposed for the sanitary facilities in the undercroft and the door threshold ramps. The report confirms that the proposed activity is capable of complying with the relevant accessibility provisions of the BCA, subject to the recommendations of the report. The final activity will be documented as being capable of fulfilling the requirements of section 6.28 of the EP&A Act, as is required for Crown building works.

3.12. Construction Management

A Construction Management Plan (CMP) has been prepared by ADCO to outline the general construction management principles and controls to be implemented on site (**Appendix EE**). This is supported by the Waste Management Plan prepared by MRA (**Appendix DD**), Construction Traffic Management Plan (CTMP) prepared by PTC (**Appendix FF**) and Construction Noise and Vibration Management Plan prepared by Acoustic Logic (**Appendix GG**).

Construction Sequencing

The activity will be constructed in three (3) stages. Generally, the construction sequencing of the works will comprise:

Stage 1 – Early Works:

- Site establishment including installation of temporary fencing, site surveying and substrate testing.
- Establishment of construction laydown area, construction vehicle entrance and site office and amenities.
- Decommissioning of the existing flood-effected school buildings from all services.
- Demolition of the existing flood-effected school buildings and removal of any hazardous building materials.

Stage 2 – Substructure and Civil works:

- Construction of building foundations and piling.
- Removal and disposal of spoil from site including appropriate classification and handling of any contaminated materials.
- Excavation and installation of underground building services.

Stage 3 – Main building works and completion:

- Construction of elevated platform for the new school to be placed on.
- Off-site construction of new modular school facilities and craned into position.
- Connection of new building services.
- Fit-out of new building.
- Completion of landscape works and any make-good site works.
- Relocation of students and staff back to school once commissioning and handover is complete.

Construction Hours

Generally, construction activities will occur in accordance with the normal construction hours under the *Protection of the Environment Operations Act 1997* (POEO Act), being:

Monday – Friday (inclusive)	7am to 6pm
Saturday	8am to 1pm

No work will occur on Sundays or Public Holidays. If works do not exceed the existing background level plus 5dB, works may occur during the following additional hours:

Monday to Friday (inclusive)	6pm – 7pm
Saturday	1pm – 4pm.

Construction Laydown Areas and Site Office / Amenities

The location of the construction compound, construction vehicle access and site office/amenities are shown in **Figure 20**. The site establishment works are to be retained through of the duration of the construction works across all three (3) stages.

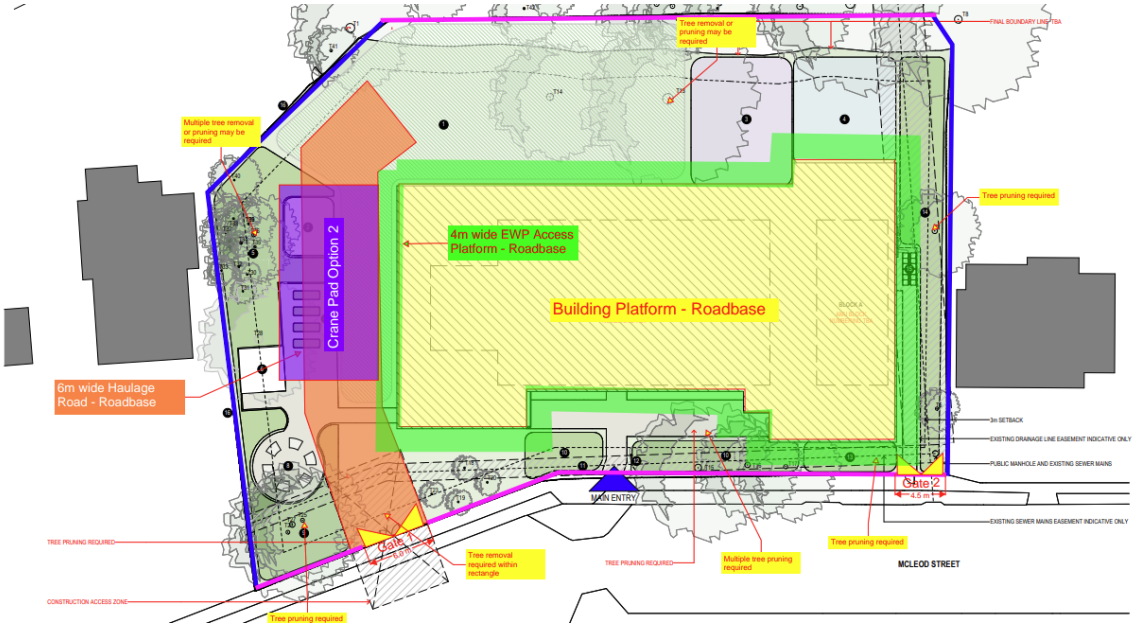

Figure 20: Site compound, construction access and site office (Source: ADCO)

Construction Waste

Construction and demolition waste will be managed in accordance with the Waste Management Plan prepared by MRA Consulting (**Appendix DD**) and the requirements of the NSW Environment Protection Authority (EPA). Throughout the development process, all materials will be reused and recycled where possible, minimising the disposal (landfilling) of materials other than those that are contaminated or unsuitable for reuse or recycling process. A waste storage area will be established on site and will be sufficient to store the various waste streams expected during construction. All materials to be removed from site will be analysed and classified by an appropriately qualified consultation in accordance with the *Protection of the Environment Operations (Waste) Regulation 2014* and the EPA's Waste Classification Guidelines.

Construction Traffic

Construction vehicle access to the site will be from McLeod Street. The proposed construction vehicle ingress and egress routes are shown in **Figure 21** and B-double routes are shown in **Figure 22**. The CTMP includes a swept path assessment for a 12.5m Heavy Rigid Vehicle (HRV), 20m Articulated Vehicle (AV) and 25m AV. Appropriate traffic management measures will be established during the demolition and construction works to protect other road users including pedestrians and occupiers of adjoining properties. This includes the development of Traffic Guidance Schemes in accordance with *AS 1742.3 – Traffic Control Devices for Works on Roads*.

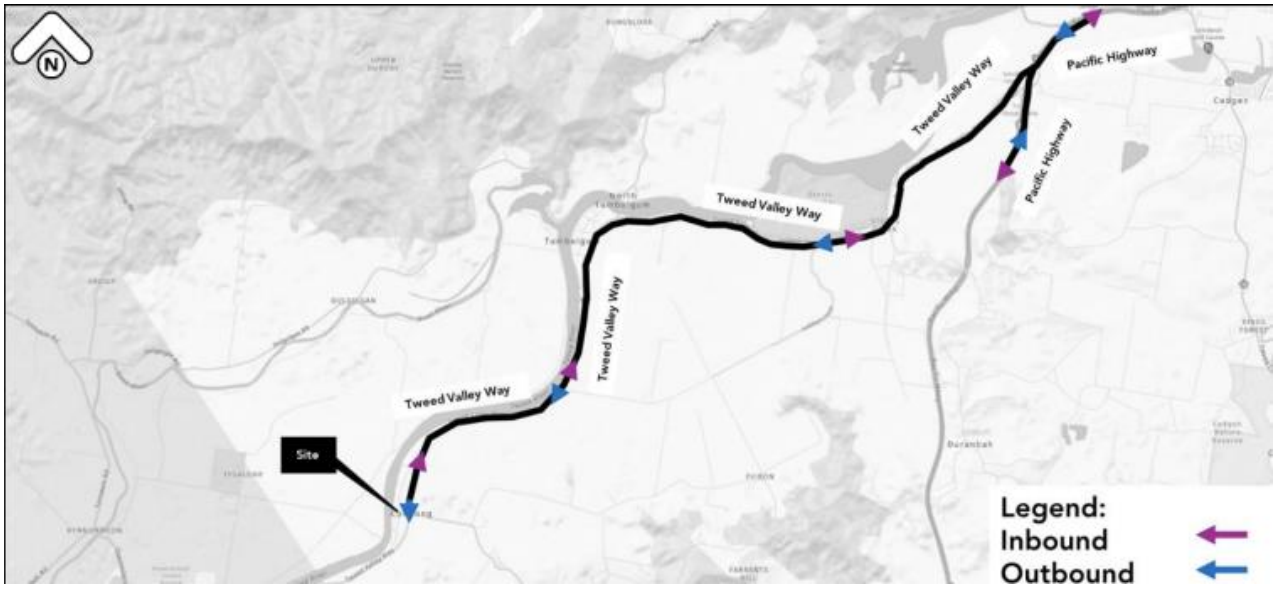

Figure 21: Proposed construction vehicle ingress and egress routes (Source: PTC)

Figure 22: Proposed construction 25/26m B-double Routes (Source: PTC)

3.13. Operation

The school had an enrolment of 69 students and 19 staff (2022). The school hours of operation are between 8:30am and 3:30pm during school term, with limited usage outside of these hours. The school does not have an out-of-school-hours (OOSH) facility.

The proposed flood recovery works do not seek to increase staff or student numbers at Condong Public School. No changes to the school's existing operations are proposed.

4. Proposal Need and Alternatives

4.1. Proposal Need

The buildings at Condong Public School were inundated during the February / March 2022 floods. Several of the structures are no longer habitable due to damages because of the flood waters. The proposal seeks to rebuild the school and deliver new modern and flexible learning environments and core facilities that will support the long-term needs of the community. The new elevated school building has been designed to be flood and climate-change resilient, with the floor level of the elevated building located above the 1 in 500 AEP event level. This creates a usable undercroft space suitable for covered outdoor learning and play.

Other design considerations include:

- Consideration of the significance of the heritage conservation area.
- Maintaining visual connections between McLeod Street, Tweed River and distant mountains.
- Protection of significant trees on site.

It is proposed to undertake the proposed construction of the new elevated school building and other ancillary works as 'development permitted without consent' pursuant to section 3.37 of the T&I SEPP. This reduces the approval timeframes and will enable staff and students to return to the site as soon as possible.

4.2. Alternatives

An assessment of the options to address the need is provided within **Table 5**.

Table 5: Assessment of Options and Alternatives

Option	Discussion	Preferred Option
Option 1: **The Proposal**	The proposal has considered the environmental constraints of the site the community need for local public education facilities. The redevelopment of the school will restore the site to an educational use to meet the needs of the local community. The design has located the building above the 1 in 100 year AEP event and well above the flood of record (February 2022) to protect it from future flood events. The buildings are designed in accordance with modern educational standards and will provide flexible layouts that will meet the needs of current and future students. The disadvantage of the proposal is that the land is flood prone land, however, a suitable flood emergency response plan has been prepared.	**Option 1** is preferred as it restores public education facilities to the local community and has been designed to be flood resilient and respond to all environmental constraints of the site.

Option	Discussion	Preferred Option
Option 2: **Alternative layouts**	A number of alternative layouts were considered for the new elevated school building.	**Option 2** is not preferred as the alternative layouts were inconsistent with environmental constraints on the site.
Option 3: **Re-build / repair existing buildings**	Options were considered to repair Block A and relocate elsewhere on site. However, these options were considered to be unfeasible due to flood damage of the original structures, asbestos and mould.	**Option 3** is not preferred as many of the buildings are not able to be repaired and the structures are located below the minimum flood levels.
Option 4: **Locate elsewhere**	Condong Public School is currently operating from the former Murwillumbah South Infants School. This site is considered unsuitable for long-term use due to site accessibility, need to improve the useability /functionality of the outdoor play space and traffic and parking. In addition, Murwillumbah South Infants School is located outside of the Condong Public School catchment area.	**Option 4** is not preferred as this would result in the cessation of the use of the site as an educational establishment. There are limited availability of land within the Condong Public School catchment area. In addition, the local community has demonstrated a strong preference for retaining the school on its existing site.
Option 5: **Do Nothing**	The school was rendered unhabitable following the 2022 floods with the students relocated to the former Murwillumbah South Infants School. This option would result in the cessation of the use of the site as an educational establishment (since 1893) that has provided education facilities to the local residents of Condong and its immediate surrounds.	**Option 5** is not preferred as it does not address the identified need for intervention at the site and would result in the cessation of a local public education facility.

5. Statutory Framework

The proposed works as described in **Section 3** are required to be assessed "to the fullest extent possible" against the applicable statutory framework pursuant to Part 5 of the EP&A Act, and must take into account the environmental factors set out in section 171 of the EP&A Regulation and Table 1 of the Division 5.1 Guidelines and Table A1 of the Guidelines Addendum October 2024.

5.1. Permissibility and Planning Approval Pathway

Section 4.1 of the EP&A Act states that if an EPI provides that development may be carried out without the need for development consent, a person may carry the development out, in accordance with the EPI, on land to which the provision applies. However, the environmental assessment of the development is required under Part 5 of the Act.

State Environmental Planning Policy (Transport and Infrastructure) 2021 (T&I SEPP) aims to facilitate the effective delivery of infrastructure and educational establishments across the State. Chapter 3 outlines planning pathways and requirements for various different types of school developments.

The site is located within the boundaries of an existing school and therefore various types of activities for the purpose of the school are permitted without consent under section 3.37 of the T&I SEPP. This is subject to complying with all relevant provisions under this section.

The proposal is permitted under section 3.37 as outlined at Table 6.

Therefore, the proposal is considered an 'activity' for the purposes of Part 5 of the EP&A Act and is subject to an environmental assessment (REF). The proposal is considered an 'activity' in accordance with Section 5.1 of the EP&A Act because it comprises the 'erection of a building' and 'use of land'.

Table 6: Description of Proposed Activities under the T&I SEPP

Division and Section within T&I SEPP	Description of Works
Section 3.37(1)(a)(i)	The proposed activity includes the construction of a library and administration building.
Section 3.37(1)(a)(ii)	The proposed activity includes the construction of modular or prefabricated classrooms.
Section 3.37(1)(a)(iii)	The proposed activity includes permanent classrooms
Section 3.37(1)(a)(v)	The proposed activity incorporates a canteen that will be carried out in accordance with the requirements of AS 4674 – 2004.

Division and Section within T&I SEPP	Description of Works
Section 3.37(1)(e)	The proposed activity includes demolition of buildings and structures that are not an item of local or state heritage significance listed under Schedule 5 of the LEP.

5.2. Pre-conditions to Pathway

Under the T&I SEPP, there are several requirements which must be complied with in order for development to be undertaken as development without consent. Compliance with the relevant sections and requirements of the T&I SEPP are outlined below:

Table 7: Compliance with pre-conditions to the 'development without consent pathway'

Section of T&I SEPP	Comment	Complies
3.8 Consultation with councils – development with impacts on council-related infrastructure or services	The proposed activity replaces existing school buildings that were damaged during the 2022 floods and therefore will not have a substantial impact on any Council-managed stormwater management services. The proposed activity is not likely to generate traffic that will adversely impact on the existing road network. The proposed activity is not likely to have a substantial impact on the capacity of any part of a sewerage or water supply system owned by Council. The activity doesn't include the installation of a temporary structure on, or the enclosing of, a public place that is under Council's control. The proposed activity doesn't involve excavation of a road or footpath for which Council is the roads authority. Therefore, consultation with Council is not required pursuant to this section.	N/A
3.9 Consultation with councils— development with impacts on local heritage	The site is located within a heritage conservation area. The new elevated school building will replace the existing buildings located on site and therefore, the proposed development is likely to affect the significance of the heritage conservation area in a way that is more than minimal. Therefore, consultation with Council is required pursuant to this section (refer to **Section 6.1**).	Yes

Section of T&I SEPP		Comment	Complies
3.10 Notification of councils and State Emergency Service—development on flood liable land		The proposed activity is located on flood liable land and comprises demolition of existing buildings and construction of a new elevated building. Therefore, notification of Council and State Emergency Service (SES) is required pursuant to this section (refer to **Sections 6.1** and **0** of the REF).	Yes
3.11 Consideration of Planning for Bush Fire Protection		The site is not mapped as bushfire prone land.	N/A
3.12 Consultation with public authorities other than councils		The site is not located adjacent to land reserved under the National Parks and Wildlife Act 1974 (NPW Act) or a rail corridor. The site is not located within the dark sky region and is not located within a mine subsidence district. Consultation with Transport for NSW (TFNSW) is not required: • As the development will not result in the school being able to accommodate 50 or more students; and • The site does not have access to a classified road and is not located within 90m of an access point to a classified road; and • The site will not result in the provision of 200 or more car parking spaces; and • The proposed activity will not result in a new or relocated vehicular or pedestrian access point to the school; and • The proposed activity does not involve excavation to a depth of three (3) or more metres on land within or adjacent to a classified road.	N/A
3.37 Schools – development permitted without consent			
(1)	Within the boundaries of an existing or approved school	The activity is located within the boundary of Condong Public School.	Yes
(2)	Building height	The proposed activity has a height of < 22 metres and comprises a single, elevated storey.	Yes

Section of T&I SEPP		Comment	Complies
(4)	Contravention of existing development consent condition currently operating that applies to any part of the site relating to hours of operation, noise, vehicular movement, traffic generation, loading, waste management, landscaping.	There are no relevant conditions under the two (2) most recent development consents issued for the site.	Yes
(5A)	Design quality of the development evaluated in accordance with design quality principals in Schedule 8 and the design guide	An assessment against the design quality principles of Schedule 8 and the Design Guide for Schools has been prepared (see **Appendix A**)	Yes
3.38 Notification of carrying out of certain development without consent		The proposed activity is being undertaken pursuant to section 3.37(1)(a) of the T&I SEPP and therefore written notice is required to be given to Council and occupiers of adjoining land pursuant to this section (refer to **Sections 6.1** and **6.3**).	Yes

5.3. Environmental Protection & Biodiversity Conservation Act 1999

The provisions of the EPBC Act do affect the proposal as it is not development that takes place on or affects Commonwealth land or waters. Further, it is not development carried out by a Commonwealth agency or development on Commonwealth land, nor does the proposed development affect any matters of national significance. An assessment against the EPBC Act checklist is provided at **Table 8**.

Table 8: EPBC Act Checklist

Consideration	Yes/No
Will the activity have, or likely to have, a significant impact on a declared World Heritage Property?	No
Will the activity have, or likely to have, a significant impact on a National Heritage place?	No
Will the activity have, or likely to have, a significant impact on a declared Ramsar wetland?	No
Will the activity have, or likely to have, a significant impact on Commonwealth listed threatened species or endangered community?	No
Will the activity have, or likely to have, a significant impact on listed migratory species?	No
Will the activity involve any nuclear actions?	No
Will the activity have, or likely to have, a significant impact on Commonwealth marine areas?	No
Will the activity have any significant impact on Commonwealth land?	No

Consideration	Yes/No
Would the activity affect a water resource, with respect to a coal seam gas development or large coal mining development?	No

5.4. Environmental Planning and Assessment Act 1979

The proposed activity is consistent with the objectives of the EP&A Act as outlined in the table below.

Table 9: Consideration of the Objects of the EP&A Act

Object	Comment
(a) to promote the social and economic welfare of the community and a better environment by the proper management, development and conservation of the State's natural and other resources,	The proposed activity will result in the demolition of existing school buildings that were damaged in the February / March 2022 floods and are no longer habitable, and construction of a new elevated school building. The activity will reinstate a significant social and community asset that provides educational opportunities for local primary-aged students.
(b) to facilitate ecologically sustainable development by integrating relevant economic, environmental and social considerations in decision-making about environmental planning and assessment,	The principles of ecologically sustainable development have been integrated into the design and planning of proposed activity. The new building targets a four (4) star Green Star Design & As built v1.3 building certification equivalency, as well as compliance with the sustainability requirements under the Educational Facilities Standards and Guidelines (EFSG) and exceeding the requirements of section J of the NCC (**Section 7.19**)
(c) to promote the orderly and economic use and development of land,	The proposal involves the rebuilding of an existing educational establishment that was damaged in the February / March 2022 floods that provides public educational facilities for primary-aged children that are residents of Condong, Nunderi and Clothiers Creek. The proposal represents orderly and economic use and development of the land.
(d) to promote the delivery and maintenance of affordable housing,	N/A
(e) to protect the environment, including the conservation of threatened and other species of native animals and plants, ecological communities and their habitats,	The proposal will not result in adverse impacts on the environment, conservation of threatened and other species of native animals and plants, ecological communities or their habitats (**Sections 5.3, 5.8** and **7.15**).

Object	Comment
(f) to promote the sustainable management of built and cultural heritage (including Aboriginal cultural heritage),	An Aboriginal Heritage Due Diligence Report has been prepared for the site that identified that the possibility of impacting any Aboriginal objects or subsurface archaeological deposits in low (refer to **Section 7.11**). A Connecting with Country consultant has been engaged to provide advice to embed the principles of Country into the planning and design of the proposed activity. (refer to **Section 7.13**). A Statement of Heritage Impact (SOHI) has been prepared to assess the impacts of the proposed activity on historical built and cultural heritage on the site and in its vicinity (refer to **Section 7.12**).
(g) to promote good design and amenity of the built environment,	The proposal has been designed in accordance with the EFSG and the Better Placed – Design Guide for Schools. The proposed activity has been reviewed by School Infrastructure NSW (SINSW) technical stakeholders.
(h) to promote the proper construction and maintenance of buildings, including the protection of the health and safety of their occupants,	The proposed activity has been designed with regard to the requirements of the EFSG and has been subject to Safety in Design reviews to ensure that appropriate control measures are integrated into the design to eliminate, or, if this is not reasonably practicable, minimise risks to health and safety throughout the life of the new buildings. A Construction Management Plan has been prepared to identify relevant management measures during the demolition and construction process (**Section 3.12** and **7.22**)
(i) to promote the sharing of the responsibility for environmental planning and assessment between the different levels of government in the State,	The proposed activity is being undertaken as 'development permitted without consent' under Part 5 of the EP&A Act, with the NSW Department of Education as the proponent and determining authority. Consultation has occurred with Tweed Shire Council, State Emergency Services and the Rural Fire Service in relation to the proposed activity (refer to **Section 6.1** and **6.2**).
(j) to provide increased opportunity for community participation in environmental planning and assessment.	Notification of occupiers of adjoining properties has occurred in accordance with the statutory requirements of the T&I SEPP. In addition, the Department of Education / School Infrastructure NSW has undertaken consultation with key internal and external community stakeholders (**Section 6.4**).

Part 5 of the EP&A Act applies to activities that are permissible without consent and are generally carried out by a public authority. Activities under Part 5 of the EP&A Act are assessed and

determined by a public authority, referred to as the determining authority. DoE is a public authority and is the proponent and determining authority for the proposed works.

For the purpose of satisfying the objects of the EP&A Act relating to the protection and enhancement of the environment, a determining authority, in its consideration of an activity shall, notwithstanding any other provisions of the Act or the provisions of any other Act or of any instrument made under the EP&A Act or any other Act, examine and take into account to the fullest extent possible all matters affecting or likely to affect the environment by reason of that activity (refer to Subsection 1 of Section 5.5 of the EP&A Act).

Section 5.5(3) of the EP&A Act requires consideration of the effects of the activity on any wilderness area (within the meaning of the *Wilderness Act 1987*) in the locality of the activity. The proposed activity is not located within the vicinity of any wilderness areas.

Section 6.28 of the EP&A Act applies to the works as they are being carried out on behalf of a public authority; and requires that the works do not commence unless it is certified to "comply with the Building Code of Australia". Pursuant to section 6.28(2) of the EP&A Act, the proposed activity is subject to compliance with the relevant requirements of the BCA as in force at the time of the date of the invitation for tender to carry out the Crown building work. As the date of invitation for tenders was made prior to the 1 May 2023, the BCA in force is BCA 2019 Amendment 1.

