

<b>Panel Reference</b>	PPSHCC-298
<b>DA Number</b>	DA/2024/424
<b>LGA</b>	Maitland City Council
<b>Proposed Development</b>	Educational Establishment (School) with construction of a Multi-Purpose Centre, refurbishment of St Paul's Parish Hall, 4 into 3 Lot Torrens Title Subdivision, Category 1 Remediation Works, Demolition works and Tree Removal
<b>Street Address</b>	20-24 Hunter Street, Horseshoe Bend
<b>Applicant/Owner</b>	Trustees of the Roman Catholic Church for The Diocese of Maitland-Newcastle C/o Barr Planning
<b>Date of DA lodgement</b>	24 May 2024
<b>Total number of Submissions Number of Unique Objections and Summary of key submissions</b>	Two
<b>Recommendation</b>	Approval
<b>Regional Development Criteria</b>	Clause 5(b), Schedule 6 of State Environmental Planning Policy (Planning Systems) 2021: Private infrastructure and community facilities including educational establishments with a EDC of more than \$5 million
<b>List of all relevant s4.15(1)(a) matters</b>	<ul style="list-style-type: none"> <li>• <i>State Environmental Planning Policy (Biodiversity and Conversation) 2021;</i></li> <li>• <i>State Environmental Planning Policy (Industry and Employment) 2021;</i></li> <li>• <i>State Environmental Planning Policy (Planning Systems) 2021;</i></li> <li>• <i>State Environmental Planning Policy (Resilience and Hazards) 2021;</i></li> <li>• <i>State Environmental Planning Policy (Transport and Infrastructure) 2021;</i></li> <li>• <i>State Environmental Planning Policy (Sustainable Buildings) 2022;</i></li> <li>• <i>Maitland Local Environmental Plan 2011;</i></li> <li>• <i>Maitland Development Control Plan 2011.</i></li> </ul>
<b>List all documents submitted with this report for the Panel's consideration</b>	<ul style="list-style-type: none"> <li>• Revised architectural plans, Revisions M, N &amp; O, prepared by SHAC, all dated 2 September 2024;</li> <li>• Revised engineering plans, Revisions D &amp; E, prepared by Northrop, all dated 2 October 2024;</li> <li>• Revised landscaping plans, Revision E, prepared by Moir, dated 30 September 2024;</li> <li>• Draft Subdivision Plan, Revision F, prepared by SHAC, dated 7 May 2024;</li> <li>• Revised Statement of Environmental Effects, Revision 2, dated 17 June 2024, prepared by Barr Planning;</li> <li>• Additional information response, dated 19 September 2024, prepared by Barr Planning.</li> <li>• Statement of Heritage Impact, Revision C, prepared by John Carr Heritage Design, dated 2 March 2023;</li> <li>• Preliminary Archaeological Assessment, prepared by Umwelt, dated 5 August 2022;</li> </ul>

	<ul style="list-style-type: none"> <li>• Additional information, prepared by SHAC, dated 30 August 2024;</li> <li>• Aboriginal Cultural Heritage Assessment, prepared by McCardle Cultural Heritage Pty Ltd, dated 29 October 2024</li> <li>• Remediation Action Plan, Revision 1, prepared by Douglas Partners, dated 21 November 2022;</li> <li>• Remediation Action Plan, Revision 0, prepared by Douglas Partners, dated 9 October 2024;</li> <li>• Additional Contamination Testing and Geotechnical Investigation, prepared by Douglas Partners, dated 4 September 2020;</li> <li>• Social Impact Assessment, prepared by AGIS, dated 12 December 2022;</li> <li>• SEPP Requirements, prepared by GHD, dated 26 April 2024;</li> <li>• Embodied Emissions Material Form, Revision 1.20, prepared by Muller Partnership, dated 24 October 2023;</li> <li>• Estimated Development Cost Report, Revision 1, prepared by Muller Partnership, dated 16 April 2024;</li> <li>• Traffic and Parking Assessment, Revision E, prepared by Intersect Traffic, dated 16 December 2022;</li> <li>• Additional car parking analysis, prepared by SHAC, dated 23 September 2024;</li> <li>• Acoustic Assessment, Revision 1, prepared by RAPT Consulting, dated 9 February 2022;</li> <li>• Access Report, Revision 2, prepared by Lindsay Perry Access, dated 30 May 2021;</li> <li>• Arborist Report, prepared by Tattersall Lander Pty Ltd, dated February 2022;</li> <li>• Flood Impact Assessment – Hunter River Catchment, Revision A, prepared by Torrent Consulting, dated 11 March 2022;</li> <li>• Flood Impact Assessment – Local Catchment, Revision A, prepared by Torrent Consulting, dated 2 February 2023;</li> <li>• Flood Emergency Response Plan, Version 1, prepared by BMT, dated 16 September 2024;</li> <li>• Response to engineering issues, prepared by Northrop, dated 3 October 2024 and DRAINS Modelling;</li> <li>• Site Waste Minimisation and Management Plan, prepared by Barr Planning, dated September 2024.</li> </ul>
<b>Clause 4.6 requests</b>	N/A
<b>Summary of key issues</b>	<ul style="list-style-type: none"> <li>• Permissibility;</li> </ul>

