

20 October 2025

## **Response to Development Application Conditions - St Paul's Catholic Primary School, 18 Garrett Street, Moss Vale**

I refer to DA PAN-461090, St Paul's Catholic Primary School, Moss Vale. No updated consent conditions from Wingeric Council have been received. This response is based on conditions submitted prior to the last Regional Planning meeting dated 13 August 2025. The Catholic Education Office, Diocese of Wollongong, has reviewed these conditions and considers several to be onerous and disproportionate to the scope and impact of the proposed development.

This response provides our formal submission regarding the proposed conditions, with particular focus on those that present practical implementation challenges or impose unnecessary administrative burden without corresponding benefit. The Diocese has carefully considered each condition in the context of the project's actual environmental and community impact, and respectfully requests amendments that provide a fair, equitable and reasonable outcome for both Council and the successful delivery of this educational facility upgrade.

The response is structured as follows:

- Clause number and heading
- Original clause text
- Diocese requested amendment
- Detailed reason for the recommendation

We hope this provides a succinct and accessible outline of our concerns and recommendations that balance Council requirements with practical project delivery considerations.

### **Clause 15 - Construction and Demolition Environmental Management Plan (CDEMP)**

'Prior to the commencement of demolition works approved under this consent, a Construction and Demolition Environmental Management Plan (CDEMP) for the development shall be prepared by a suitably qualified environmental consultant and provided to the satisfaction of Council.'

#### Requested amendment

Remove/delete this requirement

#### Reason for recommendation

**Low Environmental Risk Profile:** The project presents minimal environmental risks that warrant a specialised environmental management document. With no threatened flora species on site and no nearby water bodies at risk of pollution, the primary environmental concerns that typically drive CDEMP requirements are absent from this project.

**Specialised Contractor Management:** The most significant environmental risk - asbestos removal during demolition - is being appropriately managed through Clause 14 (preparation of a HBMA) and Clause 16, pre-demolition inspection by Council. Condition 14, 16 and 29 provide the required framework and specialist expertise adequately addresses the highest-risk environmental component without requiring additional documentation.

**Comprehensive Coverage in CMP:** The Construction Management Plan is part of the existing consent conditions and already incorporates the key environmental management elements relevant to this project, including erosion and sediment control, noise management, and dust suppression. This integration eliminates duplication and ensures environmental considerations are embedded within the overall project management framework rather than treated as separate requirements.

Requiring a CDEMP for a low-risk school upgrade would represent unnecessary administrative burden without corresponding environmental benefit. The minimal risk to flora and fauna and low soil contamination potential make the comprehensive environmental focus of a CDEMP disproportionate to the project's actual environmental impact.

## **Clause 22 Amendments to Approved Plans**

Item (h) - Prior to the issue of a Construction Certificate, the applicant must submit written consent from the owner(s) of any adjoining or affected properties for any proposed tree works impacting their land. In addition, the applicant must nominate a suitably qualified project arborist, holding a minimum AQF Level 5 in Arboriculture, in accordance with the requirements of AS 4970 – Protection of Trees on Development Sites.

### Requested amendment

Delete the requirement and replace with “Prior to the issue of a Construction Certificate, the applicant must provide written notification of the works and methodology to any adjoining or affected properties for any proposed tree works impacting their land. In addition, the applicant must nominate a suitably qualified project arborist, holding a minimum AQF Level 5 in Arboriculture, in accordance with the requirements of AS 4970 – Protection of Trees on Development Sites.”

### Reason

This is a reasonable amendment request that addresses practical implementation challenges whilst maintaining appropriate safeguards for tree protection.

**Practical Implementation:** Requiring written consent from neighbouring property owners creates potential project delays and complications beyond the applicant's control. Neighbours may be unresponsive, unreasonably withhold consent, or use the requirement as leverage for unrelated disputes. Written notification provides transparency and due process whilst removing barriers that could unnecessarily delay legitimate construction activities.

**Adequate Protection Maintained:** The amendment retains the critical professional oversight component by requiring a qualified project arborist with AQF Level 5 certification in accordance with AS 4970. This ensures that tree works are planned and supervised by appropriately qualified professionals who can assess

impacts and implement protection measures regardless of whether formal neighbour consent has been obtained.

**Reasonable Consultation Process:** Written notification of works and methodology provides neighbours with adequate information about proposed activities affecting their trees. This allows them to raise legitimate concerns through appropriate channels (such as council or directly with the applicant) whilst not giving them power over all necessary construction activities.

**Risk Management:** The qualified arborist requirement ensures that tree protection measures meet professional standards, making neighbour consent redundant from a technical perspective. The notification process maintains transparency whilst allowing projects to proceed with appropriate professional oversight.

This amendment balances community consultation with practical project delivery requirements.

### **Clause 30 - Detailed Stormwater Drainage System Design**

‘Prior to the issue of the Construction Certificate, a detailed storm water hydraulic drainage plan for the disposal of storm water from the site, prepared in accordance with Council’s Design Standards shall be submitted to Council and approved by Council’s Development Engineer.’