A BCA Assessment has been prepared by Modern Building Consultants Pty Ltd (**Appendix T**) which confirms that the proposal has been designed to meet the applicable requirements of the Building Code of Australia (refer to **Section 3.11**). This is supported by a Fire Engineering Brief Questionnaire (FEBQ) prepared by E-Lab that provides details of the proposed performance solutions for consultation with the Fire and Rescue NSW (**Appendix U**). The FEBQ was lodged with Fire and Rescue NSW on 30 September 2024.

5.5. Environmental Planning and Assessment Regulation 2021

Section 171(1) of the EP&A Regulation notes that when considering the likely impact of an activity on the environment, the determining authority must take into account the environmental factors specified in the guidelines that apply to the activity.

The *Guidelines for Division 5.1 Assessments* (DPE June 2022) provides a list of environmental factors that must be taken into account for an environmental assessment of the activity under Part 5 of the EP&A Act. These factors are considered in detail at Section 7.24.

Further, Section 171(4) outlines circumstances where an REF must be published on SINSW's website or the NSW Planning Portal. This REF is required to be published as it has an Estimated Development Cost (EDC) of more than $5 million and it is considered to be in the public interest to publish the review.

In addition, Section 171A of the Environmental Planning and Assessment Regulation (2021) requires the consideration of the impact an activity in a defined catchment. The site is not located in a regulated catchment as defined under Schedule 6 of *State Environmental Planning Policy (Biodiversity and Conservation) 2021* (BC SEPP).

5.6. Biodiversity Conservation Act 2016

Section 7.8 of the *Biodiversity Conservation Act 2016* (the BC Act) relates to biodiversity assessment for a Part 5 activities and provides that an activity under Part 5 of the EP&A Act that is "likely to significantly affected threatened species" is considered to be an activity that is "likely to significantly affect the environment". In this circumstance, an environmental impact statement (EIS) is required and must include or be accompanied by a species impact statement (SIS) or Biodiversity Development Assessment Report (BDAR). However, an EIS is not required if the likely significant effect on threatened species is the only likely significant effect on the environment. In this situation, a SIS or BDAR is still required.

In accordance with section 7.2 of the BC Act, an activity is likely to significantly affect threatened species if it is:

(a) likely to "significantly affect threatened species or ecological communities, or their habitats" in accordance with section 7.3 of the BC Act; or

(b) carried out in a declared area of outstanding biodiversity value.

In accordance with section 7.2(2) of the BC Act, the biodiversity offsets scheme does not apply to an activity under Part 5 of the EP&A Act.

Under the Division 5.1 Guidelines, a REF must record how the test of significance under section 7.3 of the BC Act has been applied and the conclusions reached. This is detailed in the following discussion.

Existing Flora and Fauna

A Flora and Fauna Assessment Report has been prepared by Kleinfelder that provides an assessment against sections 7.3 and 7.8 of the BC Act (**Appendix Z**).

The vegetation on site is characterised by Planted Vegetation and Managed Lawns; none of the vegetation communities within the site are Plant Community Types and there are no Threatened Ecological Communities within the site. The survey identified the following vegetation communities located on the site:

- Vegetation Zone 1: Planted Vegetation (0.0831 hectares)
- Vegetation Zone 2: Managed Lawns (0.1528 hectares)

The location of these vegetation communities is shown in **Figure 23**.

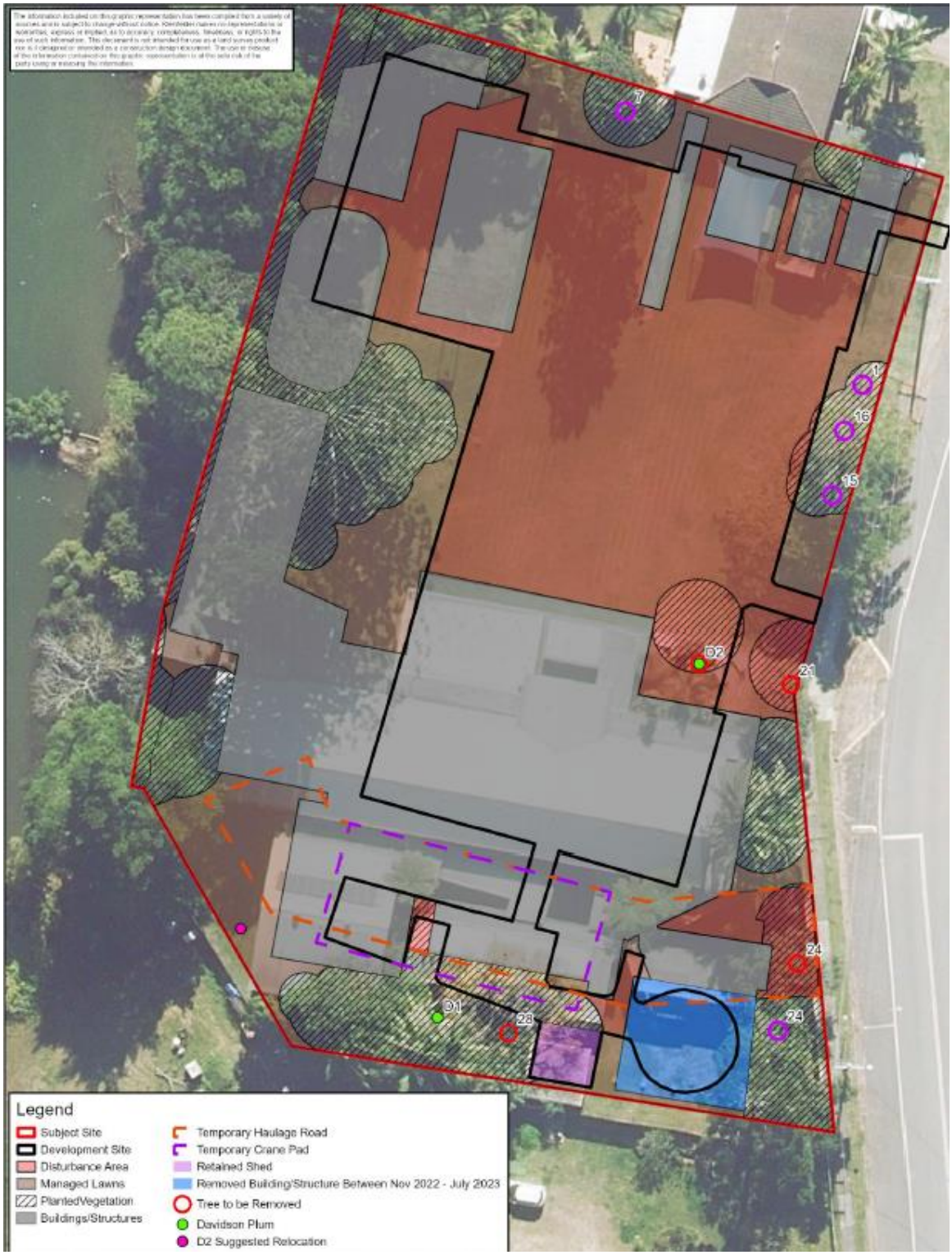

Figure 23: Vegetation Zones (Source: Kleinfelder)

A total of 24 native flora species were detected on the site during the field surveys, with only one threatened flora species, a Davidson's Plum, which is currently within the building envelope and is proposed to be relocated to the south-eastern corner of the site (as indicated in **Figure 23**). A search of the BioNet Atlas identified 15 records of threatened plant species located within five (5) kilometres

of the site. An EPBC Protected Matters Search returned a list of 17 additional threatened plant species predicted to occur within the locality of the site. A 'likelihood of occurrence' (LoO) assessment undertaken by Kleinfelder determined that no threatened flora species have a "*low to high likelihood of occurrence*" within the site, based on habitat suitability and previous records in the locality.

All existing vegetation on the site is highly managed and there is no leaf litter, logs, trees or shrub cover that would otherwise provide habitat for fauna. Therefore, the site is unlikely to provide habitat for threatened species and only provides a small amount of habitat for locally occurring species associated with urban development. However, there is potential for microbats to roost in the ceilings of existing buildings.

A total of 6 native fauna species were identified during the site survey, but none were threatened fauna species. In addition, a search of the BioNet Atlas retuned a list of 33 terrestrial threatened fauna species that have been previously recorded within five (5) kilometres of the site. An EPBC Protected Matters Search found an additional 24 threatened fauna species and eight (8) migratory terrestrial species predicted to be found within the locality of the site. A LoO assessment determined that nine (9) threatened fauna species had a moderate likelihood of occurrence within the site, and ten (10) fauna species had a low likelihood of occurrence, as follows:

- Grey-headed flying fox (Low LoO) – BC Act vulnerable (N-V) & EPBC Act vulnerable (F-V)
- Eastern Coastal Free-tailed Bat (Moderate LoO) N-V
- Little Bentwing-bat (Moderate LoO) N-V
- Large Bentwing-bat (Moderate LoO) N-V
- Northern Free-tailed Bat (Moderate LoO) N-V
- Yellow-bellied Sheathtail-bat (Moderate LoO) N-V
- Greater Broad-nosed Bat (Moderate LoO) N-V
- White-bellied Sea-Eagle (Moderate LoO) N-V & EPBC Act migratory (F-M)
- Bush Stone-curlew (Moderate LoO) N-E
- White-throated Needletail (Low LoO) N-V, F-V, F-M

The site is not identified as Koala Management Area (KMA) or a Koala Management Precinct (KMP) in the Tweed Coast Comprehensive Koalan Plan of Management. There are no Koala feed species on the site, and the nearest extensive patch of habitat is 2.3km to the south-east of the site. There hasn't been a Koala siting within 1.2km of the site on the south of the Tweed River since 1990, and there was a siting within 800m of the site on the northern side of the Tweed River in 2004. Therefore, it is considered highly unlikely for Koalas to occur within or near the site.

Impact Assessment

The proposed activity will result in the removal of a total of 0.1499 hectares of vegetation comprising the removal of 0.0114 hectares of planted vegetation (Vegetation Zone 1) and 0.1141 hectares managed lawn (Vegetation Zone 2). The proposed development will not directly impact any PCTs including any Threatened Ecological Communities. One endangered tree species (Davidson's Plum)

is proposed to be relocated from within the development area to the south-eastern corner of the site by a qualified arborist, if it does not survive the transplanting process, another one from nursery stock will be planted in its place.

While there were no threatened fauna species identified within the site, there are 12 threatened fauna species listed under the BC Act and four (4) under the EPBC Act.

In order to determine whether the proposal is likely to "significantly affect threatened species or ecological communities, or their habitats", the following factors listed in section 7.3 of the BC Act must be taken into account. **Table 10** provides an assessment against the provisions of Section 7.3 of the BC Act.

Table 10: Assessment against Section 7.3 of the BC Act

Factor	Impact Assessment	Satisfied
(1) The following is to be taken into account for the purposes of determining whether a proposed development or activity is likely to significantly affect threatened species or ecological communities, or their habitats—		
(a) in the case of a threatened species, whether the proposed development or activity is likely to have an adverse effect on the life cycle of the species such that a viable local population of the species is likely to be placed at risk of extinction,	One (1) "planted" threatened flora species will be relocated within the site by a qualified arborist was identified on the site. Twelve (12) threatened fauna species have a low or moderate likelihood of occurrence within the site. An assessment of significance has been carried out in the Flora and Fauna Assessment, which concludes "*due to the minor changes to marginal habitat and the isolated nature of the Planted Vegetation associated with CPS, none of the threatened species were assessed as having significant impacts under the 5 Factor test*" Therefore, the proposed activity is unlikely to have an adverse effect on threatened species or their risk of extinction.	Yes
(b) in the case of an endangered ecological community or critically endangered ecological community, whether the proposed development or activity— *(i) is likely to have an adverse effect on the extent of the ecological community such that its local occurrence is likely to be placed at risk of extinction, or* *(ii) is likely to substantially and adversely modify the composition of the ecological community such that its local occurrence is likely to be placed at risk of extinction,*	No endangered ecological communities or critical endangered ecological communities have been identified on the site. It is considered that the proposed activity is not likely to have an adverse effect on any endangered ecological community or critically endangered community nor is it likely to substantially and adversely modify the composition of any ecological community.	Yes

Factor	Impact Assessment	Satisfied
(c) in relation to the habitat of a threatened species or ecological community— *(i) the extent to which habitat is likely to be removed or modified as a result of the proposed development or activity, and* *(ii) whether an area of habitat is likely to become fragmented or isolated from other areas of habitat as a result of the proposed development or activity, and* *(iii) the importance of the habitat to be removed, modified, fragmented or isolated to the long-term survival of the species or ecological community in the locality,*	The site does not include habitat of a threatened species or ecological community. The proposed activity results in the removal of 0.1255 hectares of existing vegetation. Therefore, it is considered that the activity will not result in any adverse impacts in relation to the habitat of a threatened species or ecological community. Any impacts during demolition and construction on existing vegetation will be short term, limited and will be "made-good" at the end of the construction work. New native trees will be planted to offset the removal of existing vegetation.	Yes
(d) whether the proposed development or activity is likely to have an adverse effect on any declared area of outstanding biodiversity value (either directly or indirectly),	The site is not within or within the vicinity of any declared areas of outstanding biodiversity value.	Yes
(e) whether the proposed development or activity is or is part of a key threatening process or is likely to increase the impact of a key threatening process.	The proposed activity is not part of a key threatening process or likely to increase the impact of a key threatening process as defined under Schedule 4 of the BC Act.	Yes

It is therefore, considered that pursuant to section 7.3 of the BC Act that the proposed activity is not likely to significantly affect any threatened species or ecological communities or their habitats. The Flora and Fauna Assessment (**Appendix Z**) identifies a series of mitigation measures to minimise any indirect impacts to biodiversity values on the site and its vicinity (**Appendix B**).

5.7. Fisheries Management Act 1994

The *Fisheries Management Act 1994* (FM Act) governs the management of fish and their habitat in NSW. Part 7A of the FM Act regulates the provision of permits required in relation to harm to protected marine vegetation (seagrass, macroalgae, mangroves and saltmarsh), dredging, reclamation or obstruction of fish passage.

Under section 221ZX of the FM Act, an activity under Part 5 of the EP&A Act that is "likely to significantly affect threatened species, populations or ecological communities, or their habitats" or is

"carried out in critical habitat" is considered to be an activity that is "likely to significantly affect the environment" in accordance with the test set out in section 220ZZ of the FM Act.

Under Schedules 4, 4A and 5 of the FM Act, "threatened species, populations or ecological communities" relate to species of fish, marine vegetation and aquatic ecological communities.

As required under the Division 5.1 Guidelines, a REF must record how the test of significance under section 220ZZ(2A) of the FM Act has been applied and the conclusions reached. A Flora and Fauna Report has been prepared by Kleinfelder (**Appendix Z**) assessed the impacts on marine and aquatic flora and fauna in accordance with Section 220ZZ(2A) of the FM Act (an overview is provided in the Table below) and concluded that no threatened species or ecological communities, or their habitats are likely to be significantly affected by the proposed works.

Table 11: Assessment against Section 220ZZ(2A) of the FM Act

Factor	Impact Assessment	Satisfied
(2A) The following factors must be taken into account in making a determination under this section –		
(a) in the case of a threatened species, whether the action proposed is likely to have an adverse effect on the life cycle of the species such that a viable local population of the species is likely to be placed at risk of extinction	No threatened species listed under the FM Act are located on the site. While a number of threatened species are located in the vicinity of the site (Tweed River), the proposed activity will not have an adverse effect on these species.	Yes
(b) in the case of an endangered population, whether the action proposed is likely to have an adverse effect on the life cycle of the species that constitutes the endangered population such that a viable local population of the species is likely to be placed at risk of extinction,	No endangered population listed under the FM Act are located on the site.	Yes
(c) in the case of an endangered ecological community or critically endangered ecological community, whether the action proposed— *(i) is likely to have an adverse effect on the extent of the ecological community such that its local occurrence is likely to be placed at risk of extinction, or* *(ii) is likely to substantially and adversely modify the composition of the ecological community such that its local occurrence is likely to be placed at risk of extinction,*	The site does not contain any endangered ecological communities or critically endangered ecological communities listed under the FM Act.	Yes

Factor	Impact Assessment	Satisfied
(d) in relation to the habitat of a threatened species, population or ecological community— *(i) the extent to which habitat is likely to be removed or modified as a result of the action proposed, and* *(ii) whether an area of habitat is likely to become fragmented or isolated from other areas of habitat as a result of the proposed action, and* *(iii) the importance of the habitat to be removed, modified, fragmented or isolated to the long-term survival of the species, population or ecological community in the locality,*	The site does not contain any habitat of a threatened species, population or ecological community that is listed under the FM Act.	Yes
(e) whether the action proposed is likely to have an adverse effect on critical habitat (either directly or indirectly),	The activity will not have an adverse effect on critical habitat either directly or indirectly.	Yes
(f) whether the action proposed is consistent with the objectives or actions of a recovery plan or threat abatement plan,	There are no relevant recovery plans or threat abatement plans.	Yes
(g) *whether the action proposed constitutes or is part of a key threatening process or is likely to result in the operation of, or increase the impact of, a key threatening process.*	The proposed activity does not consititute and is not part of a key threatening process and is not likely to result in the operation of, or increase the impact of a key threatening process as defined under the FM Act.	Yes

Mitigation measures to ameliorate any indirect impacts on any threatened species or communities listed under the FM Act are detailed in **Section 5.7** and **Appendix B**.

5.8. Other NSW Legislation

The following table lists any additional legislation that is required to be considered if it is applicable to the proposed activity.

Table 12: Other Possible Legislative Requirements

Legislation	Assessment	Relevant? Yes/No
State Legislation		

Legislation	Assessment	Relevant? Yes/No
Rural Fires Act 1997	The site is not mapped as bushfire prone land on Council's bushfire prone land. Nevertheless, under section 63 of the Rural Fires Act 1997 (the RF Act), public authorities must take all practicable steps to prevent the occurrence and spread of bush fires on or from land vested in or under its control or management. The design has considered potential bushfire risk of the nearby cane fields and other vegetation, and the buildings are being designed to BAL 19.	Yes
Water Management Act 2000	The site is located within 40m of the Tweed River. However, pursuant to clause 41 of the *Water Management (General) Regulation 2018*, public authorities are exempt from the requiring approval under the *Water Management Act 2000* (WM Act) for activities that it carries out in, on or under waterfront land. Therefore, a controlled activity approval is not required. Whilst no groundwater was encountered during the geotechnical investigations, groundwater could be encountered at depths of between 2.8m and 3.8m below the existing ground surface (approximately RL 1m AHD). Therefore, should any groundwater be encountered during construction works (such as piled foundations) then a water supply works approval will be required under WM Act. Council is the relevant water supply authority for the site under the WM Act. Therefore, an application for a certificate of compliance under section 305 of the WM Act approval is required.	Yes
Contaminated Land Management Act 1997	The site is not listed on the registered of contaminated sites. A Contamination Investigation has been undertaken to determine whether the site is likely to be contaminated and if so, what remediation work is required (**Appendix P** and **Section 7.7**).	No
Heritage Act 1977	Condong Public School is listed as an item of local heritage significance on DoE's Section 170 Heritage and Conservation Register (Item 5065849). The works includes demolition of items listed on section 170 register. In accordance with the requirements under Section 170A of the Heritage Act 1997, DoE must give the Heritage Council not less than 14 days written notice before buildings listed on the section 170 register are demolished.	Yes
Roads Act 1993	The proposed activity includes temporary construction access across McLeod Street, and this will require approval from Council as the appropriate roads authority under section 138 of the *Roads Act 1993*. Section 138(3) of the Roads Act provides that if the applicant is a public authority (such as DoE), then the roads authority must consult with the applicant before deciding whether or not to grant consent.	Yes

Legislation	Assessment	Relevant? Yes/No
Local Government Act 1993	The site is located in the W1 Tweed District water supply area and S4 Murwillumbah sewerage service area under the Tweed Shire Council *Development Servicing Plans for Water Supply and Sewerage 2024* (the DSP). Under section 64 of the Local Government Act 1993 (the LG Act), Council can levy developer charges for water supply, sewerage and stormwater. Under the DSP, crown development for essential community services including educational establishments are exempt from general developer charges. However, water utilities may charge for that portion relating to direct connection cost. Therefore, as the proposed activity includes new head water connections, a section 64 developer charge may be payable. Under section 68 of the LG Act, approval is required from Council to carry out sewerage work, carry out stormwater drainage work and install, construct or alter a waste treatment device or human waste storage or a drain connected to any such device or facility. The works include new stormwater drainage works, as well as a new connection to Council's sewer system that would require under section 68 of the LG Act. However, section 69 of the LG Act provides that the Crown is not required to obtain the approval of Council to do anything that is incidental to the erection or demolition of a building. Nevertheless, a mitigation measure is included in **Appendix B** requiring a section 68 approval to be obtained from Council.	Yes
National Parks and Wildlife Act 1974	An Aboriginal Heritage Due Diligence report has been prepared by EMM in accordance with Due Diligence Code of Practice for the Protection of Aboriginal Objects in NSW (DECCW 2010) guidelines. This assessment concluded that the site is assessed as having a low archaeological sensitivity and that Aboriginal objects are unlikely to be present on the site. Therefore, there an Aboriginal Cultural Heritage Assessment (ACHA) is not required. Mitigation measures relating to an unexpected finds protocol being implemented during demolition and construction have been included in **Appendix B**.	No
Protection of the Environment Operations Act 1997	There are no requirements to obtain an Environmental Protection License for the proposed activity. If a pollution event that causes or threatens material harm to the environment occurs while carrying out the development, the person carrying out the activity must notify the appropriate regulatory authority has defined under section 148 of the POEO Act.	No
Crown Land Management Act 2016	The site is not identified as a Crown land subject to the Crown Land Management Act.	No

Legislation	Assessment	Relevant? Yes/No
Coastal Management Act 2016	The *Coastal Management Act 2016* (CM Act) was gazetted by the NSW Government on 3 April 2018, replacing the Coastal Protection Act 1979. It establishes a new strategic framework and objectives for managing NSW coastal areas. Chapter 2 of the RH SEPP gives effect to the objectives of the CM Act. The aim of Chapter 2 of the RH SEPP is to promote an integrated and co-ordinated approach to land use planning in the coastal zone consistent with the objects of the CM Act, including the management objectives for each coastal management area (refer to discussion below and in **Section 7.9**).	Yes
State Environmental Planning Policies		
State Environmental Planning Policy (Planning Systems) 2021	The proposed activity has a estimated development cost (EDC) of less than $50 million and therefore is not declared to be State Significant Development (SSD) under the Planning Systems SEPP. The proposed activity is not an activity that is likely to significantly affect the environment and is therefore not declared to be State Significant Infrastructure (SSI). The site is not owned by an Aboriginal Land Council.	No
State Environmental Planning Policy (Biodiversity and Conservation) 2021	<u>Chapter 2 Vegetation in non-rural areas</u> The site is located within a heritage conservation area. Therefore, development consent is required in relation to any tree removal. A DA will be submitted to Council to remove three (3) trees from the site. <u>Chapter 4 Koala Habitat Protection 2021</u> Chapter 4 of the BC SEPP applies to land zoned R2 under the TLEP 2014. Under the *Tweed Coast Comprehensive Koala Plan of Management 2020* (Tweed KPoM), the site is not located within a Koala Management Area or a Koala Management Precinct. The nearest Koala Habitat on the same side of the Tweed River is near Nunderi, approximately 2.3 kilometres to the south-east and the nearest koala habitat on the opposite side of the Tweed River is at Kynnumboon approximately 5 kilometres to the east of the site. Accordingly, the activity will not have any impact on Koala habitat.	Yes
State Environmental Planning Policy (Sustainable Buildings) 2022	Chapter 3 of the Sustainable Buildings SEPP doesn't apply to activities being undertaken as "development permitted without consent" under Part 5 of the EP&A Act. Nevertheless, the proposed activity has been designed with regard to the principles of ecologically sustainable design, minimising energy consumption, reducing greenhouse gas emissions, minimising water consumption and ensuring good thermal performance of buildings (**Section 7.19**).	No