	<ul style="list-style-type: none"> <li>• Bulk and scale;</li> <li>• Car parking and traffic;</li> <li>• Contamination;</li> <li>• Existing student and staff numbers;</li> <li>• Heritage conservation;</li> <li>• Flooding;</li> <li>• Noise;</li> <li>• Tree removal.</li> </ul>
<b>Report prepared by</b>	Georgie Williams, Principal Planner
<b>Report date</b>	3 December 2024

Yes

#### Summary of s4.15 matters

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

#### Legislative clauses requiring consent authority satisfaction

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

Yes

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

#### Clause 4.6 Exceptions to development standards

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

Not applicable

#### Special Infrastructure Contributions

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

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

Not applicable

#### Conditions

Have draft conditions been provided to the applicant for comment?

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

Yes

## EXECUTIVE SUMMARY

The development application proposes an Educational Establishment (School) with construction of a Multi-Purpose Centre (MPC), refurbishment of the St Paul's Parish Hall, 4 into 3 lot Torrens Title Subdivision, Category 1 remediation works, minor demolition works, and tree removal at 20-24 Hunter Street, Horseshoe Bend.

The proposed development will provide a central gathering space for the two All Saints' College Campuses (St Peter's catering for years 7-10 and St Mary's catering for years 11-12) during sport, assembly, and celebratory events, as well as being used for sporting activities, PE, learning and lunchtimes.

There will be no increase in student or staff numbers or the existing hours of operation. Community use of the MPC outside of school hours is not proposed at this point in time.

The application is being reported to the Hunter and Central Coast Regional Planning Panel (the Panel) for determination as it falls within the category of 'private infrastructure and community facilities' with an Estimated Development Cost (EDC) exceeding \$5 million (\$15,596,000).

Under the Maitland Local Environmental Plan (MLEP) 2011, the site is zoned R1 General Residential, RE2 Private Recreation and MU1 Mixed Use and is within the Central Maitland Heritage Conservation Area (CMHCA). Whilst Educational Establishments are permitted with consent in the R1 and MU1 zone under the MLEP 2011 and State Environmental Planning Policy (SEPP) (Transport and Infrastructure) 2021, they are prohibited in the RE2 zone under both Instruments. This prohibition has been overcome through a Planning Proposal which sought to amend the MLEP 2011 to allow an additional permitted land use being an educational establishment on 24 Hunter Street, Horseshoe Bend. This LEP amendment was gazetted on 20 September 2024.

The proposal was publicly notified and advertised for 28 days from 13 June to 10 July 2024 in accordance with Council's Community Participation Plan and Maitland Development Control Plan (MDCP) 2011 with two submissions (objections) received relating to carparking and traffic.

The proposal is not integrated development.

The application was referred to both Ausgrid and Transport for NSW (TfNSW) under the SEPP (Transport and Infrastructure) 2021 with no objections received.

The application was also referred to Mindaribba Local Aboriginal Land Council however they declined to comment.

As part of consultation associated with the Planning Proposal, Heritage NSW requested Aboriginal heritage be further investigated. Accordingly, the applicant has submitted an Aboriginal Cultural Heritage Assessment (ACHA). Whilst not a statutory requirement under the development application, the ACHA has been referred to Heritage NSW as an advisory. At the time of finalising this report, no comments were received from Heritage NSW.

Advisory comments have been received from the NSW State Emergency Services (SES), which have been considered in the assessment of the application, which include the provision of a Flood Emergency Response Plan.

An initial briefing was held with the Panel on 11 September 2024. All matters raised by the Panel have been adequately addressed by the application through additional information.

In accordance with the relevant Environmental Planning Instruments, the determining authority must satisfy itself of the following jurisdictional matters before consent is granted:

- Clause 4.6 of State Environmental Planning Policy (Resilience and Hazards) 2021 – whether the site is suitable after remediation for its intended use;
- Clause 5.21 (Flood Planning) of MLEP 2011 – whether the proposal is compatible with the flood risk, will not adversely affect flood behaviour, safe occupation, efficient evacuation and environmental damage;
- Clause 5.10 (Heritage conservation) of MLEP 2011 – whether the proposal is acceptable in terms of impacts on heritage, archaeological sites and an Aboriginal place of heritage significance.

Each of these provisions have been considered in detail in this assessment and suitable information has been provided to enable the consent authority to be satisfied that the proposal is acceptable in relation to all of these matters. In each instance, specific consent conditions are recommended to address and respond to matters raised during the assessment process.