#### Requested amendment

Prior to the issue of the Construction Certificate, a detailed stormwater hydraulic drainage plan for the disposal of stormwater from the site, prepared in accordance with Council's Design Standards shall be submitted to the PCA. If the proposal does not comply with Council’s Design Standards, Council's Development Engineer shall review and approve or provide written reasons for refusal within 10 business days of submission. If no determination is made within this timeframe, the plan shall be deemed approved.

#### Reason

**Certainty and Project Planning** The current clause provides no timeframe for Council's Development Engineer approval, creating uncertainty for project scheduling and potential indefinite delays. Educational projects require predictable timelines to minimise disruption to school operations and coordinate with academic calendars.

**Compliance-Based Efficiency** When stormwater designs are prepared by qualified engineers in strict accordance with Council's own Design Standards, the approval process should focus on verification of compliance rather than substantive redesign by the PCA. This justifies a streamlined timeframe for technically compliant submissions.

**Accountability and Transparency** Requiring written reasons for refusal within the specified timeframe ensures transparency in decision-making and provides clear guidance for any necessary amendments. This prevents arbitrary delays and enables constructive resolution of any genuine technical concerns.

**Resource Allocation** A defined timeframe encourages efficient allocation of Council resources and prevents compliant applications from being delayed by administrative backlogs or competing priorities.

### **Clause 30 - Carpark Design - Site Servicing**

The carpark comprising 10 off-street car parking spaces shall be designed to accommodate the turning movements of the largest vehicle servicing the development.

#### Requested amendment

Whilst the applicant has considered the provision of parking to manage the expectations of Council and ensure the progress of this Development Application, the applicant does not consider the provision of on-site parking necessary for the development.

#### Reason

**No Increase in Parking Demand** The proposed development involves building alterations and additions only, with no increase in student numbers (currently 181 students) or staff numbers (currently 17 roles). Since parking demand is directly correlated to school population, there is no justification for requiring additional parking spaces when no additional demand will be generated.

**Existing Parking Arrangements Are Adequate** The traffic assessment demonstrates that current parking arrangements function effectively:

- Parents rely primarily on on-street parking with designated drop-off zones
- The parking survey showed that existing arrangements accommodate 120 student drop-offs during peak periods without significant issues
- Both surveyed intersections operate at excellent levels of service (Level A) with spare capacity

**Established Historical Precedent** St Paul's Catholic Primary School has operated successfully for many years without on-site parking within the development site (Lot 11 DP 1174589). This long-standing arrangement has proven sustainable and has not created traffic or parking problems that would justify requiring new infrastructure.

**Environmental Impact Considerations** Creating 10 additional parking spaces would require:

- Significant hardstand area construction, increasing impervious surfaces
- Increased stormwater runoff requiring additional drainage infrastructure
- Loss of permeable surfaces that currently provide natural water filtration
- Contribution to urban heat island effect through additional concrete/asphalt surfaces

**Compliance with Traffic Engineering Standards** The professional traffic assessment by ML Traffic Engineers concludes that "there are no traffic engineering reasons why a development consent for St Paul's Catholic Primary School at 18 Garrett Street, Moss Vale should be refused." This expert opinion carries significant weight in demonstrating that additional parking is unnecessary from a traffic management perspective.

**Sustainable Transport Outcomes** The school already demonstrates good sustainable transport practices:

- 27% of students travel by school bus (well-serviced with four buses)
- 6% of students walk or cycle to school

- Close proximity to Moss Vale Train Station (300m walking distance)

**Proportionate Development Response** The DCP parking requirements should be applied proportionately to the scale and impact of development. Since this proposal creates no additional parking demand, requiring new parking spaces represents a disproportionate response that fails the "nexus test" - there must be a clear connection between the development impact and the required mitigation.

**Financial and Practical Constraints** Constructing 10 parking spaces would require a significant budget allocation of circa \$200,000 within the project's fixed funding envelope. This substantial cost allocation for infrastructure that provides no demonstrated functional benefit creates challenging resource allocation decisions for the Diocese.

The project budget had allocated funds for upgrading student play facilities, which the Diocese considers essential educational infrastructure. As proponents of play-based learning, the Catholic Education Diocese of Wollongong recognises that quality outdoor learning environments directly contribute to student development, wellbeing, and educational outcomes in accordance with contemporary pedagogical best practice.

The parking requirement would necessitate redirecting these educational improvement funds to hardstand construction, despite the absence of any demonstrated parking demand increase. This creates a situation that would delay investment in facilities that provide direct educational benefits to the school community.

The Diocese respectfully submits that this outcome appears inconsistent with broader policy objectives that support educational excellence and sustainable development. We would prefer to direct these substantial resources toward educational infrastructure that aligns with our educational mission and environmental values, while maintaining the existing parking arrangements that have effectively served the school community for many years without generating traffic or parking issues.

**Preferred recommended condition amendment:** "Given that the proposed alterations and additions do not increase student or staff numbers and therefore generate no additional parking demand, and considering the environmental impact of unnecessary hardstand construction, no additional on-site parking spaces are required. Existing parking arrangements, as demonstrated in the traffic assessment, are adequate to serve the school's ongoing operations."