Legislation	Assessment	Relevant? Yes/No
State Environmental Planning Policy (Resilience and Hazards) 2021	Chapter 2: Coastal Management The site is mapped as being located within the 'coastal environment area' and 'coastal use area' under Chapter 2 of the RH SEPP. As described in **section 7.9** of this REF, the proposed activity is generally consistent with the requirements of sections 2.10, 2.11 and 2.12 of the RH SEPP and will not have any adverse impacts on any coastal processes or hazards. Chapter 4 Remediation A Contamination Investigation has been prepared by Tetra Tech Coffey to determine any potential contamination issues on the site, identify if any remediation works are required and assess the suitability of the site for the proposed development consistent with the requirements of section 4.6 of the RH SEPP (**Appendix P**). The Contamination Investigation concludes that no remediation is required and that the site is suitable for the proposed activity subject to the recommendations of the report (**Section 7.7**). These have been incorporated into the mitigation measures in **Appendix B**.	Yes
Tweed Local Environmental Plan 2014		
2.2 Zone: R2 Low Density Residential (R2 zone)	The site is zoned R2 Low Density Residential (the R2 zone) under the TLEP 2014. The proposed activity is consistent with the objectives of the R2 zone as it provides education facilities to meet the day to day needs of the residents of Condong and surrounds.	Yes
4.3 Height of Buildings: 9 metres	The site is subject to a maximum height of buildings development standard of 9m. The building has a maximum height of 8.2m (top of the lift overrun) above the existing ground level and therefore the height is consistent with this control.	Yes
4.4 Floor Space Ratio: 0.8:1	The site has a maximum floor space ratio of 0.8:1. The proposed development has a maximum GFA of 822.82m^2 on a site with an area of 4,777m^2, which results in an FSR of 0.17:1	Yes
5.10 Heritage	The site is located within the Condong Heritage Conservation Area (Item C1) under Schedule 5 of the TLEP 2014. The site is located within the vicinity of local heritage items. Therefore, a Statement of Heritage Impact (SoHI) has been prepared by EMM to provide an assessment of the impacts of the proposed activity on the heritage significance of the heritage conservation area and items, with regard to the requirements of clause 5.10 of the LEP (**Appendix L**).	Yes
5.21 Flood Planning	The site is located in the TLEP 2014 flood planning area. The proposed activity is consistent with the objectives of this control as it minimises flood risk to life and property, is compatible with the flood function and behaviour, avoid cumulative impacts on flood behaviour and enable the efficient evacuation of people up to a 1 in 500 flood event.	Yes

Legislation	Assessment	Relevant? Yes/No
5.22 Special flood considerations	The use of the site is defined as a sensitive development by Cl 5.22 and the proposed activity is consistent with the objectives of this clause as it enables safe occupation and evacuation of building up to the 1 in 500 year flood event, avoid cumulative flood impacts and provides a development that is compatible with the land's flood behaviour.	Yes
7.1 Acid Sulfate Soils: Class 3 & 4	The site is mapped as containing Class 3 and 4 acid sulfate soils (ASS). An Acid Sulfate Soils Management Plan (ASSMP) has been prepared by Tetra Tech Coffey to assess the potential to encounter ASS and to reduce the potential environmental impacts ASS (**Section 7.9** and **Appendix Q**).	Yes
7.2 Earthworks	The proposed development includes minor earthworks to facilitate the proposed development including regrading to provide suitable transitions and improve on-site drainage. The proposed minor earthworks will not a have detrimental impact on any environmental functions and processes, neighbouring uses, cultural or heritage items or features of the surrounding land.	Yes
7.5 Coastal risk planning	The site is not mapped on the coastal risk planning map under the Tweed LEP.	No
7.6 Stormwater management	Civil plans and report have been prepared by Henry & Hymas Consulting Engineers (**Appendix G**) to show the proposed stormwater management system. The proposed stormwater management system has been designed to reduce the overall impacts of the development on the existing site and surrounds and is in accordance with Council's stormwater requirements including Chapters 5 and 7 (**Section 7.2**).	Yes
7.8A Airspace operations – Murwillumbah Airfield	The site is not mapped on the obstacle limitations surface map for Murwillumbah Airfield.	
7.10 Essential services	The site will be supplied with adequate and appropriate levels of infrastructure servicing (**Appendix BB** and **Section 7.18**).	Yes

5.9. Strategic Planning Context

The following table lists any strategic plan that is required to be considered if it is applicable to the proposed activity.

Table 13: Strategic Planning Context

Strategic Plan	Assessment	Relevant? Yes/No
Tweed Shire Council Local Strategic Planning Statement 2020	Tweed Shire Council's Local Strategic Planning Statement (LSPS) provides a 20-year vision for land-use within the Tweed Shire LGA. The proposed activity is consistent with the following planning priorities outlined in the LSPS:	Yes

Strategic Plan	Assessment	Relevant? Yes/No
	• Planning Priority 1: Protect the Tweed's significant natural environment, resources and landscape qualities, while cultivating sustainable growth and development, which promotes the health and vitality of the community. • Planning Priority 3: Increase resilience and adapt to the impacts of natural hazards and climate change to ensure our future prosperity and wellbeing. • Planning Priority 4: Reduce carbon emissions and sustainability manage energy, water, waste and development impacts. • Planning Priority 11: Cultivate a desirable and healthy lifestyle choice with a strong sense of community, diverse places for people to be happy, bult resilience, feel safe and be connected. • Planning Priority 12: Foster enhanced partnerships and collaboration with local Aboriginal and Torres Strait Islander communities. • Planning Priority 13: Promote the respect, protection and management of Aboriginal cultural heritage and historic heritage. • Planning Priority 14: Preserve and enhance the distinctive characteristics of our centres, towns and villages that makes them special and unique into the future. • Planning Priority 18: Promote innovation and best practices for climate responsive and ecologically sustainable building design and construction.	
North Coast Regional Plan 2041	The *North Coast Regional Plan 2041* (the Regional Plan) guides the land use planning priorities and decisions to 2041 for the North Coast Region. There is a total of 12 Local Government Areas (LGAs) located within the North Coast Region. The Regional Plan identifies three (3) goals for the region: • Goal 1: Liveable, sustainable and resilient. • Goal 2: Productive and connected. • Goal 3: Growth change and opportunity. The three (3) goals are supported by 20 objectives, along with strategies, actions and collaborative activities. The proposed activity is consistent with the following objectives under the Regional Plan: • Objective 5: Manage and improve resilience to shocks and stresses, natural hazards and climate change. • Objective 19: Public spaces and green infrastructure support connected and healthy communities.	Yes

Strategic Plan	Assessment	Relevant? Yes/No
Rural Village Strategy	The Tweed Shire Council *Rural Villages Strategy* (February 2016) establishes a vision and strategic goals for the rural villages located within the Tweed Shire. Under the Rural Village Strategy, Condong is identified as 'other rural settlement' and there are no site-specific actions or activities for Condong. Nevertheless, the proposed activity is considered to be generally consistent with the shire-wide strategies including: • Building on the assets: Strategy 2 – Enhanced community life. The proposed activity seeks to reinstate a significant community asset to Condong. The school helps to connect the community, contributes to its sense of place and is consistent with the visual and cultural characteristics of Condong.	Yes

5.10. Tweed Development Control Plan 2008

The Tweed Development Control Plan 2008 (the Tweed DCP) provides a broad range of development and precinct planning controls. There are no controls which apply to specifically to educational establishments, although general controls apply to all development including flood, heritage and stormwater management.

It is noted that assessment against the DCP is not a mandatory consideration as the T&I SEPP is the relevant planning instrument for the proposed works and 'development permitted without consent' is not subject to local planning controls. Nevertheless, **Table 14** provides an assessment against the key provisions the Tweed DCP.

Table 14: Tweed Development Control Plan 2008

Section	Assessment	Relevant? Yes/No
Section A: Development Standards for Whole of the Shire		
A2 – Site Access and Parking Code	Car parking Under section A2 of the Tweed DCP, the following on-site parking rates are identified for educational establishments (primary): • 0.5 spaces per teacher / staff • 1 space per 14 students. Based on 20 staff and 69 students, this equates to a requirement for 10 parking spaces for staff and 5 spaces for visitor parking. The existing school currently doesn't provide an off-street parking. The proposed activity comprises the replacement of school facilities that were damaged in the 2022 floods and doesn't seek to increase the number of staff or students on the site. Therefore, no changes to existing parking arrangements are proposed. The existing unrestricted parking on McLeod Street will be maintained.	Yes

Section	Assessment	Relevant? Yes/No
	Bicycle parking Under the DCP, a bicycle parking rate of 1 bicycle parking space per 5 students over Year 4. A total of nine (9) bicycle parking spaces are provided for student use. Service Vehicles No changes to the existing arrangements for site servicing are proposed.	
A3 – Development of flood liable land	The Flood Impact Assessment prepared by Henry & Hymas has been prepared with regard to the provisions of section A3 of the DCP including section A3.8 Murwillumbah, Condong and Tumbulgum.	Yes
A6 – Biting midge and mosquito control	The proposed elevated school building is located in a similar location to the existing school buildings and therefore, there is no increase in risks to human health arising from the proposed activity. Nevertheless, the following measures have been incorporated into the design to minimise the risks from biting midges and mosquitos (**Appendix B**): • All openings within the new building to be fitted with insect screening. • The rainwater tanks and any other water storage devices are to be fitted with appropriate screening and barriers to prevent entry into the tanks by mosquitos. • All insect screening and barriers is to be adequately designed and maintained to be able to be regularly cleaned. • Stormwater management system are to be designed to not hold water for longer than 48 hours so as to minimise the potential for the creation or enhancement of mosquito habitat. The stormwater systems should be designed for easy maintenance.	Yes
A13 – Socio-economic impact assessment	The proposed activity doesn't trigger the need for a socio-economic impact assessment under section A13.5.1 of the DCP. Nevertheless, a social impact statement has been prepared by the school's principal that has identified the detrimental impacts on students since the 2022 floods (**Section 7.20**). It is considered that the rebuilding of the school will have a net positive social impact on students and the community.	Yes
A15 – Waste minimisation and management	A Waste Management Plan has been prepared by MRA Consulting Group to identify best practice waste management and promote sustainable outcomes at the demolition, construction and operational phases of the development (**Appendix DD** and **Section 7.17**)	Yes
A16 – Preservation of trees or vegetation	A separate application will be lodged with Council in relation to tree removal. All other trees and vegetation on the site will be protected in accordance with the recommendations of the Arboricultural Impact Assessment prepared by Northern Tree Care (**Appendix Y**).	Yes
A18 - Heritage	A Statement of Heritage Impact (SoHI) has been prepared by	Yes

Section	Assessment	Relevant? Yes/No
	EMM that includes an assessment against section A18 of the DCP (**Appendix L**). Whilst it is considered that the demolition of the heritage buildings will have an adverse impact on the site's heritage significance, it is considered that the decision to demolish the buildings provides a balance between conservation and the site's safety and functionality. The new elevated school building has been designed with regard to the desired character of the heritage conservation area (**Section 7.14**). An Aboriginal Due Diligence Assessment has been prepared to assess the impacts of the proposed activity on any Aboriginal cultural heritage values (**Appendix N** and **Section 7.13**).	
A19 – Biodiversity and habitat management	A Flora and Fauna Assessment (**Appendix Z** and **Section 7.15**)has been undertaken that has assessed the requirements of the relevant statutory context as well as the provisions of the Tweed DCP. The FFA concludes that the activity is unlikely to cause a significant impact to threatened communities, species or populations, or their habitat.	Yes

6. Consultation

Consultation has been undertaken with the following stakeholders in accordance with statutory requirements under the T&I SEPP:

- Tweed Shire Council – sections 3.10 and section 3.38 of the T&I SEPP (refer to **Section 6.1**)
- State Emergency Services – section 3.10 of the T&I SEPP (refer to **Section 6.2**)
- Neighbour Notification – section 3.38 of the T&I SEPP (refer to **Section 6.3**)

6.1. Tweed Shire Council

In addition to the statutory consultation required under Sections 3.10 and 3.38 of the T&I SEPP, a number of meetings were held with Tweed Shire Council between November 2022 and February 2024 to discuss:

- The flood affectation and suitability of the site for the recovery works,
- Consideration of alternative sites,
- Outcomes of community consultation, and
- Proposed flood resilience measures, including minimum habitable floor level and flood emergency response planning.

Table 15: Response to considerations raised during consultation

Consideration Raised	Response
Flooding: • Tweed valley flood studies are being investigated and updated. Currently, studies are at recalibration stage (and include Feb 2022 flood data) and are expected to be completed by mid-2023. • DPE planning and environment are conducting post event review. NSW 22 flood enquiry also providing review on appropriateness of the flood study. • No significant changes to existing flood planning levels currently known.	Tweed Shire Council recently adopted the Tweed Valley Flood Study Update and Expansion (2024). This study has been reviewed by Henry & Hymas in the preparation of Flood Impact Assessment (**Appendix** J) and the FERP (**Appendix K**). Consultation has taken place with the SES in relation to the proposed activity in early 2023 and as part of the REF process (**Section 6.2**).
• Council recommend/support SINSW raising the habitable floor level above the min habitable and flood planning level.	The habitable floor level of the proposed school building has been raised above the flood planning level to be above the 0.2% AEP flood level. Storage and toilet facilities would be located in the building's usable undercroft and as detailed in the Flood Impact Assessment (**Appendix J**) and the design adopts a 'wet flood proofing' methodology below the design flood level. Flood resilience is discussed further in **Section 7.1**.

Consideration Raised	Response
Koala Habitat Condong Public School may be located within mapped koala habitat.	The school is not located within the mapped koala habitat under the *Tweed Coast Koala Study 2021*.

Statutory consultation of the Review of Environmental Factors (REF) and appendices commenced on 14 October 2024 and Council provided a written response on 7 November 2024 (see **Appendix LL**). The following table provides an overview of the project's response to the matters raised during these meetings.

Table 16: Response to considerations raised during consultation

Consideration Raised	Response
Stormwater • Proposed stormwater system supported	Noted
Flood matters: • Proposed recovery works and FERP supported • Refer to the Tweed Valley Local Emergency Sub Plan 2023 • Develop a testing, monitoring and review schedule for the FERP • Ensure workers and people using the facility are aware of the flood risk	Noted The FERP has been updated to incorporate these comments. The Construction Management Plan has incorporated the relevant construction section of the FERP.
Heritage Demolition generally supported due to the reasoning in the SOHI and management measures 1-5 are supported but the following recommendations are made: • Heavy black metal boundary fencing not supported as it is not sympathetic to the HCA • Ensure preservation and protection of any archaeological discoveries made during construction • All proposed colours must be AS2600 compliant to mitigate impacts to HCA	Noted. The boundary fencing is existing and is not proposed to change. The SOHI has been updated with Management Measure #8 to require an unexpected finds protocol The SOHI has been updated with Management Measure #7 to ensure colours are compliant with AS2600
The ASSMP is considered satisfactory	Noted
Additional assessment is required to consider amenity impacts from dust, light etc during construction works.	The Construction Management Plan and relevant discussion in the REF has been updated to reflect this requirement.

Consideration Raised	Response
Acoustic Updates requires to clarify how recommended physical controls have been selected and their predicted noise reduction, as well as how the following will be managed: • Construction noise including if high-impact vibratory tools will be used within 100m of residential receivers • Where mechanical plant (ACs or PA systems) will be located and their impact on neighbouring receivers • Cumulative operational activity noise sources will have on neighbouring receivers given the reduced setbacks (eastern) when compared with the existing school layout	Section 3.3 of the CNVMP addresses vibration criteria for residential receivers and identifies mitigation measures Acoustic assessment has been updated with location of mechanical plant and mitigation measures have been set out to ensure that there will be no unacceptable acoustic impacts for on neighbouring receivers. The acoustic assessment provides that operational activities provide compliance with relevant acoustic amenity requirements.
Contamination • Recommendations in the PSI are supported and must be implemented. • Northern Rivers Contaminated Land Program (NRCLP) Summary Table must be completed	Noted NRCLP will be completed prior to the issue of a Crown Certificate
Waste • Report should be updated to include procedures and recommendations for the VENM/ENM and Fire Ants	The Waste Management Plan has been updated to incorporate procedures for VENM/ENM and Fire Ants.
Traffic & Parking • Recommend provision of on-site parking • Recommend provision of on-site accessible parking • Use of a 24m AV vehicle on Condong St may be prohibited and further approvals may be required through the NHVR portal	The proposed works will restore flood damaged infrastructure to enable the school to operate as it did prior to February 2022, but in flood resilient spaces. As no increase in student or staff numbers is proposed, no additional parking will be provided. The CTMP has considered the use of 24m AV vehicles, and relevant approvals will be obtained prior to their use.

Consideration Raised	Response
Design/BCA • List of "deficiencies" against BCA and Access requirements should be addressed prior to determination of the REF (see pp.8-9 of **Appendix LL**)	BCA and Access consultants have confirmed that list of "deficiencies" are performance solutions for BCA items that will be resolved as Access and Fire Engineered Performance Solutions are adopted. The Access report has been updated to resolve one matter.
Ecology/ Landscape/ Arborist • Ecology & landscape plans supported • CMP should reference Arborist mitigation measures • Arborist report should be updated to include details of translocation of Davidson's Plum & ground protection to prevent root damage where temporary construction access is to extend within root zone of trees identified in Table 2 of report	Noted CMP has been updated to reference arborist mitigation measures Details of translocation process are provided in arborist report, including the fact the translocation will be undertaken by the arborist.
Water and Wastewater • proposals must comply with D11 Water supply and D12 sewerage systems respectively. Council notes original water connection and existing sewer connection will be suitable	JHA has confirmed that water supply and sewerage systems comply with D11 and D12.

6.2. State Emergency Service

On 24 January 2023 and 11 April 2023, meetings were held between representatives of the project team and State Emergency Service (SES) to discuss the Northern Rivers Flood Recovery Schools. Key matters discussed at these meetings that are relevant to Condong Public School are identified in **Table 17**.

Table 17: Meetings with SES in early 2023

Consideration Raised	Response
<u>General</u> In order to improve flood resilience and reduce risks, SES encourage investigation of historical flood studies to understand when flood waters have surrounded schools or cut off the road network. In some cases, this can happen at the 5% or 10% Annual Exceedance Probability (AEP) events. During design development, consider the	Flood Impact Assessment (**Appendix J**), Civil Report (**Appendix G**) and Flood Emergency Response Plan (FERP) (**Appendix K**) provide a review of historical flood studies and information. In accordance with the FERP, it is recommended Condong Public School is closed early when a 'Severe Weather Warning' or 'Flood Watch' is issued from the Bureau of Meteorology to the Tweed Catchment and when an 'Advice' notification by the SES is issued advising that an incident

Consideration Raised	Response
risk for younger children who have much lower tolerance to emergency events than adults or older children. With regard to the FERP, SES encourage schools to close early, well before the onset of flooding and closure of roads.	has started. An evacuation order may be issued by the SES Area Commander, or the Department of Education's Emergency Response Team. This provides an effective warning time of six (6) hours. Procedures have been identified in the FERP to assist with evacuation of all students from the site, well before the onset of flooding and closure of local roads.
Water velocities SES suggest considering water velocities around the proposed elevated buildings. Faster velocities carry more debris possibly impacting the buildings structural integrity.	The Flood Impact Assessment prepared by Henry & Hymas (**Appendix J**) has identified that the 1% AEP flood velocity is up to 2m/second. The structure has been designed in consideration of all additional forces and loads imposed from flood waters including the impact from debris.
Warning Times In terms of triggers for the FEMP, consider if there are better warning systems in the event of sustained heavy rainfall to mitigate flash flood warning timeframe. Road closure information is available for some schools, SES can provide information on this.	The site has an effective warning time of six (6) hours. The school should monitor publicly available warning systems provided by the SES, Bureau of Meteorology (BOM), Hazard Watch web application, Hazards Near Me app, Council and ABC radio. The school will establish communications database to provide information and regular updates to the school community.
Shelter in Place SES do not endorse 'shelter in place' strategies. However, if a refuge is to be provided in the school as an emergency back up, it must be above the estimated PMF level. Any 'shelter in place' strategy must consider: The risk of rescue to SES volunteers in addition to the fact that human behaviour is likely to lead parents to cross flood waters to rescue children, thereby exposing both to increased risk; How to manage staff and students on site when all essential utilities and services are lost, especially water, power and sewer.	A 'shelter in place' strategy is not proposed for Condong Public School.

Pursuant to section 3.10 of the T&I SEPP, written notification of the intention to carry out the proposed activity was provided in the NSW SES on 14 October 2024. This written notification included a planning cover letter, copy of the architectural plans and copies of the Civil Report, Flood Impact Assessment and Flood Emergency Response Plan.

On 05 November 2024, SES provide a response to the notification (**Appendix MM**). The following table sets out the project's response to the matters raised by the SES.

Table 18: Responses to SES Statutory Consultation

Consideration Raised	Response
Recommend referring to the Tweed Valley Local Flood Emergency Sub Plan 2023	The FERP has been updated to refer to this Sub Plan
Recommend including reference to River Height gauges upstream of Condong at Murwillumbah Bridge and flood monitoring camera at Wollumbin Street, Murwillumbah	The FERP has been updated to refer to the gauge and camera specified.
Recommend developing a testing, monitoring and review schedule for the FERP	A schedule for testing, monitoring and review has been incorporated into the FERP
Recommend ensuring workers and people using the facility during and after the upgrades are aware of the flood risk.	The CMP includes reference to flood awareness and the construction specific FERP. The operational FERP includes flood warning signage and a schedule for drills.

6.3. Occupiers of adjoining land

Section 3.38 of the T&I SEPP requires written notice of the intention to carry out the proposed activity to occupiers of adjoining land, when the works include development to which section 3.37(1)(a) of the TI SEPP applies. On 14 October 2024 written notice was delivered to occupiers of adjoining land (**Appendix**). The written notice included a description of the proposed activity, along with site plans, elevations and perspectives. No submissions or feedback was received from occupiers of adjoining land during the 21-day notification period, or afterwards.

6.4. Other engagement

Community Engagement Channels and Activities

The NSW Department of Education uses a range of standard community channels, tools and activities on an as-needs basis across all projects as identified in **Table 19**.

Table 19: Community Engagement Tools

Activity	Strategic Intent
School community engagement (project review group, meetings, workshops, school tours, and design user group sessions)	Discuss aspects of the design, consultation and construction approach and seek feedback and input from members. Design user groups seek input from end users including staff and students about the proposed design and its applicability.
Community information sessions	Provide an opportunity for face-to-face engagement between residents, school community, staff and members of the project team. Allow for Q&A and concerns to be raised. Information sessions are widely advertised through the communication channels listed in this table. May be virtual, with the same materials available and feedback/question forms (depending on public health advice)

Activity	Strategic Intent
Communications (project webpage, information pack, project updates and works notifications)	Distribution of project information to stakeholders delivered via letterbox drop and school newsletter.
Contact channels (emails and project information number)	Direct responses to stakeholder and community contact.
School community communication (newsletter input, Parents and Citizens' Association meetings)	Ongoing updates as required and direct responses to questions.

Department of Education Stakeholders

Engagement has been undertaken with the following Department of Education / School Infrastructure NSW project working groups including:

- The Project Reference Group (PRG) is a key governance group that provides feedback on critical design elements and the overall project direction. The PRG is comprised of the Director Educational Learning, the Principal, Deputy Principal, teacher representatives, a parent representative, project team members and the project architect.
- The Project Control Group (PCG) oversees the planning and delivery of a project. The group ensures group ensures project objectives, communications, stakeholder engagement, key deliverables, program, budget, scope and risk are considered. The PCG is comprised of the Director of Operational Readiness, Director Educational Leadership, the Principal, Deputy Principal, Information and communications technology (ICT) advisors, project team members and the project architect.
- The Technical Support Group (TSG) is comprised of technical experts within SINSW in the areas of design, heritage, disability access and standards, sustainability, IT services, safety and school transport. The TSG ensures that the project meets education facility standards and operational needs.
- The Expert Review Group (ERG) is comprised of a panel of experts who advise across all SINSW projects regarding design, buildability and, compliance to ensure the teaching and learning needs of every student are met.
- The Design Advisory Group is comprised of a group of experts who advise on Educational Facilities Standards and Guidelines (EFSG) compliance of the project.
- School Operations and Performance (School Ops) includes Director/s Educational Leadership and teacher/ Principal representatives.

Feedback from these stakeholders has been incorporated into the design.

7. Environmental Impact Assessment

Under the Division 5.1 Guidelines, the proponent is required to identify, analyse and evaluate the activity's likely environmental impacts of the proposed activity including the direct, indirect and cumulative impacts. Each likely environmental impact has been assessed individually for its level of significance. Key assessment considerations include:

- Type of impact – The characteristics of the impact likely to affect the environment.
- Extent – The area and population expected to be affected.
- Size – The estimated area, amount, quantity or volume of impact.
- Duration – When the impact is expected to occur, for instance, whether only over particular project phases or permanent.
- Severity – The likely degree of change (e.g. negligible, minor, moderate, major), which could depend on how vulnerable or resilient the affected environment, feature or population is to the impact. It may be appropriate to consider how the change compares with relevant standards, codes and/or policies.
- Importance – Any long-held values; whether the environment is rare, unique or readily replaceable; the importance to the community's identity, health and/or welfare; or any listings as being of national, state or local significance.
- Level of concern/interest – The concern or interest of the community and whether information is available to enable people to understand the impacts.

Each of the potential impacts of the proposed activity is evaluated by considering the significance of the impact, considering the aggregation of all of the impacts of the activity and consideration of the cumulative impacts. This will enable the consideration of the impacts of the proposed activity to the fullest extent possible.

Measures to mitigate the impacts of the proposed activity are detailed in **Appendix B** of the REF.

7.1. Flood

Flood Impact Assessment

The February / March 2022 flood that damaged the existing buildings at the school reached a height of approximately m AHD (**Figure 24** and **Figure 25**).

Figure 24: Main School Building with 2022 flood height indicated by blue line (Source: Acor Consultants)

Figure 25: Block D1536 admin 2022 flood height indicated by blue line (Source: Acor)

The Flood Impact Assessment prepared by Henry & Hymas reflects the levels set out in the 2024 Tweed Valley Flood Study Update and Expansion. The following flood levels are of relevance to the site (**Table 20**).

Table 20: Summary of flood and floor levels for Condong Public School

Summary of Flood Levels	
Minimum Habitable Floor Level (MHFL) (including climate change)	5.1m AHD
Design Flood Level	1% AEP Climate Change Year 2100
February / March 2022 peak flood level at Tumbulgum gauge	4.77m AHD
Probable Maximum Flood (PMF) level	9.2m AHD
Proposed Minimum Habitable Floor Level	7.5m AHD
Flood velocity (1% AEP)	2m/second
Flood Risk Precinct	High Risk: H4 for the 1%AEP H6 for the PMF

The NSW Flood Inquiry 2022 provided a series of recommendations for flood affected sites, including taking a risk-based approach to setting minimum habitable floor levels (Recommendation #18). The recommendation provides that the 1% AEP level plus 500mm freeboard, which has been traditionally used to set habitable floor levels, is not an adequate measure. The proposed building will provide a useable undercroft space with a habitable floor level of 7.5m AHD **(Figure 26**), which is above the 0.2% AEP (1 in 500 year ARI event) minimum habitable floor level recommendation of 5.3m AHD. The proposed design is consistent with Recommendation #18.

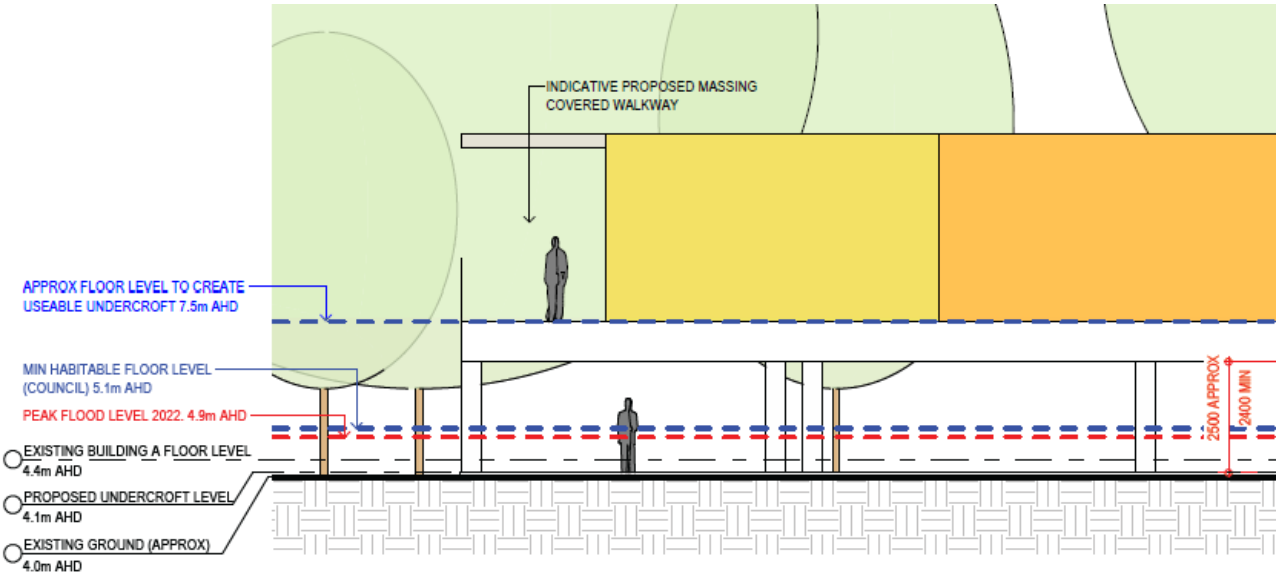

Figure 26: Section through elevated building showing floor levels and proposed elevated flood levels (Source: Pedavoli Architects)

A Flood Impact Assessment has been prepared by Henry & Hymas Consulting Engineers (**Appendix J**) that provides an assessment against the following guidelines and studies:

- NSW Department of Planning and Environment (2023) Flood Risk Management Manual and associated toolkit including:

- Flood Impact and Risk Assessment LU01
- NSW State Emergency Services Ballina Shire – Local Flood Plan
- Tweed Valley Floodplain Risk Management Study (2014)
- Tweed Valley Flood Study Update and Expansion (2024)
- Australian Building Codes Board (2012) *Construction of Buildings in Flood Hazard Areas*.
- Hawkesbury-Nepean Floodplain Management Steering Committee (2006) *Reducing vulnerability of buildings to flood damage: Guidance on Building in Flood Prone Areas*.

Flood Behaviour

The site is subject to riverine flooding when the right bank of the Tweed River overtops. The direction of the flow is generally north to south; however the 1% AEP design flood map indicates that there is a rapid decrease in flood level from west to east across the school grounds as a result of flood waters flowing towards the cane fields to the east of Tweed Valley Way. This east-west flow corresponds to higher flow velocity, with the capacity to cause damage to buildings and property. Under current climate conditions, the site is affected by flooding from the 20% AEP flood which means that there is a 1 in 5 chance in any given year of this event occurring or being exceeded.

In relation to the impacts of the proposed activity on existing flood behaviour, the Flood Impact Assessment notes that the proposed site works will only generate minor modifications to the existing site and will generally tie in with the existing topography. The proposed new elevated building has a significantly reduced building footprint, thereby limiting its exposure to major flood paths, flood conveyance zones and other major constraints The new elevated building has undercroft areas without enclosed sides that allow flood waters to freely pass beneath the building.

A comparison between the existing building footprints (red) and proposed building footprints (blue) is shown in **Figure 27**. The proposed activity results in a reduction in building footprint from 620m^2 (existing) to 116m^2 (proposed), which will result in a negligible impact on local flood conveyance and storage, and therefore on flood behaviour.

Figure 27: Comparison between footprints of existing and proposed structures (Source: Henry & Hymas)

Accordingly, the Flood Impact Assessment provides the following conclusion in relation to the impacts of the proposed activity on existing flood behaviour:

- *The proposed development will not result in significant changes to the existing flood level.*
- *The proposed development will not result in significant changes to the existing the duration of flooding.*
- *The proposed development will not result in meaningful or significant changes to existing flood velocity or existing flow path.*
- *The proposed development does not decrease available warning time and time available for evacuation.*
- *The proposed development does not increase the frequency of inundation.*

Therefore, the proposed activity will not have any adverse impacts on existing flood behaviour or result in additional flood impacts. There will no impacts on adjoining properties or any existing flood evacuation routes.

Flood Resilience – Structure

In relation to the structural flood resilience of the new elevated building, the undercroft area (including the storage areas and amenities) adopts a 'wet flood proofing' methodology. Under the wet flood proofing methodology, the flood water is allowed to enter the building to reduce the build-up of hydrostatic pressure between the flood water and the inside of the building. The structural materials used below the flood level must be water resistant to minimise the resulting damage (refer to discussion below).

The structural design of the gantry has taken into account all relevant provisions of National Construction Code (NCC) as well as relevant Australian Standards relating to the design of buildings subject to flooding. The structure has been designed to consider all additional forces and loads from flood waters including hydrostatic actions (buoyancy), hydrodynamic (drag forces), debris actions, wave actions, erosion and scour, as well as combinations of these actions. In addition, consideration has been given to the impacts from debris and flood velocity.

The following structural elements are included to provide a flood resilient modular design:

- *The wall structure is comprised of external and internal reinforced concrete blockwork walls.*
- *The external reinforced blockwork has been designed to resist the forces imposed by floodwaters and debris impact.*
- *The external reinforced blockwork wall has been designed to include regular removeable vent blocks or weep holes to equalise water pressures.*
- *The undercroft floor is proposed to be reinforced concrete slab construction which is poured following construction of the external and internal walls, columns and associated footings.*
- *The internal floor is proposed to be finished higher than the surrounding flood level to provide a level difference across the external wall to promote water to drain water externally. The ground flood slab is proposed to include a subsurface drainage system to mitigate uplift forces from receding floodwaters.*
- *The internal wall systems have been designed using approved flood resilient material and strength suitable to withstand pressure differential forces that will occur between the internal and external water levels. Internal and external walls are proposed to include small weepholes to relieve pressure between external and internal areas minimising pressure differential between internal and external walls. Cavities and internal wall linings (excluding render) are not proposed due to the additional burden of maintenance following a flood event.*
- *As recommended in the NCC and reference documentation. The design has been undertaken to reduce moisture traps in design of the building. I.e. avoid non ventilated or non free draining cavities etc.*

Henry & Hymas has provided a statement (**Appendix I**) addressing the flood resilience of the steel gantry structure that will support the elevated school building, which states:

> *This statement addresses concerns about the structural integrity of the steel gantry framing during a major flood event.*
>
> *We confirm that the gantry framing, columns, and their connections to the footings have sufficient capacity to withstand flood water loads and associated debris loads during a PMF event, 0.2% AEP event, and 1% AEP event.*
>
> *Additionally, we confirm that the pile loads provided to the D&C contractor are adequate to withstand the abovementioned forces during a PMF event, 0.2% AEP event, and 1% AEP event.*

Accordingly, the structural elements of the proposed new school are considered to be suitable for the flood context of the site

Flood Resilience – Materials & Services

The proposed materials have been reviewed for their suitability and flood resilience. The following materials should not be used:

- Materials that are weakened when wet.
- Materials that are stable but porous and require drying out after a flood.
- Materials that are prone to absorption.
- Materials prone to fouling, rusting or rotting when exposed to water.

Materials selection has been undertaken in accordance with Section A3.8.2 of Tweed DCP, the NCC, relevant Australian Standards and guidelines in particular the Hawkesbury-Nepean Floodplain Management Steering Committee's *Reducing Vulnerability of Buildings to Flood Damage: Guidance on Building in Flood Prone Areas* (2006) (the Building in Flood Prone Areas Guidance). The *Guidance on Building in Flood Prone Areas* provides detailed information on the vulnerability, absorbency and suitability of materials following prolonged immersion. A detailed assessment of the proposed building materials against these documents is included in the Flood Impact Assessment to confirm their suitability.

The Flood Impact Assessment also provides a series of recommendations for electricity and lighting, with particular regard to services required below the flood planning level, have been provided in consultation with JHA Engineers to improve flood resilience, minimise damage during a flood event and reduce requirement replacement, maintenance and cleaning of key infrastructure following a flood event. Measures include raising wiring above the design flood level where possible, and ensuring wiring is suitably treated to withstand continuous submergence in water.

Flood Emergency Response Plan

A Flood Emergency Response Plan (FERP) has been prepared by Henry & Hymas (**Appendix J**) in accordance with:

- *Tweed Valley Flood Study prepared by BMT WBM 2014*
- *Tweed Valley Flood Study update and expansion prepared by WMA water January 2024.*
- *NSW DPE (2022), Flood Risk Management Manual: The Management of Flood Liable Land. © State of New South Wales.*
- *NSW DPE (2022a), Support for Emergency Management Planning: Flood Risk Management Guide EM01. © State of New South Wales*
- *Flood Risk Response Plan for Condong School Public from NSW Department of Education.*

The FERP provides a step-by-step sequence of roles, responsibilities, functions, actions and management arrangements for the conduct of emergency operations, including:

- Details of existing flood behaviour and flood risk in the catchment
- Flood emergency response preparation procedures, responsibilities, warning systems, flood evacuation strategies and methods
- Flood Emergency Response procedures
  - Before floods (flood preparation).

- During floods (flood response)
- After floods (flood recovery)

The Department of Education has bolstered their Emergency Management Team, and now have a Duty Officer on call 24/7. This team is embedded in front line emergency response planning with the State Emergency Service and other front-line responders. This means that as a hazard is forming, this team can provide advance warnings, early closure or evacuation advice to schools that are in the path of the hazard. The school administration should also be monitoring relevant flood warnings and the Hazards Near Me app and relaying "flood watch" notifications issued by the Bureau of Meteorology and SES to the school community (parents and carers) through the electronic communications system without delay upon receipt, including "evacuation warnings" and "evacuate now" notifications.

The strategies available to the school are early closure or evacuation. In this regard, the FERP provides:

> *In an emergency, a direction to evacuate is made by the Incident Controller (NSW SES) in consultation, where possible, with the NSW Police Force (2Fuller M. and O'Kane M, 2022).*
>
> *Condong Public School administration or the Department of Education can decide to temporarily cease operations or evacuate the school upon issuance of forecast adverse weather conditions, 'Severe Weather Warnings', or 'Flood Watch' notifications*

Should evacuation be required, **Figure 28** sets out the general process:

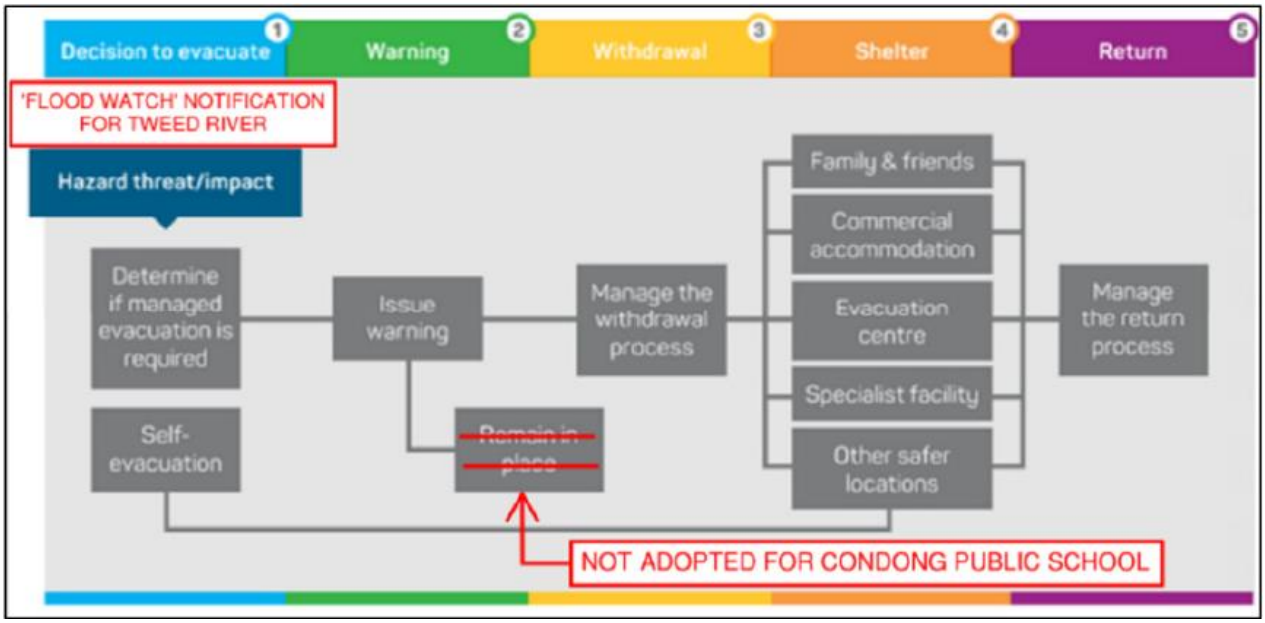

Figure 28: Condong Public School Evacuation process (Source: Henry & Hymas)

The specific procedure for Condong Public School is:

- Communications issued to the school community, including evacuation route map to higher ground and pre-determined evacuation location in Murwillumbah.

- School administration to enact prior arrangement with a local bus service, in addition transport may be provided by parents and teachers and school staff
- The sole evacuation route from Condong Public School to Murwillumbah is via McLeod St, Clothiers Creek Road, Tweed Valley Way, Alma Street and Wollumbin Street, Brisbane Street towards the evacuation centre.
- Parents/carers to collect students either from school if they are proximate to the site, or from the evacuation centre.

The FERP identifies the following further actions that should be undertaken to ensure the effective implementation of the FERP:

- School administration to monitor flood warnings and the Hazards Near Me app to provide alerts for severe weather forecasts and catchment river height gauge levels.
- School to undertake annual evacuation preparations prior to the commencement of the wet season (November to April).
- Installation of a flood warning notice (as illustrated in **Figure 29**).
- School administration and staff to be made aware of their roles and responsibilities as detailed in the FERP.

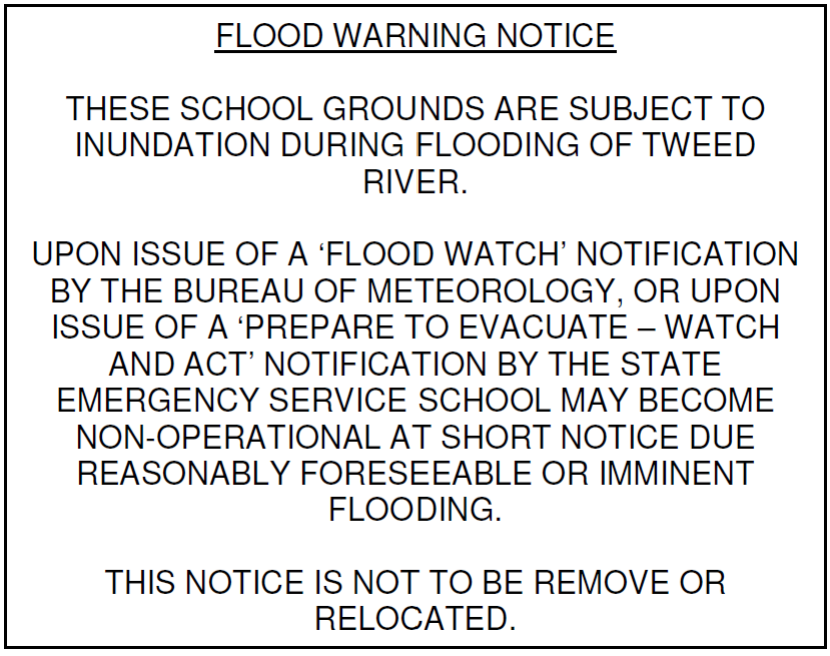

Figure 29: Sample flood warning notice sign to be installed at Condong Public School (Source: Henry & Hymas)

Mitigation measures relating to flood resilience and emergency evacuation have been incorporated into **Appendix B**.

Construction FERP

The FERP includes procedures for Contractors should a flood event occur during the construction of the school. The Principal Contractor is responsible for monitoring flood warnings and communicating site closure or evacuation to all workers. The Principal Contractor must take all possible steps to mitigate the following flood risks during construction:

- Isolation of construction personnel due to flood water cutting local roads preventing egress from the site
- Loss of mobile plant, equipment, tools, fuel, building materials and products due to flood inundation
- Environmental damage due to spilling of stored fuel and building materials.

7.2. Hydrology and Water Quality

Hydrology and Groundwater

In relation to groundwater, the Geotechnical Investigation prepared by Tetra Tech Coffey found that groundwater was observed at depths of 2.8-3.8m below existing ground surfaces levels (estimated to be between to RL 0 m to 1.1m AHD) (**Appendix O**).

A conservative groundwater depth of 1.0m AHD has been adopted for the design. Based on this, there is no likelihood of permanent uplift forces acting on the concrete ground slab or fully tanked lift pit.

In the event that groundwater is encountered during the works, works are to cease immediately. If groundwater needs to be removed, an approval will be required under the *Water Management Act 2000* (refer to the mitigation measure in **Appendix B**).

Stormwater Management

Henry & Hymas Consulting Engineers have prepared a Civil Report and Plans that details the site's existing stormwater drainage system, proposed stormwater system, water sensitive urban design (WSUD) provisions, and erosion and sediment control measures (**Appendix G**).

Stormwater generated by the existing site is captured by roof drainage and stormwater pits that drain to an in-ground piped stormwater system to the western boundary and discharges into the Tweed River. The total pervious area will be 1,924m2. A 225mm diameter stormwater line drains the headwall to the existing in-ground stormwater system that discharges into the Tweed River (Figure 30).

The proposed stormwater drainage system has been designed in accordance with:

- *Institution of Engineers, Australia "Australian Rainfall and Runoff" (2019 Edition) Volumes 1 & 2*
- *AS3500.3: National Plumbing & Drainage Code Part 3 – Stormwater drainage*
- Tweed Shire Council DCP

The system has been designed to cater for the 20-year ARI storm event. In the event of 100-year ARI storm event, stormwater will be conveyed via piped and overland flow paths and directed away from existing and proposed structures. The proposed stormwater drainage is shown on the civil plans prepared by Henry & Hymas Consulting Engineers and includes:

- Underfloor drainage within the undercroft.
- Charged in-ground downpipe collection system to collect roof run-off to the new 17,000L rainwater tank.
- Removal of redundant stormwater inlet pits and installation of new stormwater pits.
- Installation of new 225mm stormwater line to drain from rainwater tank overflow and connect into existing stormwater pipe draining to Tweed River
- Installation of inlet pit with 600 x 600 hinged medium duty grated lid class “C” and Atlan stormsack baskets
- Retention of existing stormwater pipe along the northern boundary of the site and easement.

The proposed activity results in an increase of 380m2 in impervious area on the site, from 1,544m2 to 1,924m2. The increase in impervious area is a result in the increase in roof area and can be appropriately managed in terms of water quality and water conservation.

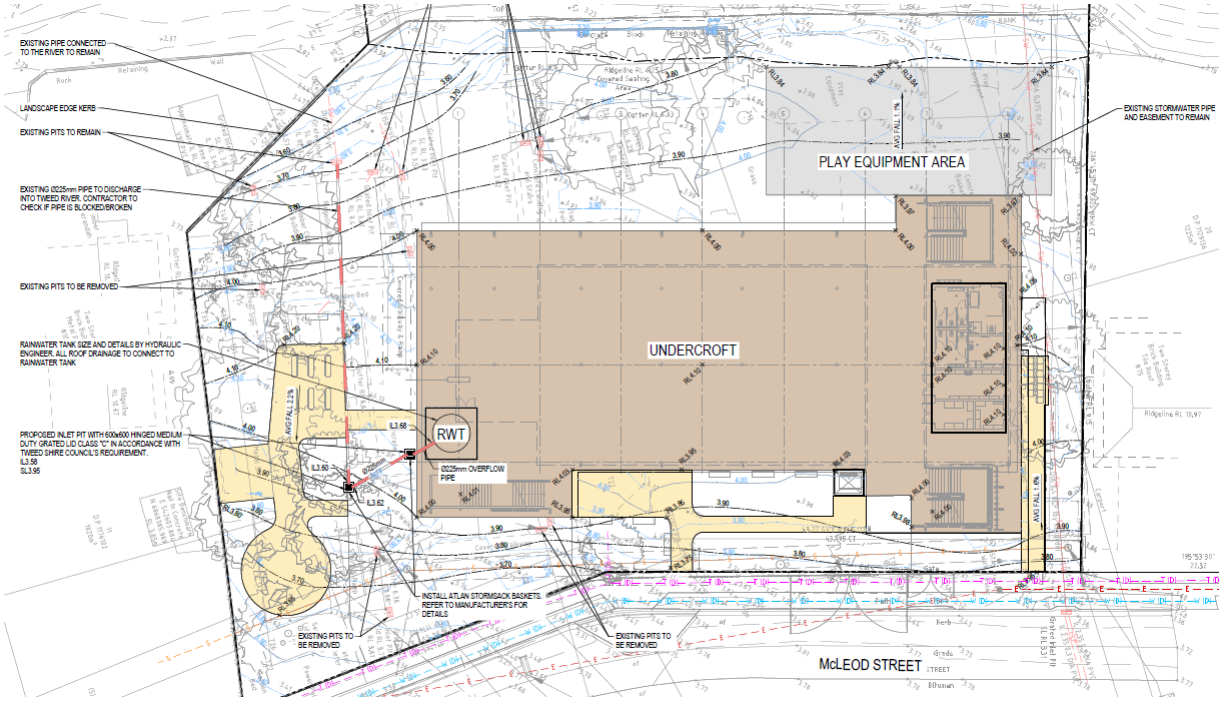

Figure 30: Proposed stormwater drainage system (Source: Henry & Hymas)

On-site detention is not required by Tweed DCP, and would not be suitable given the flood affectation of the site.

Prior to any works commencing on site, erosion prevention and sediment control measures will be established on site to prevent contamination of the downstream stormwater system and tracking of

grit and sediment onto the roadway. These measures have been designed in accordance with *Landcom's Managing Urban Stormwater: Soils and construction – Volume 1 (the Blue Book)* (**Appendix B**).

7.3. Landscaping

Landscape plans and a Landscape Report have been prepared by Taylor Brammer Landscape Architects (**Appendix F**). The landscape plans have been developed in association with Connection to Country and the planting strategy features "*endemic trees and underplantings with rich biological, aesthetic and cultural value*". Key features of the proposed plans are plantings along the boundaries to provide screening for the elevated buildings and adjacent residential neighbours.

The undercroft area will facilitate active play as well as shelter in adverse weather conditions, structured and unstructured play are facilitated in the playing field, play equipment and sand play areas. Educational features include a growing garden, bush tucker garden and the yarning circle.

Figure 31: Landscape Elevations (Source: Taylor Brammer Landscape Architects)

The proposed landscape plans will provide a diversity of activities for students as well as educational opportunities, embrace the cultural history of the region through connecting with country and the use of endemic species, and include screen plantings to mitigate the built form impacts to the streetscape and neighbouring residents.

7.4. Traffic, Access and Parking

Operational Traffic and Parking

A Traffic and Transport Assessment report has been prepared by PTC that provides an assessment of the impacts of the proposed activity on the existing and future operation of the nearby road network, as well as other traffic and transport-related issues including access to and from the site,

public and active transport accessibility, car parking requirements and service vehicle access (**Appendix AA**).

The proposed activity does not seek to increase the number of staff or students at Condong Public School and therefore, it is expected that the traffic generated by the proposed activity will be consistent with the existing conditions and will not adversely impact upon the existing road network.

As the proposed activity comprises replacement of existing facilities damaged during the 2022 floods, in addition to the highly constrained site, it is not proposed to provide any off-street car parking. A service and emergency vehicle access will be provided at the south-east of the site.

In accordance with Tweed DCP requirements, a total of nine (9) bicycle parking spaces will be provided within the undercroft area. These have been designed to comply with the requirements of *AS 2890.3 (2015) Parking Facilities – Part 3: Bicycle Parking.*

Construction Traffic and Parking

A Construction Traffic Management Plan (CTMP) has been prepared by PTC to identify general principles for managing construction traffic and provide an understanding of the likely traffic impacts expected during the demolition and construction period (**Appendix FF**).

Generally, it is anticipated that the works will involve the use of the following construction vehicle types:

- 12.5m Heavy Rigid Vehicle (HRV)
- 20m Articulated Vehicle (AV) (for longer building modules, a trailer extension will be required that increases the length to 24m)
- 300t crane for transferring the modules into place (17m long).

Any oversized vehicles (including the use of mobile cranes) will require the appropriate permits from Council and Transport for NSW (TfNSW) prior to any delivery being undertaken.

The CTMP identifies the following construction traffic volumes during the works (**Figure 32**).

Description	Trucks/Deliveries Daily Avg	Trucks/Deliveries Peak
Site Establishment / Demolition	3	5
Construction of a new elevated school	-	-
• Structure	7	15
• Structural & fit out works	15	15
• External Works	3	5
• Final Commissioning & Handover	1	2

Figure 32: Construction Traffic Volumes (Source: PTC)

As illustrated in **Figure 21** and **Figure 22**, construction vehicle routes to the site will be via the Pacific Highway and Tweed Valley Way. Swept path assessment has been undertaken as part of the CTMP using a 25m AV to assess the capability of the existing road geometry to accommodate the turn manoeuvres:

- Turning to/from Clothiers Drive and Tweed Valley Way
- Turning to/from McLeod Street and Clothiers Drive
- Turning into and out of the site.

The swept path assessment demonstrates that the existing road geometry can accommodate a 25m AV. Relevant approvals will be gained prior to use of these AVs.

The CTMP describes the proposed Traffic Guidance Scheme (TSG) to inform road users of the changed traffic conditions in the vicinity of the works. The TSG must comply with the requirements under the Australian Standards and the requirements of the TfNSW Traffic Control at Work Sites Guidelines Technical Manual (2022). An extract of the proposed TGS along River Drive for a 25m AV is shown **in Figure 33**.

During construction, there will be changes to the existing availability of on-street parking along McLeod Street. However, this is unlikely to have any impacts as the school will not be in operation. Parking for contractors will be located along McLeod Street.

It is considered that subject to the procedures outlined in the CTMP, that the proposed activity will not have any adverse impacts on the road network or on the safety of the public and workers. A consent condition has been included in **Appendix B** requiring the preparation of a CTMP.

Figure 33: Proposed Traffic Guidance System along McLeod Drive (Source: PTC)

7.5. Noise and Vibration

Operational Noise and Vibration

A Concept Design Acoustic Report has been prepared by Acoustic Logic to identify the acoustic design requirements for the new elevated school building (**Appendix X**). The Concept Design Acoustic Report outlines the appropriate assessment methodology, identifies the potential noise and vibration impacts of the proposed activity and provides mitigation measures and specifications to address the potential impacts.

Figure 34 shows the location of sensitive noise receivers within the vicinity of the site:

- R1: Residential dwellings located to the north of the site (71-73 and 75 McLeod Street)
- R2: Residential dwellings located to the south of the site (107 and 111 McLeod Street)
- R3: Residential dwellings located to the east of the site (80-100 McLeod Street)

Unattended noise monitoring was conducted on the site from Thursday 23 May 2024 to Thursday 30 May 2024 at the eastern boundary of the site and attended noise measures were carried at one (1) location at the entry to the site, identified by the blue dot and red dot respectively in **Figure 34**.

Figure 34: Location of noise sensitive receivers and monitors (Source: Acoustic Logic)

The rating background noise levels for the site and its immediate surrounds are presented in **Figure 35**. These figures represent the existing background noise level of assessment purposes and are derived in accordance with methodology outlined in the NSW EPA's *Noise Policy for Industry* (2017) (NPfI).

Location	Time of day	Rating Background Noise Level dB(A)L_{90}
Condong Public School	Day (7 am – 6 pm)	40
	Evening (6 pm – 10 pm)	32
	Night (10 pm – 7 am)	30*

*Adjustments have been made due to measured noise levels are below the minimum assumed RBLs in NPfI.

Figure 35: Rating Background Noise Levels (Source: Acoustic Logic)

External Noise Intrusion

External noise intrusion relates to the impacts of external noise such as plant, equipment and traffic on the internal amenity of the new elevated building. Based on the requirements under the EFSG and Green Star Design & As Built v1.3 requirements, an internal noise criteria of 40dB has been established for the general learning spaces (GLS), learning commons, library and staff room, with an internal noise target of 35dB for the Principal's office, sick bay and multi-purpose space. The Concept Design Acoustic Report provides a detailed specification about how these internal noise levels can be achieved through the architectural design including the façade design as well as the selection and design of plant (mechanical and hydraulic). It is considered that subject to the implementation of the recommendations of the Concept Design Acoustic Report that the internal acoustic amenity of the elevated building will achieve the internal noise targets (**Appendix B**).

The Concept Design Acoustic Report also provides recommendations in relation to the mitigation of any vibration generated by plant or equipment.

Operational Noise Emissions

Operational noise emissions relate to the noise emissions from the proposed activity. Operational noise emissions include:

- Noise from plant and services.
- School bells.
- Use of the school buildings during the day.
- Traffic generated by the school.

Maximum noise emissions criteria have been established with regard the background noise level and the requirements of the NPfI (**Figure 36**).

School	Type of receiver	Time Period	Assessment Background Noise Level dB(A)L_{90}	Project Amenity Criteria dB(A) L_{eq}	Intrusiveness Criteria $L_{eq(15min)}$
Condong Public School	Residential	Day (7 am – 6 pm)	40	48	**45**
		Evening (6 pm – 10 pm)	32	43	**37**

* Noise emissions measured in accordance with EPA guidelines, including any penalties for annoying characteristics.

Figure 36: Maximum noise emissions to surrounding properties (Source: Acoustic Logic)

In relation to the noise generated by the any plant and services, the Concept Design Acoustic Report provides a detailed specification such as acoustic treatments that will ensure that any noise emissions are not intrusive, will not impact on the acoustic amenity of the three (3) sensitive noise receivers within the vicinity and achieve the relevant noise criteria at the site boundary.

In relation to noise generated by the use of the new elevated school building, the Concept Design Acoustic Report notes that the hours of school operation are generally between 8:30am to 3:30pm

during school terms. In addition, the proposed activity does not seek to increase staff or student numbers at the school and therefore, the proposed development is not expected to generate any additional traffic during the school AM and PM peak periods.

Two (2) operational scenarios are considered:

- Scenario 1: All students using indoor classrooms with all windows and doors open and one (1) out of every two (2) students is speaking.
- Scenario 2: All students using the outdoor play area.

The Concept Design Acoustic Report concludes that in both scenarios, the maximum external noise levels are not anticipated to exceed the relevant noise intrusiveness criteria of 50dB at the site boundary (**Figure 37**), subject to the implementation of an acoustic fence along the southern boundary (**Figure 38**)

Assessment Location	Predicted Worst Case Noise Level dB(A)L_{eq}	Operational Activity	Criteria - Day* (7am-6pm)	Compliance?
R1 - Residential receivers	33	All students using indoor classroom with all windows open	**45** dB(A) $L_{eq\ (15min)}$- (BG+5)	**Yes**
R2 - Residential receivers	34			**Yes**
R3 - Residential receivers	43			**Yes**
R1 - Residential receivers	50	All students using outdoor play area	**50** dB(A) $L_{eq\ (15min)}$- (limited to 4hr use of outdoor play area per day)	**Yes**
R2 - Residential receivers	41			**Yes**
R3 - Residential receivers	40			**Yes**

*Criteria were adopted from AAAC Guideline for Child Care Centre Acoustic Assessment (2020).

Figure 37: Predicted Operational Noise Levels at Sensitive Receivers (Source: Acoustic Logic)

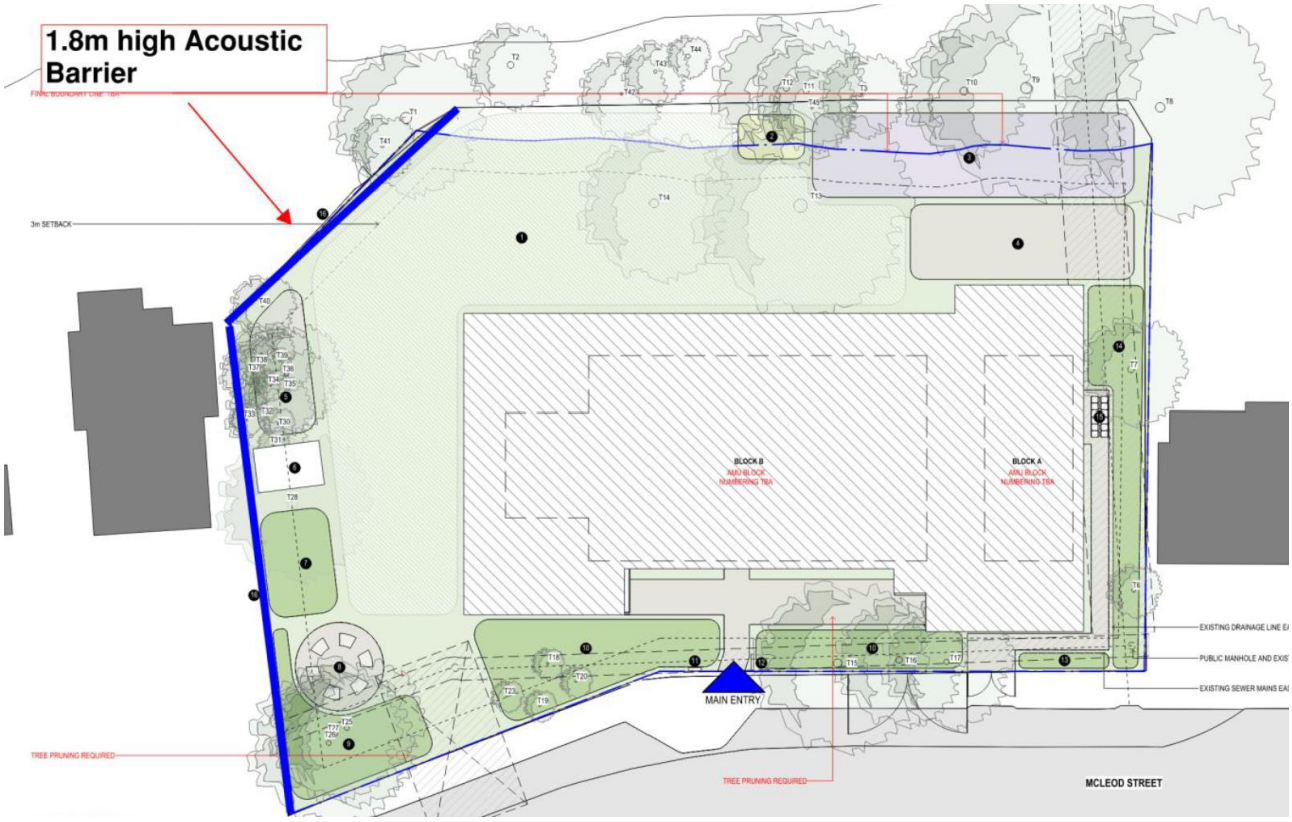

Figure 38: Proposed acoustic barrier along southern boundary (Source: Acoustic Logic)

On the basis of the assessment undertaken in the Concept Design Acoustic Report it is considered the operation of the proposed activity will not have any adverse impacts on the acoustic amenity of the adjoining residential receivers, subject to the mitigation measures detailed in the Concept Design Acoustic Report and **Appendix B**.

Construction Noise and Vibration

A Construction Noise and Vibration Management Plan (CNVMP) has been prepared by Acoustic Logic to assess the impacts of the construction noise and vibration on the acoustic amenity of the site and its surrounds (**Appendix GG**).

Under the NSW EPA's *Interim Construction Noise Guideline* (2009), the following definitions apply:

- *"Noise affected" level: Where construction noise is predicted to exceed the "noise affected" level at a nearby residence, the proponent should take reasonable / feasible measures to mitigate the impacts. For residential properties, the "noise affected" level occurs when construction noise exceeds the background noise level by more than 10dB(A)Leq(15min).*
- *"Highly noise affected level": Where noise emissions are such that nearby properties are "highly noise effected", noise controls such as respite periods should be considered. For*

residential properties, the "highly noise effected level" occurs when construction noise exceeds 75db(A)Leq (15min) at nearby residents.

Typically, the most significant sources of noise generated during a construction project will be demolition, excavation, civil works and piling. The following table provides a summary of the predicted noise generation to the sensitive noise receivers.

Table 21: Predicted Noise Generation to Sensitive Noise Receivers

Receiver	Activity	Noise impact
R1	Demolition/ Excavation/ Construction	Exceeds noise management control (50dB(A)), but below highly noise affected level (75dB(A))
R2	Demolition/ Excavation/ Construction	Exceeds noise management control (50dB(A)), but only when works are close to boundary
R3	Demolition/ Excavation/ Construction	Exceeds noise management control (50dB(A)), but only when works are close to boundary

To mitigate the impacts to receivers R1, R2 and R3, the CNVMP recommends the installation of a temporary 2m high acoustic fence (**Figure 39**) and implementation of the following management controls.

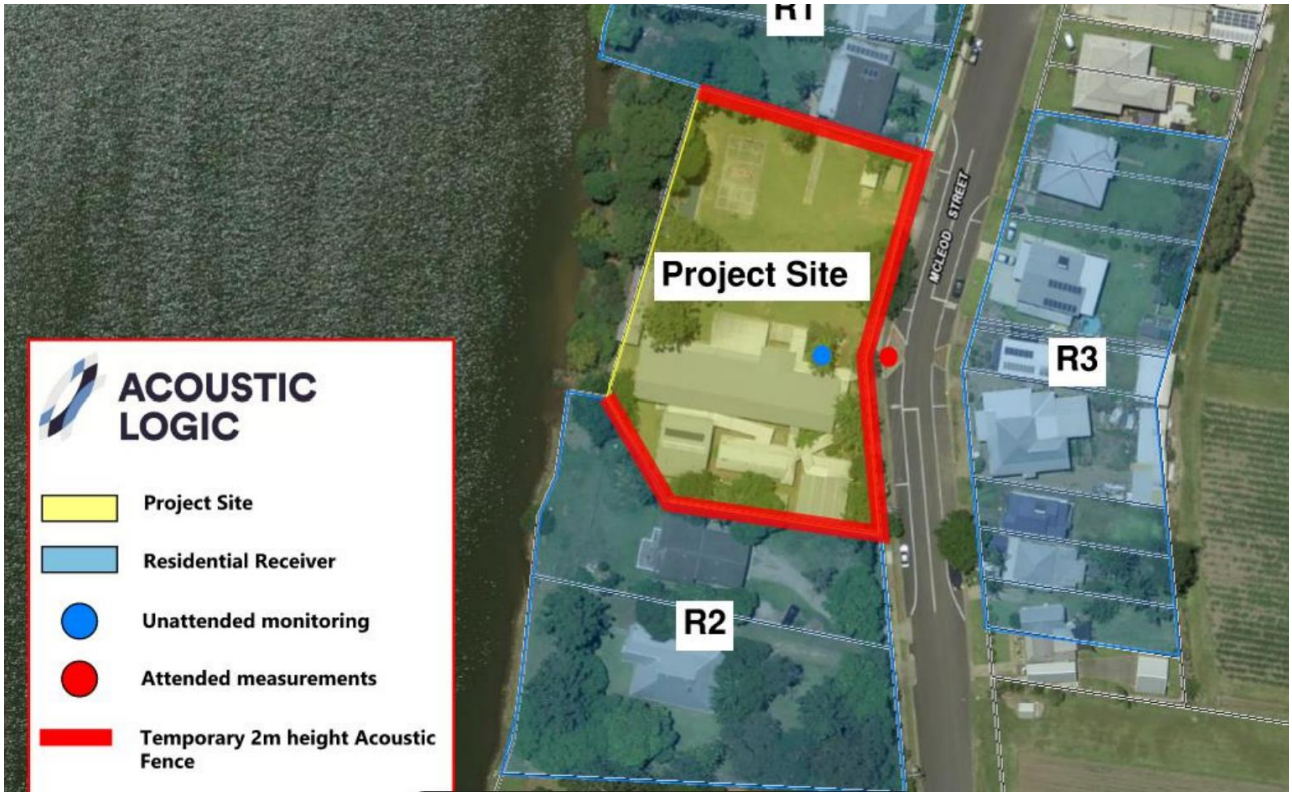

Figure 39: Proposed temporary acoustic barrier during construction (Source: Acoustic Logic)

- *Install a 2m solid acoustic barrier (as per Figure along the northern boundary of the site (between the site and Residential Receiver R1) and between the construction site and the temporary school.*

- *The scheduling of construction activities should be undertaken to reasonably minimise noise impacts to all surrounding residents.*
- *Community consultation is proposed to be undertaken throughout the construction process. In this regard regular letterbox drops detailing site progress and schedule works is proposed. In particular, these should detail the extent and times of rock hammering which is planned to be undertaken.*
- *Quiet work methods/technologies:*
  - *The primary noise generating activity at the site will be the demolition period. As much as practicable, use of quieter demolition methods is adopted.*
  - *Excavation is conducted initially using excavator with bucket (quietest excavation method), then use of rock rippers (as opposed to hydraulic hammers and rock saws) when rock strength permits. Use of loudest excavation equipment (hydraulic hammers/rock saws) is used only with other options are not available.*
  - *Delivery trucks should generally be located away from residential receiver 1.*
- *Materials handling/vehicles:*
  - *Trucks and forklifts in general use on site are to use a non-tonal reversing beacon where possible (subject to OH&S requirements) to minimise potential disturbance of surrounding receivers.*
  - *Avoid careless dropping of construction materials into empty trucks.*
  - *Trucks, trailers and delivery vehicles are to turn-off engines when idling to reduce noise impacts (unless required for concrete pumping or similar).*
- *Complaints handling:*
  - *An after hours contact number is displayed outside of the building site, so that in the event that surrounding development believes that a noise breach is occurring, they may contact the site.*
  - *In the event of compliant, the complaint handling procedures outlined in the CNVMP are adopted.*
- *Site Induction:*
  - *A copy of the CNVMP is to be available to contractors. The location of the CNVMP should be advised in any site induction.*
  - *Site induction should also detail the site contact to be notified in the event of noise complaint.*

The CNVMP concludes that subject to the implementation of the mitigation measures outlined in the CNVMP and **Appendix B** that noise emissions from demolition and construction activities can generally meet the relevant noise emissions levels.

In terms of vibration, the relevant vibration criteria have been established with reference to the *German Standard DIN 4150-3 Structural Vibration: Effects of Vibration on Structures*, British Standard *BS 6472:1992 Guide to Evaluate Human Expose to Vibration in Buildings* and the NSW EPA document *Assessing Vibration: A Technical Guideline*. The excavator is the equipment that is typically associated with high levels of vibration. The CNVMP notes that due to the distance between the proposed works and the residential properties, the use of the excavator will not produce vibration levels that will exceed the vibration criteria. All other construction items are not expected to generated vibration exceeding building damage or amenity acoustic criteria.

7.6. Air Quality

Some dust is anticipated during the demolition and construction works, however this can be managed through measures such as wetting down work areas/stockpiles, stabilising exposed areas, preventing material tracking out onto the school driveway and public roadways, covering loads on all departing trucks and working to weather conditions. The use of construction hoarding will also assist in mitigating impacts from air pollutants. The proposed activity is otherwise not expected to give rise to any long term or adverse impacts on local or regional air quality (refer to **Appendix B**).

7.7. Contamination and Hazardous Materials

Contamination

A Contamination Investigation has been prepared by Tetra Tech Coffey to identify any potential contamination issues at the site and provide recommendations to manage these issues (**Appendix P**). Based on a desktop review of available records and observations, a site walkover by an experienced environmental consultant and assessment of material obtained through intrusive site investigations at 11 sites comprising drilling of six (6) boreholes and five (5) surface samples, the following potential contamination sources were identified:

- Potential for hazardous building materials to impact the ground surface from flood damaged buildings.
- Likely presence of hazardous building materials in existing flood impacted buildings.
- Potential for floodwaters to have deposited contaminated materials on site.

Intrusive site investigations were undertaken at nine (9) sampling sites comprising five (5) surface samples and four (4) boreholes (**Figure 40**).

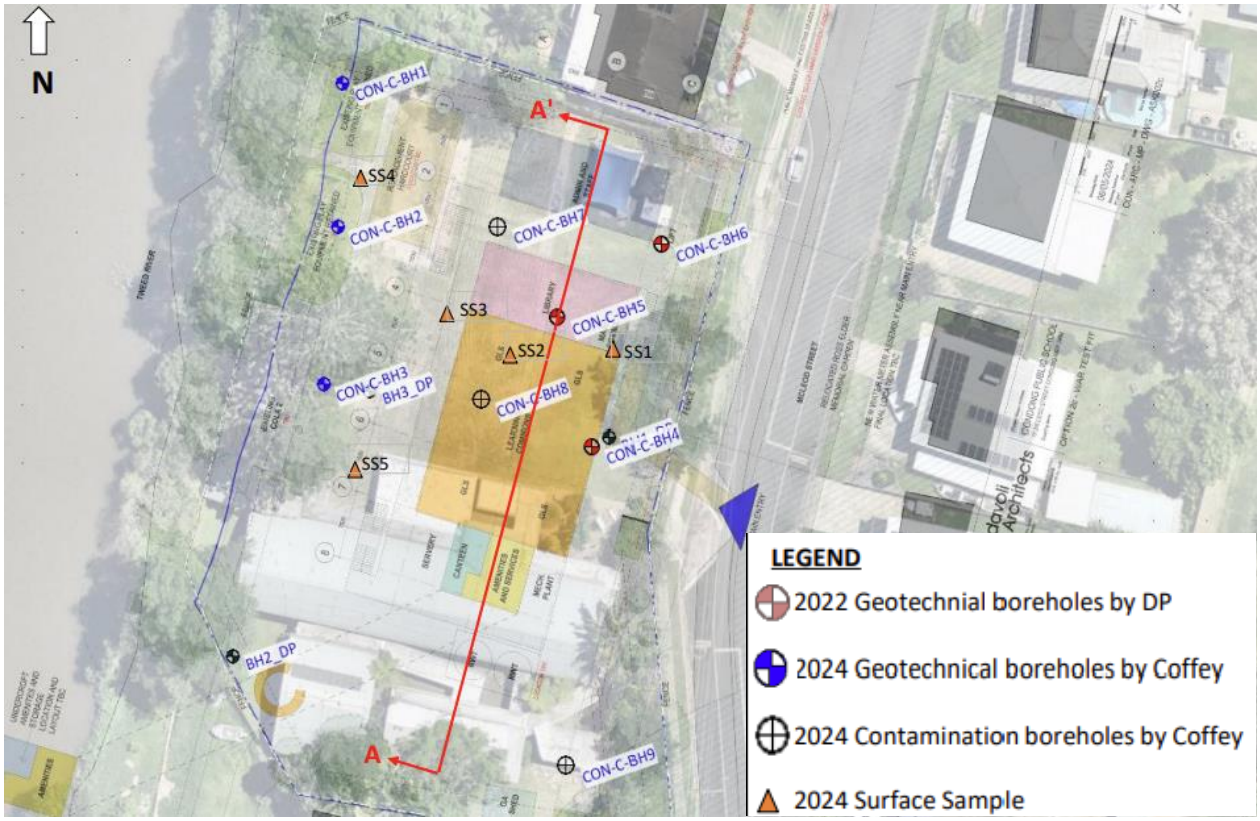

Figure 40: Borehole and Sampling Location Plan (Source: Tetra Tech Coffey)

Following laboratory testing, Coffey concluded that:

- *No unacceptable human health soil impacts were identified in the investigation area.*
- *No unacceptable ecological soil impacts were identified in the investigation area.*

Therefore, no site remediation is required, and the site is considered to be suitable for use as an educational establishment, subject to the implementation of an unexpected finds protocol (contamination) and appropriate waste/spoil management measures in accordance with the relevant standards and guidelines including the NSW Environment Protection Authority (EPA) *Waste Classification Guidelines: Part 1: Classifying Waste* (2014). These mitigation measures have been incorporated into **Appendix B**.

Hazardous Materials

An Asbestos and Hazardous Materials Pre-Demolition Assessment has been prepared by Tetra Tech Coffey to identify and assess the health risk posed by hazardous materials, including asbestos containing materials (ACM) that could be encountered during the demolition of the existing structures on site (**Appendix R**).

The following hazardous materials were identified within buildings on the site (**Figure 41**).

Property	Asbestos Containing Materials		Lead Based Paint	Lead Containing Dust	Synthetic Mineral Fibre	Poly-chlorinated Biphenyls	Ozone Depleting Substances
	Non-Friable	Friable					
Condong Public School	✓	✓	✓	-	✓	✓	✓

Figure 41: Summary of hazardous materials at Condong Public School (Source: Tetra Tech Coffey)

A detailed Asbestos and Hazardous Materials Register is appended to this report. Generally, the Asbestos and Hazardous Materials Pre-Demolition Assessment notes that all hazardous materials should be managed in accordance with the requirements of the NSW *Work Health and Safety Act 2011* (WHS Act), NSW *Work Health and Safety Regulation 2017* (WHS Regulation) and all relevant Codes of Practice, Australian Standards and Guidelines. The Assessment provides specific recommendations in relation to each hazardous material identified on the site.

Prior to any demolition, all asbestos and hazardous materials identified and likely to be disturbed should be removed in accordance with the recommendations of the Asbestos and Hazardous Materials Pre-Demolition Assessment and relevant Codes of Practices, compliance codes and legislation (refer to **Appendix B**).

Hazardous Chemicals

A Hazardous Chemicals Assessment has been prepared by Tetra Tech Coffey to identify any hazardous chemicals that are stored on site and evaluate the effectiveness of risk control measures implemented on the site to manage hazardous chemical storage (**Appendix S**). All hazardous chemicals should be stored on site in accordance with the recommendations of the Hazardous Chemicals Assessment.

7.8. Soils and Geology

A Geotechnical Investigation has been prepared by Tetra Tech Coffey that provides information about general subsurface ground conditions and groundwater (**Appendix O**). The geotechnical investigation included the drilling of three (3) deep geotechnical boreholes (max depth of 25.25m) and three (3) environmental boreholes for contamination investigation purposes (1.1m and 2.1m) (**Figure 40**).

The site is underlain by Quaternary alluvium, which consists of "*fluvially deposited to medium grained lithic to quartz-rich sand, silt, clay*". The encountered ground profile comprises fill between 0.2m to 1.5m thick overlying 2.9m to 3.2m thick stiff clay. Below the stiff clay, there was a 6m thick layer of loose sand and soft clay underlain by a 15m thick stiff to very stiff clay layer. Groundwater was not encountered during auger drilling. However, based on a previous investigation in January 2024, groundwater was encountered at 2.8m and 3.8m below the existing ground surface.

The proposed activity involves minimal excavation. There will be site grading to create suitable and compliant transitions between existing and new hardstands and structures. In addition, site grading will be undertaken to improve onsite drainage and direct overland flow away from existing and proposed buildings. Any minor earthworks batters (less than 0.3m high) will be designed in accordance with the geotechnical recommendations.

Due to the presence of relatively thick compressive soil layers, shallow footings are not suitable for the site. The Geotechnical Investigation report recommends the use of driven or screw piles. It also provides recommendations in relation to subgrade preparation, engineering fill compaction, re-use of soils, design of temporary batters and pavements. Subject to the recommendations of the geotechnical investigation being implemented, it is considered that the proposed activity will not result in any land instability.

7.9. Acid Sulfate Soils

The site is mapped as containing Class 3 and Class 4 Acid Sulfate Soils (ASS) and is located within an area having a high probability of encountering acid sulfate (ASS) soils at 1–3 metres below ground level (mbgl) pursuant to the *Acid Sulfate Soil Risk* maps prepared by the Department of Land and Water Conservation 1998.

During the geotechnical and contamination site investigations, pH(f) screening of material recovered from boreholes did not indicate actual ASS. However, pH(ox) values indicate the presence of potential acid sulfate soils (PASS) at 1.5mbgl. Therefore, there is potential for PASS to be encountered by excavation and piling work. If not appropriately managed, exposure and oxidation of potential ASS may lead to the generation of acidic leachate, which can be detrimental to the environment and the quality of any in-ground structures and services. It can also make materials and machinery more susceptible to acidic corrosion. Therefore, an Acid Sulfate Soils Management Plan (ASSMP) has been prepared by Tetra Tech Coffey in accordance with the *Acid Sulfate Soils Management Advisory Committee's Acid Sulfate Soils Manual* including the *Acid Sulfate Soils Assessment Guidelines* (1998) and *Acid Sulfate Soils Management Guidelines* (1998) (**Appendix Q**). The ASSMP provides a framework for the approach and methodology of ASS management at the site during the construction phases to be followed by the contractor.

The following general management processes have been identified for the site:

i. Appoint an appropriately qualified person to manage the acid sulfate soil issues during the construction activities;
ii. Excavation and temporary stockpiling of excavated material;
iii. Assess the potential presence of acid sulfate soils and liming rates within stockpiled soils for treatment and disposal purposes;
iv. Undertaking liming (if required);
v. Dispose of the limed stockpile to an appropriately licensed landfill.

It is considered that subject to the implementation of the recommendations of the ASSMP, that any ASS or PASS encountered during the works can be appropriately managed and will not result in any adverse impacts on the environment of the site or Condong locality (refer to **Appendix B**).

7.10. Coastal Risks

The site is adjacent to the Tweed River, the flood risks associated with its proximity to the river are discussed in **Section 7.1**. The site is mapped as being within the coastal environment area (being land that contains coastal features such as coastal waters, lakes and lagoons and land adjoining those features such as headlands and rock platforms) and coastal use area (being land adjacent to coastal waters, estuaries, coastal lakes and lagoons where development is carried out) under the *Coastal Management Act 2016* (CM Act) and Chapter 2 of the RH SEPP.

The proposed development is generally consistent with the requirements of sections 2.8, 2.10 and 2.11 of the RH SEPP and the management objectives of the CM Act for the following reasons:

- The new elevated building replaces existing buildings and therefore will affect any coastal environmental values or natural coastal process.
- Suitable erosion and sediment control measures will be implemented prior to the commencement of the activity to ensure that there are no impacts on the water quality of the marine estate (**Section 7.2**).
- No marine vegetation is proposed to be removed. Impacts on native vegetation and fauna and their habitats have been assessed by a suitably qualified ecologist who has concluded that the proposed activity will not have impacts on any threatened ecological communities (**Sections 5.6** and **7.15)**.
- The proposed activity will not impact on existing public open space or impede safe access to, or along, any public open space including foreshores and beaches; and will not result in overshadowing, wind funnelling or loss of views from public places.
- An Aboriginal Due Diligence (ADD) has been prepared to assess the likelihood of impacts to Aboriginal cultural heritage values (**Appendix N**). The ADD has assessed the site as having low archaeological significance and did not note any areas of cultural heritage sensitivity within the site or proximate to the school. Subject to the implementation of an unexpected finds protocol, the proposed activity will not have a significant cumulative impact on aboriginal heritage values.
- There will be short term impacts on the visual amenity and scenic qualities of the area during the demolition and construction works. These will be managed through the implementation of appropriate mitigation measures as set out in **Appendix B**. Long term, the proposed new elevated building and associated works will have a moderate impact on the visual amenity of the rural character of the precinct. However, this is considered to be appropriate as the design of the building responds to the flood constraints of the site (**Section 7.1**)

Coastal hazards are defined under section 4 of the CM Act as including beach erosion, shoreline recession, coastal lake or water entrance instability, coastal inundation, coastal cliff or slope instability, tidal inundation and erosion and inundation of foreshores caused by tidal waters and the action of waves.

The finished floor level of the elevated school is 7.5m AHD which is above the 0.2% AEP level. The Flood Impact Assessment prepared by Henry & Hymas notes that the proposed activity has a

reduced footprint to the existing school (**Appendix J**). In addition, the proposed activity will not increase the frequency of inundation.

Therefore, it is considered that the proposed activity is unlikely to have an adverse impact on land located within the coastal management area.

7.11. Built Form and Visual Amenity

Built Form and Visual Impacts

The proposed activity comprises the demolition of existing single storey buildings and structures and replacement with a new elevated school building. It is therefore considered that the proposed activity will have a significant visual impact on the adjoining streetscape and will be a prominent and large-scale building within the locality (**Figure 42**). An assessment against the design principles for schools confirms that the building is consistent with these principles (**Appendix A).**

Figure 42: New school entry from McLeod Street (Source: Pedavoli Architects)

It is considered that the visual impact of the proposed new elevated school building is acceptable for the following reasons:

- The new elevated school building complies with the 9m height of buildings development standard under the TLEP 2014 and the finished floor level of the building is above the 1 in 500 year flood level.
- The new building has been designed with regard to the heritage significance of the site and the heritage conservation area. The use corrugated metal roofing, timber simulation cladding and

heritage colour palette references the existing aesthetic characteristics of buildings in the vicinity of the site.

- The new building is reminiscent of the traditional building typology of Northern NSW and Queensland, which comprises elevated buildings with wide verandahs. It reflects the architecture of the dwellings along McLeod Street.
- The elevated building provides for views through the undercroft area towards the Tweed River maintaining the visual connection between McLeod Street and the river landscape (**Figure 43** and **Figure 44**).
- Most of the existing trees and vegetation is being retained on site including the significant Hoop Pines. The landscaping will help to soften the appearance of the new building.
- The proposed activity will ensure the continuing operation of a long-established educational establishment.

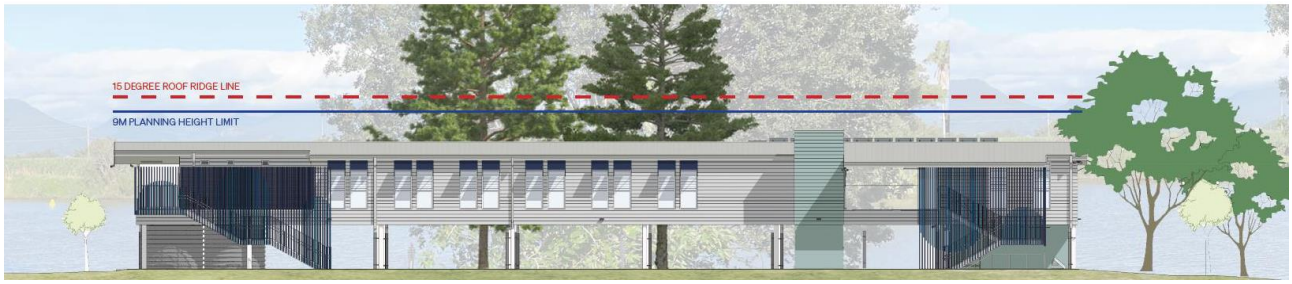

Figure 43: McLeod Street elevation with visual assessment (Source: Pedavoli Architects)

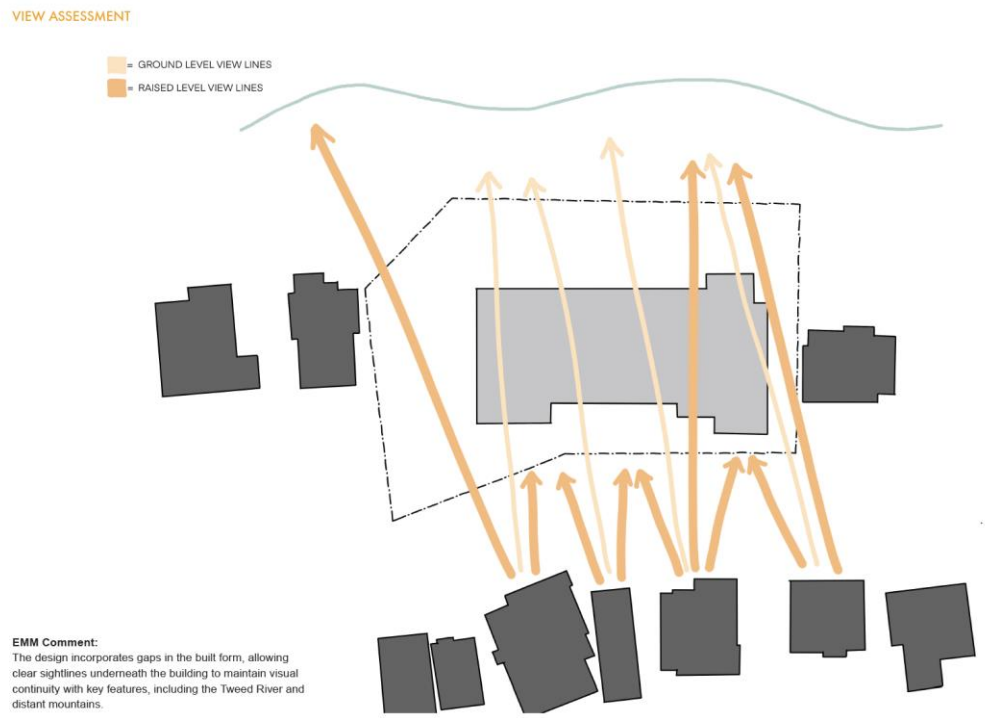

Figure 44: Visual permeability (Source: Pedavoli Architects)

Visual Privacy

The new building is orientated towards the Tweed River. The building is set back more than 6.5m from the northern boundary. The existing vegetation along the northern boundary will assist in screening any views from the administration spaces to the adjoining residence at 75 McLeod Street (**Figure 45**).

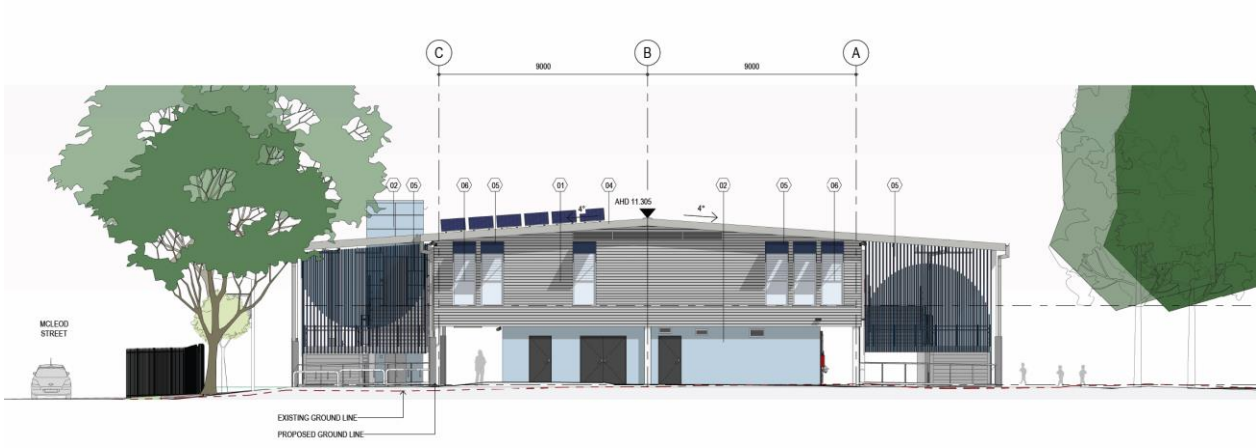

Figure 45: Northern Elevation (Source: Pedavoli Architects)

7.12. Overshadowing

Shadow diagrams have been prepared by Pedavoli Architects, which confirm that the proposal will not result in unacceptable overshadowing for neighbours or over the playspace area. Shadowing in mid-winter is contained to the site and McLeod Street (**Figure 46**).

Figure 46: Shadow Diagrams – 21 June (Source: Pedavoli Architects)

7.13. Aboriginal Heritage

An Aboriginal Heritage Due Diligence Report has been prepared by EMM to provide an assessment of the potential for Aboriginal Objects to be present on the site (**Appendix N**).The Aboriginal Heritage Due Diligence Report has been prepared in accordance with the *Due Diligence Code of Practice for the Protection of Aboriginal Objects in NSW* (DECCW 2010) guidelines to address DoE's statutory requirements under the *National Parks and Wildlife Act 1974* (NPW Act).

An extensive review of the Aboriginal Heritage Information Management System (AHIMS) identified 16 Aboriginal heritage sites, objects and/or places. These sites are predominantly located along the Tweed River and associated waterways. The closest registered Aboriginal sites in the vicinity of Condong Public School include:

- AHIMS 04-01-2024 – Condong Tweed ACH Artefacts. An artefact scatter along Hollingworth Creek located 350m to the east of the school
- AHIMS 04-01-0182 – Nunderi Tweed ACH Artefact. An artefact scatter located two (2) kilometres to the east of the school.
- AHIMS 04-01-0198 – Mckenzies Rock Tweed ACH Story Place. A sacred site located three (3) kilometres to north-east of the school.

The Aboriginal Heritage Due Diligence Assessment concludes that the site has low archaeological sensitivity, and that Aboriginal objects are unlikely to occur on site. This is due to the site:

- Not having any landforms typically associated with cultural heritage sensitivity. Whilst the site is located directly adjacent to the Tweed River, the school is located on a floodplain and not associated with an elevated well drained landform suitable for habitation.
- Having no previously registered Aboriginal heritage sites within or near the site, despite recent redevelopment of the school.
- The site is been subject to surface ground disturbance during redevelopment.

An Aboriginal Cultural Heritage Assessment (ACHA) is not required for the site.

The following mitigation measures are identified in the Aboriginal Heritage Due Diligence Assessment:

> *1. It is considered that there is a low risk of Aboriginal objects being impacted in the subject site. However, the nature of disturbance and previous intensive survey does not preclude the potential for unexpected heritage finds. In the event of unexpected Aboriginal objects, sites or places (or potential Aboriginal objects, site or places) being identified during the activity, all works in the vicinity should cease and the proponent should determine the subsequent course of action in consultation with a heritage professional and/or the relevant State government agency as appropriate; and*
>
> *2. If human skeletal material is discovered, the Coroners Act 2009 requires that all works should cease, and the NSW Police and the NSW Coroner's Office should be contacted. Traditional Aboriginal burials (older than 100 years) are protected under the National Parks and Wildlife Act 1974 and should not be disturbed. Interpreting the age and nature of skeletal remains is a*

specialist field and an appropriately skilled archaeologist or physical anthropologist should therefore be contacted to inspect the find and recommend an appropriate course of action. Should the skeletal material prove to be Aboriginal remains, notification to Heritage NSW and the Local Aboriginal Land Council will be required.

These mitigation measures have been incorporated into **Appendix B**. Subject to the implementation of these measures, it is concluded that the proposed development will not have any significant adverse impacts on Aboriginal cultural heritage.

A Connecting with Country consultant has been engaged to develop narratives, symbols and stories to establish connections to Country and acknowledge the life and culture of Indigenous people past and present.

7.14. Non-Aboriginal Heritage

Condong Public School site is mapped within the Condong Mill Conservation Area under Schedule 5 of Tweed LEP and is listed on the Department of Education's Section 170 Register (*5065849 Condong Public School*). The site is adjacent to an item of local heritage significance *I16 Residence* and *I17 Tennis Courts and Gazebo* at 105 McLeod Street, Condong. A Statement of Heritage Impact (SoHI) has been prepared by EMM Consulting to consider the proposed demolition of all existing buildings on site and construction of the new elevated school building (**Appendix L**).

Building A is a 1906 weatherboard schoolhouse, which embodies the rural schoolhouse design typical of the late nineteenth century. Following the severe flood events in February/ March 2022, Condong Public School's buildings sustained significant damage which resulted in the timbers swelling and warping. Floodwaters caused extensive mould growth including hazardous species such as black mould (*Stachybotrys*) in addition to airborne mould spores and bacteria have created heightened health risks. A survey of hazardous materials has identified asbestos (over 100m^2) and lead paint throughout the buildings. The school has been relocated to the former Murwillumbah South Infants School site since the flood as the buildings are unsafe for humans.

Due to the extent of damage and hazardous materials which would result in a significant loss of heritage fabric in addition to the difficulties associated with lifting the buildings above the flood hazard level and bringing them up to current BCA and accessibility standards, demolition has been recommended. Preservation of Building A as a managed ruin was dismissed due to its location in a floodway and ongoing stabilisation and maintenance works as well as ongoing risks due to hazardous materials.

Demolition and reconstruction will allow for a new flood resilient, elevated school building that is consistent with current building and accessibility standards and supports flexible, modern learning techniques. This option will restore the site to its primary educational function. Demolition will result in a moderate impact to cultural heritage; however, the design of the proposed building includes heritage design elements that will maintain a connection to the site's historical context within the Condong HCA. The SoHI provides that:

Although demolition will have a major magnitude of change for a large impact on the site's heritage significance, the decision balances conservation with safety and functionality.

In addition, significant landscaping elements will be retained, including the two (2) Hoop Pines along the river frontage and most of the trees along the road frontage and side boundaries.

The SOHI also assesses the impacts of the new building on the Condong Mill HCA and determines that the development will have a moderate magnitude of change with a slight impact on the heritage significance of nearby heritage items and the broader HCA.

Figure 47: Precincts in the Condong Mill Heritage Conservation Area (Source: Tweed DCP)

The design has incorporated a number of elements from the HCA including corrugated metal roofing, a timber-style cladding, tall windows, sunshade treatments and a sympathetic colour scheme. This approach reinforces the "rural vernacular style of the schoolhouse and nearby heritage items". Other elements such as the timber screening around the stairs also reinforce the heritage connection with surrounding buildings and is consistent with the principles of the Burra Charter.

Consideration was given to implementing a 15-degree pitch roof for heritage context, however, it was determined that adding the pitched roof did not greatly contribute to the streetscape of the HCA due to the building orientation (**Figure 48**), and it was an aesthetic feature only, that would be added to the top of the completed modular building. It would generate maintenance impacts for wildlife and would not benefit the school in any way. Accordingly, a 4-degree roof pitch has been adopted.

Figure 48: Roof pitch study (4-degree top) McLeod St frontage (Source: Pedavoli Architects)

With regard to the design, the SOHI states:

> *The design preserves the school's open layout while incorporating modern elements. It aligns with the existing narrow lot subdivisions and setback patterns, maintaining continuity with the site's historical context (**Figure 49**). By adhering to these historical precedents, the design provides a sympathetic response to the village-scale character, preserving the coherence of the Condong HCA, particularly with regard to views from the ground and raised levels of McLeod Street*

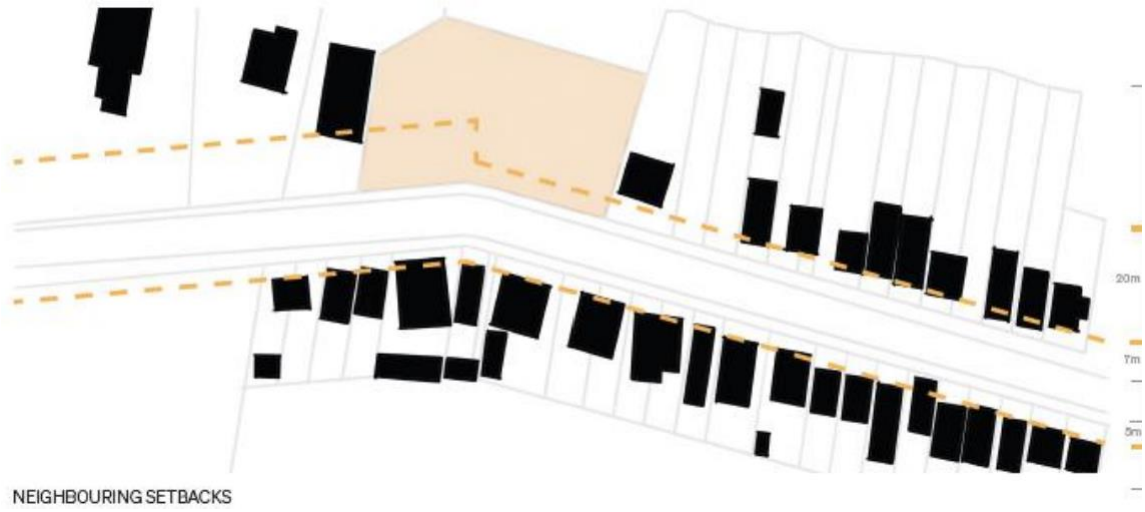

Figure 49: Concept design fabric and arrangements (Source: EMM & Pedavoli Architects)

The SoHI sets out the following management measures to effectively manage and mitigate adverse heritage impacts:

- *MANAGEMENT MEASURE 1: Prior to commencing project-related work, including site establishment fencing and the like, and upon its completion, an archival recording of Building A should be created, capturing significant views and vistas from within the subject site and the Condong HCA. This recording should also include documentation of the identified moveable heritage item (The Great Wars Honour Board). The archival process should involve high-resolution photographs, detailed descriptions to document the building's architectural elements, spatial context, and surrounding landscape. This is to be undertaken in adherence to the guidelines outlined in How to prepare archival records of heritage items, from the Heritage Information Series of the NSW Heritage Office, 1991 and the Photographic Recording of Heritage Items Using Film or Digital Capture (NSW Heritage Office 2006).*
- *MANAGEMENT MEASURE 2: The Great War Honour Roll must be carefully removed by a suitably qualified heritage professional before demolition begins. All necessary de-installation, conservation, and reinstatement measures should be undertaken by a qualified heritage consultant or conservator, following best practice heritage conservation standards. Once conserved, the Honour Roll must be stored in a secure, low-traffic location on-site. A designated secure area, such as a ventilated shipping container, should be established to protect it from potential damage during construction. The Construction Environmental Management Plan (CEMP) will include detailed documentation to ensure its proper reinstatement upon project completion. Sympathetic integration of the Honour Roll into the new development should be considered to preserve its accessibility and visibility. It should be noted that the 'non-heritage social significance' items listed in Table 1.5 are not required to be conserved, but the school should be given the opportunity to retain these items if they wish.*
- *MANAGEMENT MEASURE 3: A salvage and reuse methodology must be implemented to retain valuable, non-hazardous building materials and architectural elements from the*

heritage building for future use. Demolition works for Building A are to be supervised by a heritage consultant and guided by a salvageable reuse register. Heritage items unaffected by flooding and not designated for interpretation are to be carefully catalogued under the heritage consultant's direction and made available for SINSW to reuse as deemed appropriate.

- *MANAGEMENT MEASURE 4: SINSW are required to comply with s170A of the Heritage Act 1977, which outlines legally binding management obligations for heritage assets listed on Heritage and Conservation Registers. These obligations particularly pertain to notification, reporting, and the implementation of appropriate management policies and systems. Under s170A (1), it is mandated that if a government instrumentality, such SINSW, intends to demolish items listed on their s170 Heritage and Conservation Register, it must provide the Heritage Council with a minimum of 14 days' notice before proposing to demolish the item.*
- *MANAGEMENT MEASURE 5: A Heritage Interpretation Plan and Strategy must be prepared by a qualified heritage specialist, with a focus on interpreting the historical significance of the site, particularly the original 1906 weatherboard schoolhouse within the Condong HCA. The strategy should be developed in collaboration with heritage experts, the Parents and Citizens' Association, and school leadership to foster a deeper understanding and appreciation of the site's heritage. The Heritage Interpretation Strategy should guide the implementation of interpretive installations and content, incorporating historical records and community insights to establish a meaningful connection to the site's history. These installations should reflect the architectural and historical importance of the 1906 schoolhouse, emphasising its significance within the broader Condong HCA.*
- *MANAGEMENT MEASURE 6:…* [it is noted that this management measure is not relevant as the site fencing is existing and no change is proposed]
- *MANAGEMENT MEASURE 7: All proposed colours, materials, and finishes must adhere to AS 2600 standards for heritage-compliant colours to ensure a harmonious transition of architectural styles with adjacent heritage items and alignment with the colour schemes required for properties within the Condong HCA*
- *MANAGEMENT MEASURE 8: The Unexpected Finds Procedure, Northern Rivers Flood Recovery Project provided by EMM is to be integrated into the Construction Environmental Management Plan (CEMP) and implemented in the event that archaeological resources are identified during construction.*

Historical Archaeology

The Historical Archaeology Assessment (HAA) **(Appendix JJ**) suggests that areas of archaeological potential could be located within the school (**Figure 50**). The HAA concludes that:

Building A and PAD 2 are within the proposed project demolition footprint and this area will be impacted with the construction of the new school. The likelihood of finding substantial intact deposits beneath the building is limited due to the tongue and groove floorboards and later

disturbance of flooding events…It is therefore unlikely that ground disturbance works for construction will result in impacts to archaeological relics.

Accordingly, the proposed activity will not impact historical archaeology subject to the implementation of an unexpected finds protocol (non-Aboriginal heritage) (**Appendix B**).

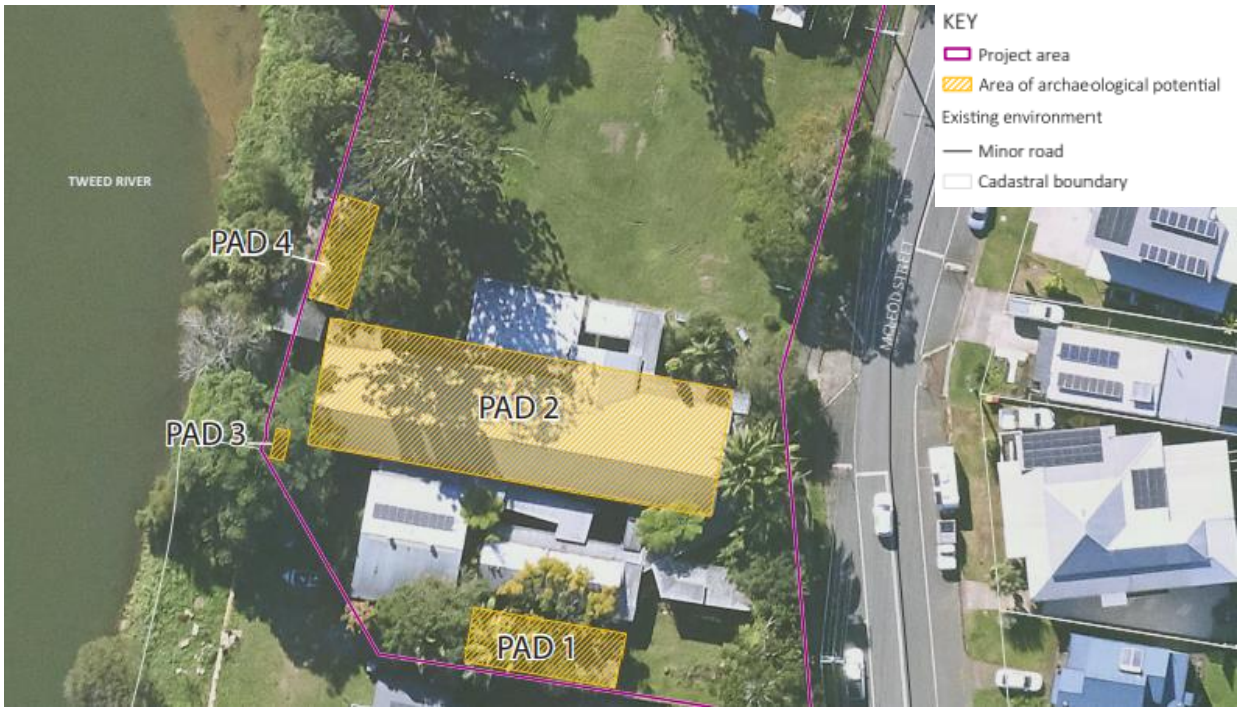

Figure 50: Areas of archaeological significance (Source: EMM)

7.15. Ecology

Ecology

A Flora and Fauna Assessment has been prepared by Kleinfelder that provides an assessment of the proposed activity against the provisions of the EPBC Act, BC Act and FM Act (**Appendix Z**). The Flora and Fauna Assessment concludes that:

No threatened communities, flora and fauna were recorded in the Subject Site. However, 10 threatened flora or fauna species were considered to have a low to moderate likelihood of occurrence, but these would not be significantly impacted as determined by assessments. As such, the proposed development is unlikely to cause a significant impact to any threatened communities, species or populations listed under the NSW BC Act or the EPBC Act.

Detailed discussion and assessment against the EPBC Act, BC Act, FM Act, and a summary of the test of significance assessment are provided in **Sections 5.3, 5.6** and **5.7** of this REF. Detailed mitigation measures have been proposed with regard to erosion control, dust control, chemical spills, tree and habitat protection measures, weed management and management of displaced fauna, which have been included in **Appendix B**. It is considered that the proposed activity has been appropriately design and sited to avoid, minimise and mitigate impacts on existing vegetation, ecological communities and species habitat.

Tree Removal and Protection

An application for the removal of three (3) trees (Tree Nos 21 (*Weeping Bottlebrush*), 24 (*Lilli Pilli*) and 28 (*Jacaranda*)) and pruning of six (6) trees (Tree Nos 7, 14, 15, 15, 17 and 25) has been submitted to Tweed Shire Council pursuant to Chapter 2 of the BC SEPP and the requirements of Section A16 of Tweed DCP. One (1) Davidsons Plum tree (a threatened species) is proposed to be relocated from the development area to another location within the site.

The Landscape Plans propose planting of 18 new trees to offset the tree removal. The new trees have been selected from local plant communities including *White Booyong, Silky Oak, Black Apple, Red Apple Lilly Pilly, Tallow wood, Jackwood, Pink Bloodwood, Weeping Bottlebrush*, *Koda, Green-leaved Rose Walnut, Red Cedar* and *Brush Box*, and are suitable for use within an educational establishment

All other trees on site are to be protected in accordance with the recommendations of the Arboricultural Impact Assessment Report (AIAR) prepared by Northern Tree Care (**Appendix Y**) and the requirements of *AS 4970 (2009) Protection of trees on development sites*.

7.16. Land Uses and Services

An Infrastructure Services Statement has been prepared by JHA Consulting Engineers (**Appendix BB**) which confirms that the site will have sufficient access to services as follows:

- Mains water connection to be upgraded to provide potable water and fire supply.
- Power provided via an underground cable from existing pole 14866 on the eastern boundary of the site.
- Fibre cables from existing street pit to provide communications.
- New sewer connection into Council's existing sewer.
- Hydrant system to be provided including a double detector check valve and an external attack fire hydrant located a minimum of 10m from the new building.

The site is not near to restricted land uses and will not result in unacceptable impacts to services for neighbouring development.

7.17. Waste Generation

A Waste Management Plan (WMP) has been prepared by MRA Consulting Group to identify best practice waste management and promote sustainable outcomes during demolition, construction and operation of the proposed activity (**Appendix DD**). The Waste Management Plan has been prepared in accordance with the requirements under the Tweed DCP and EFSG, along with the relevant EPA guidelines including:

- *Better Practice Guide for Resource Recovery in Residential Developments* (2019)
- *Better Practice Guideline for Waste Management and Recycling in Commercial and industrial Facilities* (2012)

Demolition and Construction Waste

The WMP provides estimates of the quantities of waste that will be generated during the demolition and construction process. The WMP notes that greater than 80% of demolition waste and 90% of construction waste will be able to be diverted from landfill. This is consistent with the targets established by the NSW Department of Planning and Environment's *NSW Waste and Sustainable Materials Strategy 2041* (June 2021).

The WMP includes procedures to mitigate risk of fire ants and for VENM/ENM material; these measures, along with the requirement to prepare a Construction Waste Management Plan in accordance with the Department of Climate Change, Environment, Energy and Water (DCCEEW) *Waste Classification Guidelines* (2008) and POEO Act requirements is included in **Appendix B**.

Operational Waste Management

The proposed activity is not expected to result in an increase in the total waste generation at the site. However, ongoing waste management practices will aim to contribute towards the *NSW Waste and Sustainable Materials Strategy 2041* target to achieve an 80% average recovery rate from all waste streams by 2030.

The operational waste volumes have been based on the current student population of 35 students and have been calculated in accordance with the *NSW Practice Guide for Resource Recovery in Residential Developments* (2019). There are no changes to the existing bin allocation of:

- General Waste: Five (5) x 240L bins
- Recycling: Six (6) x 360L bins.
- Green Waste: Two (2) x 240L bins.

A waste storage area is located between the toilet block and northern boundary of the site and will have a minimum area of 8m^2, which includes an additional 1.5m^2 for efficient manoeuvrability. Council will be responsible for bin collection (**Figure 51**). Prior to collection, the bins will be transferred from the waste storage area via the bin transfer pathway to the collection point on McLeod Street.

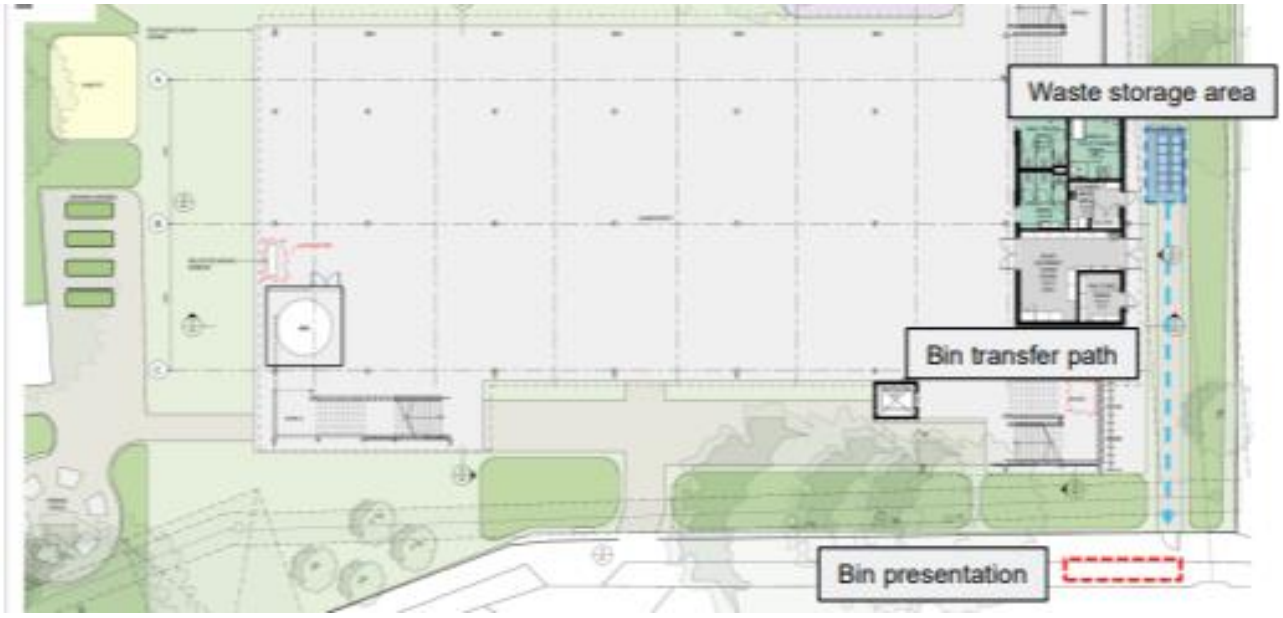

Figure 51: Proposed waste storage and collection area (Source: MRA Consulting Group)

A mitigation measure has been included in **Appendix B** requiring the preparation of an Operational Waste Management Plan prior to the issue the Crown Completion Certificate.

7.18. Infrastructure and Services

The new infrastructure and utility requirements of the new school have been identified in the Infrastructure Services Statement prepared by JHA (**Appendix BB**) that includes a review of the following services required by the proposed activity:

- Water: A new 100mm water connection off the existing Tweed Shire Council's water main on McLeod Street will be utilised for potable water and fire service requirements. The water supply will consist of a 32mm master meter of the 100mm connection, a RPZD backflow prevention device and water pipework reticulation throughout the site.
- Power: Power supply will come from an underground cable from existing pole 14866 on the eastern boundary of the site next to the existing fence.
- Communications: Connection will originate from the existing pit at the front of the school entrance on McLeod Street and be reticulated to the new main communications room.
- Fire Fighting Equipment: This comprises a fire hydrant system consisting of a double detector check valve off the new 100mm connection, a fire hydrant booster assembly and two external fire hydrants. The booster assembly and external hydrants at the front of the site are within 10 metres of the building, a fire wall will be constructed behind this equipment.
- Sewer: The sewer will discharge via gravity into the existing Tweed Shire Council sewer main, which is located on the eastern boundary. The service is a 150mmVC sewer main.

  The undercroft fixtures will discharge into an in-ground sewer pumping station, which will then connect into the gravity sewer main, as the site is located on the floodplain.

Accordingly, all required services and infrastructure can be provided for the development.

7.19. Sustainability and Climate Resilience

Ecologically Sustainable Design

A Sustainable Design Report has been prepared by E-Lab to provide an overview of the proposed sustainability targets for the proposed activity and the sustainability initiatives that have been incorporated. The proposed activity seeks to achieve a 4 Star Green Star Design & As Built v1.3 certification and exceed the requirements under Section J of the National Construction Code 2019 Amendment 1. The proposed activity is benchmarked against the requirements of the EFSG, using industry best practice.

The principles of ecologically sustainable development are detailed in section 193 of the EP&A Regulation. **Table 22** provides an assessment against these principles.

Table 22: Assessment against the principles of ecologically sustainable design

Principle	Assessment
The Precautionary Principle *The precautionary principle is that if there are threats of serious or irreversible environmental damage, lack of full scientific certainty should not be used as a reason for postponing measures to prevent environmental degradation.*	Where practicable, the proposed activity will avoid serious and irreversible damage to the environment by provided improved ecology outcomes and incorporating management measures that reduce resource and energy consumption during the demolition, construction and operational lifecycle. Strategies to reduce impacts from pollution and improve the environmental amenity for staff and students by providing a resilient design that has considered future climate change adaption needs.
Inter-generational equity *The principle of inter-generational equity is that the present generation should ensure the health, diversity and productivity of the environment are maintained or enhanced for the benefit of future generations.*	The proposed elevated building has been designed to achieve a 4 Star Green Star certificate and incorporates design measures that improve the internal environment to enhance health and wellbeing for staff and students. The proposed activity involves the replacement of existing school facilities to ensure the ongoing use of the site as an educational establishment, which provides social benefits to the local residents of Condong.
Conservation of biological diversity and ecological integrity *The principle of the conservation of biological diversity and ecological integrity is that the conservation of biological diversity and ecological integrity should be a fundamental consideration*	As assessed in the Flora and Fauna Assessment Report (**Appendix Z**), the proposed activity will not have an adverse impact on the existing biological diversity and ecological integrity of the site. The Flora and Fauna Assessment Report includes mitigation measures to protect the ecological values of the surrounding environment. The proposed landscape design includes the planting of endemic vegetation that will contribute to the biological diversity and ecological integrity of the site.

Principle	Assessment
Improved valuation, pricing and incentive mechanisms *The principle of improved valuation, pricing and incentive mechanisms is that environmental factors should be included in the valuation of assets and services, such as—* *(a) polluter pays, that is, those who generate pollution and waste should bear the cost of containment, avoidance or abatement, and* *(b) the users of goods and services should pay prices based on the full life cycle of the costs of providing the goods and services, including the use of natural resources and assets and the ultimate disposal of waste, and* *(c) established environmental goals should be pursued in the most cost effective way by establishing incentive structures, including market mechanisms, that enable those best placed to maximise benefits or minimise costs to develop their own solutions and responses to environmental problems.*	As described below, the design of the proposed activity includes the incorporation of sustainable operational measures that will reduce the consumption of materials, energy and water over the lifetime of the new school building.

Specific sustainability measures that have been incorporated into the design of the elevated school building include:

- Energy Efficiency:
  - Use of high-performance building fabric including the use of fixed shading devices, overhangs and screens to control heat gains through the summer whilst maintaining good daylight and views. Use of a low-e glazing system.
  - Use of a modular construction system (Design for Manufacture and Assembly (DfMA)) that enables insulation and thermal bridging to be incorporated into the off-site manufacture of the components which improves the thermal performance of the façade system.
  - Use of natural and mixed mode ventilation.
  - Incorporation of a photovoltaic system on the roof to provide renewable energy.
  - Use of high efficiency LED lighting system, along with lighting control measures such as occupancy and daylight sensors.
- Water Efficiency:
  - Use of water efficient fixtures such as 6 Star WELS rated taps and 4 Star WELS dual flush toilets.
  - Rainwater harvesting and usage.
  - Low water use landscaping including use of endemic native and low maintenance vegetation.
  - Incorporation of the principles of WSUD, including a rainwater tank for reuse throughout the site.
- Modular design and Construction:

  - Use of the DfMA system provides a number of sustainability benefits including reduced building waste, less impacts from site activities and enables construction precision as the building components are manufactured in a factory environment before being assembled on site.
- Indoor Environment Quality
  - Covered walkways allow students to move between spaces while being protected from the elements but ensuring a connection to nature.
  - Balancing views from the internal spaces to optimise access to the outdoor environment with requirements to provide adequate thermal control.
  - Daylight glare has been minimised through the use of screens and overhangs.
  - Artificial lighting will be designed to minimise glare and provide adequate illuminance.
  - Acoustic comfort will be optimised to ensure internal noise levels, reverberation levels and separation levels are achieved.
  - Materials and finishes will be selected to be low-VOC and low formaldehyde to provide a better quality environment for staff and students.

Climate Change

The Sustainable Design Report includes an assessment of project risks associated within the predicted impacts of climate change. Potential strategies to manage climate risks include:

- Consideration of the impacts of climate change as part of the flood impact system, elevating the building above the 0.2% AEP event will mitigate future damage to the building as a result of flooding.
- Use of passive design and outdoor shading to promote comfort in extreme heat.
- Provision of rainwater storage and renewable energy generation infrastructure.
- Material selection to focus on durability to climate stress such as extreme heat and wind loads.
- Landscape design to suit climactic conditions and tolerate dry periods.

7.20. Social Impact

A statement has been provided by the Principal of Condong Public School on behalf of the wider school community. The February 2022 floods changed the lives of students, staff and families of Condong Public School. The school buildings were deemed unfit for use, and the school been relocated to the former Murwillumbah South Infants School campus. This temporary site is not fit for purpose, is a highly constrained site, and has with limited play space. The lack of space to adequately play and run has “had an impact on student behaviour. Staff have witnessed an increase in negative behaviours… as a direct result from the lack of flat, easily accessible playing space.” This puts additional pressure on staff and students and is leading to a lack of positive student wellbeing.

In addition, the transport arrangements to bus students from Condong to the Murwillumbah site mean the loss of learning time is equivalent to two (2) days per term, further disadvantaging these students.

The ongoing uncertainty and logistical complexities associated with the temporary campus are compounding the trauma that has been experienced by the local community as a result of the catastrophic floods. The Principal's statement concludes:

> *"Condong Public School is an integral part of the Condong community, and it has always provided high quality education to its students. Losing the school from the community would have a detrimental impact on the students, staff, families and the wider community."*

7.21. Crime Prevention Through Environmental Design

Crime Prevention Through Environmental Design is a crime prevention strategy that focuses on the planning, design and structure and neighbourhoods. It seeks to reduce the opportunities for crime through the use of design and place management principles. The four (4) key strategies of Crime Prevention Through Environmental Design (CPTED) are:

- Surveillance measures
- Territorial reinforcement
- Access control
- Space / activity movement

Each of these strategies is discussed below.

Surveillance Measures

Opportunities for crime can be reduced by providing effective surveillance. The surveillance principle indicates that offenders are often deterred from committing a crime in areas with high levels of surveillance. From a design perspective, deterrence of crime can be achieved by providing:

- Clear sight lines between public and private places and maximising natural surveillance.
- Appropriate lighting and effective guardianship of communal and/or public areas.
- Landscaping that makes places attractive but does not provide offenders with a place to hide or entrap victim.

The principal entry to the school is from McLeod Street. This location provides direct access to the lift and stairs for access to the school administration. The ground level of the site is open providing opportunities for passive surveillance of the site by staff across the open play spaces.

There are toilet facilities provided at ground level for use during play times and on the elevated level for use during class time, so that students won't have any need to be at either ground or first floor level unsupervised.

The proposed landscaping has been designed to provide a safe and attractive environment for students.

Territorial Reinforcement

This principle involves community ownership of public spaces, and reflects the fact that staff, students and visitors will be more comfortable in visiting a communal area that is well-cared for and to which they feel they own. Well used places also reduce opportunities for crime and present as a deterrent to criminals. Also, designing with clear transitions and boundaries between public and private spaces, and clear design cues on what the area is used for is recommended.

During school term, the school will be heavily used by staff and students. Outside of school term, the school may be available for community use with fencing and signage clearly identifying accessible areas.

Territorial reinforcement such as fences, signs, doors and other physical thresholds will clearly indicate the separation between public and private spaces, which helps to convey where visitors should and should not be within the school.

Access Control

The principle of access control is to use physical and symbolic barriers to attract, channel or restrict the movement of people to minimise opportunities for crime and increase the effort required to commit a crime.

During school hours, access to the school is restricted with all visitors being required to sign in. The school grounds are fenced. The school will be a secure education facility with access control minimising opportunities for crime. This will also discourage vandalism and activism.

Space / Activity Management

This principle provides that space which is appropriately utilised and well cared for reduces the risk of crime and antisocial behaviour. Space management strategies include activity coordination, site cleanliness, rapid repair of vandalism and graffiti, the replacement of lighting and the removal or refurbishment of decayed physical elements.

Presentation of the school is managed by the school with general repairs and maintenance of replacement lighting, broken equipment and removal of graffiti occurring as required. The proposed school is a high quality contemporary educational establishment that will contribute to the amenity, casual surveillance and contribute to the sense of security within the surrounding precinct.

7.22. Construction Management

A Construction Management Plan (CMP) has been prepared by ADCO to outline the general construction management principles and controls to be implemented at the site (**Appendix EE**). The CMP is supported by the Construction Traffic Management Plan (CTMP) (**Appendix FF**), Construction Noise and Vibration Noise Management Plan (CNVMP) (**Appendix GG**) and Waste Management Plan (**Appendix DD**).

Appendix B includes a mitigation measure requiring the preparation of a Construction Environmental Management Plan (CEMP).

7.23. Cumulative Impact

Under the Division 5.1 Guidelines the following definition of 'cumulative impact' is provided:

> *Impacts that are a result of incremental, sustained and combined effects of human action and natural variations over time, both positive and negative, or by the compounding effects of a single project or multiple projects in an area, and by the accumulation of effects from past, current and relevant future projects.*
>
> *Refer to definition for 'relevant future projects' to understand scope of projects to be included.*

'Relevant future projects' are defined under the Guidelines as:

> *The following types of development are 'relevant future projects':*
>
> - *other State significant development and State significant infrastructure projects*
> - *projects classified as designated development and require an EIS*
> - *projects that require assessment under Division 5.1 of the EP&A Act that are likely to significantly affect the environment and require an EIS*
> - *projects that have been declared to be controlled actions under the EPBC Act*
> - *any major greenfield and urban renewal developments that are scheduled for the area (e.g. new areas zoned for urban development).*
>
> *These types of projects are generally large in scale and could potentially contribute to or compound material impacts. They are also generally publicly notified and should therefore be known or reasonably foreseeable.*

A review of the NSW Planning Portal and the Major Projects Website has identified the following 'relevant future projects':

- SSI-65020460 Clarrie Hall Dam Raising. On 31 May 2024, DPHI reissued Planning Secretary's Environmental Assessment Requirements (SEARs) in relation to Tweed Shire Council's proposal to raise the wall of the Clarrie Hall Dam by 8.5m, that will increase the capacity of the dam from 16,000 megalitres (ML) to 42,300 ML. This is likely to have a downstream impact on the flood behaviour of Tweed River. The Environmental Impact Statement (EIS) has not been lodged.

No other 'relevant future projects' have been identified.

In conjunction with the proposed works at Condong Public School, the NSW Department of Education is undertaking works at Tumbulgum Public School, 11 Fawcett Street, Tumbulgum.

The works at both schools are bine undertaken by the same contractor and this will minimise any cumulative impacts with the works being undertaken simultaneously. In addition, the modules are being constructed off-site which will reduce the cumulative impacts of construction traffic, noise and vibration.

The works at Condong Public School are proposed to be undertaken in three (3) stage to facilitate the construction program. The staging of the proposed activity is unlikely to have any cumulative impacts, as any site establishment works such as hoardings, construction vehicle access, and construction laydown area will be retained throughout the duration of the three (3) stages.

7.24. Section 171 of the EP&A Regulation Assessment

Section 171(1) of the EP&A Regulation notes that when considering the likely impact of an activity on the environment, the determining authority must take into account the environmental factors specified in the guidelines that apply to the activity.

The assessment provided in the sections above has been prepared to provide a detailed consideration of the factors that must be taken into account for an assessment under Part 5 of the EP&A Act.

On 22 November 2024, the new *Guidelines for Division 5.1 assessments*: *Consideration of the environmental factors for health service facilities and schools* came into effect. **Table 23** below provides an assessment against the environmental factors for school activities set out in Table A1 of the Guidelines.

Table 23: Summary of Environmental Factors Reviewed in Relation to the Activity

Environmental Factor	Response/Assessment	Supporting information provided
(a) Any environmental impact on a community?	Short term impacts may arise during the demolition and construction process including traffic, noise, access and dust. However, suitable mitigation measures/conditions have been included to ensure potential impacts are minimised. The works include demolition and tree removal within a heritage conservation area. Alternatives have been considered to retain the heritage buildings, but these are not deemed feasible in tandem with the flood risk on the site. The new building has been designed in accordance with advice from a heritage consultant and includes design elements that are consistent with the features of the HCA. A heritage interpretation strategy will form part of the recovery works. Long-term, the proposed activity will have a beneficial impact for the community by replacing existing flood damaged educational infrastructure with modern and fit-for-purpose school facilities that have been designed to be resilient to impacts from flood and climate change.	Construction Man Plan Construction Traffic Man Plan Construction Noise & Vibration Man Plan Geotechnical assessment Civil Engineering Plans & Report Flood Impact Assessment FERP Waste Management Plan Traffic Impact Assessment ESD Assessment & Section J Social Impact Considerations Consultation responses from Tweed Shire Council & SES
(b) Any transformation of a locality?	The proposed activity includes the construction of a new elevated school building. There will be short term impacts during construction which are subject to suitable mitigation measures. A heritage interpretation strategy is being implemented into the design to connect the new school with its origins and the Condong HCA. The proposal will not significantly change the locality, but the revitalised school will have a positive impact by replacing flood damaged critical infrastructure, and through improved community resilience to the impacts of flooding.	Architectural Plans Assessment against design guidelines Social Impact Considerations ESD Assessment & Section J
(c) Any environmental impact on the ecosystems of the locality?	The proposed activity will not result in significant impacts on the ecosystems of the locality. The proposal is unlikely to affect any threatened species, populations or ecological communities. Mitigation measures have been identified to minimise any indirect or potential impacts arising from sediment, dust and vegetation removal.	Flora and Fauna Assessment Arborist Report Landscape Plans & Report

Environmental Factor	Response/Assessment	Supporting information provided
(d) Any reduction of the aesthetic, recreational, scientific or other environmental quality or value of a locality?	There will be a short-term impact on the aesthetic qualities of the site during the construction work. Mitigation measures have been identified to minimise construction noise, vibration and traffic impacts. The school has been designed in accordance with its context within an HCA. In addition, measures are in place to mitigate environmental impacts of the school's operations. Accordingly, the proposal will not reduce aesthetic, recreational, scientific or other qualities of the locality.	Assessment against the design guidelines Overshadowing diagrams Acoustic Impact Assessment Construction Noise & Vibration Man Plan Social Impact Considerations
(e) Any effect on locality, place or building having aesthetic, anthropological, archaeological, architectural, cultural, historical, scientific or social significance or other special value for present or future generations?	An Aboriginal Due Diligence assessment has confirmed that there is a low likelihood of encountering Aboriginal relics within the development area and wider site. An unexpected finds protocol will be developed to mitigate adverse impacts on Aboriginal cultural heritage. The proposal will restore the school to a site that has been in operation since 1893. The heritage interpretation strategy will ensure key elements of the school's history are preserved. The school functions as a critical piece of community and educational infrastructure for the Condong community.	SOHI Aboriginal Due Diligence Social Impact Considerations
(f) Any impact on the habitat of protected animals, within the meaning of the *Biodiversity Conservation Act 2016*?	The works do not impact on the habitat of any protected animals, within the meaning of the *Biodiversity Conservation Act 2016*. Mitigation measures have been identified in the Flora and Fauna Assessment to mitigate any indirect impacts.	Flora and Fauna Assessment Arborist Report Landscape Plans & Report
(g) Any endangering of any species of animal, plant or other form of life, whether living on land, in water or in the air?	The works will not result in the endangering of any species of animal, plant or other form of life. Mitigation measures have been identified in the Flora and Fauna Assessment to mitigate any indirect impacts.	Flora and Fauna Assessment Arborist Report Landscape Plans & Report

Environmental Factor	Response/Assessment	Supporting information provided
(h) Any long-term effects on the environment?	The project has been designed to ensure that the works will not result in unacceptable long-term impacts on the environment. The works will restore public educational facilities to the community that have been operating since 1893, which has positive social and economic benefits.	Flood Impact Assessment FERP Flora & Fauna Assessment ESD Assessment & Section J Social Impact Considerations
(i) Any degradation of the quality of the environment?	Appropriate mitigation measures have been implemented to ensure that the activity will not reduce the quality of the natural environment, including ecology, landscape, stormwater management and waste management.	
(j) Any risk to the safety of the environment?	The proposal has been designed in accordance with the environmental constraints of the site, with particular focus on mitigating flood and bushfire risks.	Civil Plans & Report Flood Impact Assessment FERP Waste Management Plan Contamination Investigations Social Impact Considerations
(k) Any reduction in the range of beneficial uses of the environment?	The activity will not result in any reduction in the range of beneficial uses of the environment.	
(l) Any pollution of the environment?	The activity will not result in pollution of the environment. Stormwater and on-site sewage management has been considered in the assessment of potential polluting impacts of the activity and appropriate mitigation measures have been provided to protect the environment.	Construction Man Plan Waste Management Plan Flood Impact Assessment ASSMP Contamination Investigations Civil Plans & Report

Environmental Factor	Response/Assessment	Supporting information provided
(m) Any environmental problems associated with the disposal of waste?	Comprehensive construction and operational waste management plans have been provided which set out all management practices required to reduce, minimise or avoid adverse impacts arising from the disposal of waste. In addition, a Hazmat Report has set out waste management procedures for hazardous materials. All outcomes and recommendations of these reports have been captured within the Conditions of this approval.	Construction Man Plan HAZMAT Assessment Waste Management Plan
(n) Any increased demands on resources (natural or otherwise) that are, or are likely to become, in short supply?	The activity is unlikely to result in increased demands on resources that are, or are likely to become, in short supply. Measures to reduce the consumption of materials, energy and water over the lifetime of the building have been incorporated into the building's design and so will be implemented through the terms of the activity, once approved.	ESD Report Section J
(o) Any cumulative environmental effects with other existing or likely future activities?	A review of relevant future projects was undertaken and the following DAs have been submitted in Condong over the past year: • new garage at 111 McLeod St; • flood mitigation bund wall at 123 McLeod St, and • alterations and additions at 7 Tweed Valley Way. Should the works occur simultaneously with the redevelopment of Condong Public School, the cumulative impacts would not result in unacceptable environmental impacts, including construction traffic, noise, vibration, dust or other related impacts. The works will restore educational infrastructure to the community.	Assessed in **Section 7.23** of the REF
(p) Any impact on coastal processes and coastal hazards, including those under projected climate change conditions?	The site is not located proximate to the coast.	n/a

(q) Applicable local strategic planning statement, regional strategic plan or district strategic plan made under Division 3.1 of the Act?	The proposed activity is generally consistent with the relevant aims, objectives and planning priorities detailed in the following strategic plans: ***North Coast Regional Plan 2041*** *(NCRP)* The NCRP guides land use planning priorities and decisions to 2041 and identifies three goals for the region: • Goal 1 – Liveable, sustainable, and resilient • Goal 2 – Productive and connected • Goal 3 – Growth, change and opportunity These goals are supported by 20 objectives, along with strategies, actions and collaborative activities. The proposal is consistent with the following objectives: • Objective 5: Manage and improve resilience to shocks, stresses, natural hazards and climate change. • Objective 19: Public spaces and green infrastructure support connected and healthy communities ***Inspire Lismore 2040 Local Strategic Planning Statement (LSPS)*** The redevelopment of Condong PS is consistent with the following themes and priorities: • Planning Priority 1: The development will not result in unacceptable impacts to Tweed's significant natural environment, resources and landscape qualities. The development cultivates sustainable growth and development by providing critical educational infrastructure, which will support the vitality of the local community. • Planning Priority 3: The redeveloped school will be raised above the 0.2% AEP level and well above the peak of the 2022 floods, thereby increasing its resilience and to natural hazards and climate change to ensure future prosperity and wellbeing. • Planning Priorities 4 & 18: The design of the school is consistent with the principals of ecologically sustainable development and includes measures such as water and energy efficient fixtures and fittings, and solar panels that will help to reduce carbon emissions and sustainably manage energy, water, waste and development impacts. The buildings are modular in construction, which enables their manufacture off-site, thereby limiting construction impacts through reduced construction timeframes. • Planning Priority 11: The redevelopment of the school responds to community demand for the restoration of this critical piece of social infrastructure for both the educational needs of the community as a place to come together. • Planning Priority 12 & 13: The redevelopment has been designed in accordance with	

Environmental Factor	Response/Assessment	Supporting information provided
	consultation with local Aboriginal stakeholders and with the principals of Connecting to Country. • Planning Priority 13: The redevelopment is taking place within the Condong Mill HCA, while the works involve the demolition of existing structures, the new buildings have been designed in accordance with the heritage context of the area and will restore educational facilities that have been in operation since 1893. • Planning Priority 14: The redevelopment of the school will help to preserve and enhance the distinctive characteristics of Condong by returning a critical piece of social and educational infrastructure.	
(r) Any other relevant environmental factors?	• Health and safety considerations for accessibility • Acid Sulfate Soils	Accessibility Report ASSMP

8. Justification and Conclusion

Condong Public School at 77 McLeod Street, Condong was significantly damaged during the February / March 2022 floods. The proposal aims to redevelop the existing school and includes demolition of the existing school buildings and construction of a new elevated school buildings. The works are subject to assessment under Part 5 of the EP&A Act. The REF has examined and taken into account to the fullest extent possible all matters affecting, or likely to affect, the environment by reason of the proposed activity. This has included consideration of flood, stormwater management, ecology, heritage significance, acid sulfate soils and coastal hazards.

As discussed in detail in this report, the proposal will not result in any significant or long-term impact. The potential impacts identified can be reasonably mitigated and where necessary managed through the adoption of suitable site practices and adherence to accepted industry standards.

As outlined in this REF, the proposed activity can be justified on the following grounds:

- It responds to an existing need within the community;
- It generally complies with, or is consistent with all relevant legislation, plans and policies;
- It has minimal environmental impacts; and
- Adequate mitigation measures have been proposed to address these impacts.

The activity is not likely to significantly affect threatened species, populations, ecological communities or their habitats, and therefore it is not necessary for a Species Impact Statement and/or a BDAR to be prepared. The environmental impacts of the proposal are not likely to be significant and therefore it is not necessary for an EIS to be prepared and approval to be sought for the proposal from the Minister for Planning under Part 5 of the EP&A Act. On this basis, it is recommended that DoE determine the proposed activity in accordance with Part 5 of the EP&A Act and subject to the adoption and implementation of mitigation measures identified within this report.