The key issues associated with the development include:

1. Permissibility;
2. Bulk and scale;
3. Car parking and traffic;
4. Contamination;
5. Existing student and staff numbers;
6. Heritage conservation;
7. Flooding;
8. Noise;
9. Tree removal.

The application has been assessed under the relevant heads of consideration under section 4.15 in the Environmental Planning and Assessment Act (EP&A Act) 1979 and found to be satisfactory subject to compliance with the recommended schedule of conditions.

The application is presented to the Panel for determination with a recommendation for approval.

## **1. THE SITE AND LOCALITY**

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### **1.1 The Site**

The development site has a total site area of approximately 18,673m<sup>2</sup> and is located on the eastern side of Hunter Street between Carrington Street to the north, Odd Street to the south and Gourd Lane to the west (refer to Figure 1 below). The site has a frontage to Hunter Street of 114 metres, 194m to Odd Street, 116m to Gourd Lane and a 13 metre wide access handle to Carrington Street.

The property description is:

- Lot 1 in DP 669283, known as 20 Hunter Street, which occupies the driveway to the south of St Paul's Parish Hall with an area of 623m<sup>2</sup>;
- Lot 1 in DP 69160, known as 22 Hunter Street, which occupies St Paul's Parish Hall with an area of 680.3m<sup>2</sup>;
- Lot 1 in DP 1261532, known as 24 Hunter Street, which occupies St Nicholas Childcare Centre and associated carpark, informal gravel car park, memorial garden and playing fields with an area of 1.154 ha;
- Lot 2 in DP 91268, which occupies two basketball courts, cricket nets and field, with an area of 5830m<sup>2</sup>, which is currently utilise by All Saints College students.

The site is a gradually sloping site from Hunter Street to the east (rear).

There are a number of existing mature trees on site, which include a mix of exotic and native species.

The site is mapped as Flood Prone Land – High Hazard with a 1% AEP flood level of 9.72m AHD.

Whilst St Paul's Parish Hall is not identified as an item of heritage, the entire site is located within the CMHCA.



**Figure 1 – Aerial photograph of the site**

Photographs of the site are included in Attachment F of the report.

## 1.2 The Locality

All Saints College has two campus's, St Marys, the senior campus catering for years 11 to 12 inclusive, at 16 Grant Street, Maitland and St Peter's, the junior campus catering for years 7 to 10 inclusive, located at 9 Free Church Street, Maitland. The St Peter's campus fronts the western side of Hunter Street directly opposite the subject site and contains classroom buildings including the State significant former manse, two storey technology and science building and trading centre, two storey library, outdoor grassed area and carpark. A number of classroom blocks are located on the western side of Free Church Street, with frontages to High Street and Cathedral Street, including the two storey administration building, playground, carparks and the Bishop's residence.

Surrounding development comprises predominantly single storey dwelling houses along the northern and eastern boundaries, with a self-storage business backing onto Gourd Lane. A single storey radiology centre and "Life Without Barriers" is located on the southwest corner of High Street and Hunter Street.

The site is located within the vicinity of a State listed heritage item at 32 Free Church Street known as the Presbyterian high school/manse, as well as two local items of heritage known as the Maitland Mercury at 258 High Street and Mansfield House at 315 High Street.

The northern end of Hunter St terminates at the flood levee with the Hunter River beyond.

## 2. THE PROPOSAL AND BACKGROUND

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### 2.1 The Proposal

The revised development application proposes the following works at 20-24 Hunter Street, Horseshoe Bend (refer to Figure 2 below):

- Change of use to an Educational Establishment (School) to be utilised by All Saints College (ASC).
- Adaptive reuse / refurbishment of the St Paul's Parish Hall for General Learning Areas (GLA) and storage. Works include:
  - Demolition of the unsympathetic northern addition and façade rectification work;
  - Remove existing window on southern elevation to create new accessible access.

**Note:** The internal and external maintenance works do not form part of the application. The works have previously been considered as minor works pursuant to Clause 5.10(3) of the MLEP 2011 and completed.

- Remove existing informal gravel carpark and decommission former memorial garden.
- Tree removal (17 trees) within the works area which includes a mix of native and exotic species with compensatory planting.

- Construction of a new two to three storey MPC including:

**Lower ground floor level:**

- Storage for sports equipment;
- Amenities to service playing fields including toilets and showers;
- Services;
- Lift and stair;
- On-site detention tanks;
- Bin storage area;
- Air conditioning condensers.

**Ground Floor level:**

- Two basketball courts, which can also be utilised as an indoor gymnasium/hall;
- Entry foyer;
- 3 x GLA's;
- Amenities;
- Storage rooms;
- Lift and stairs.

**First floor level:**

- 4 x GLA's;
- Bench seating;
- Lift and stairs.

**Roof:**

- Inclusion of skylights and solar panels.

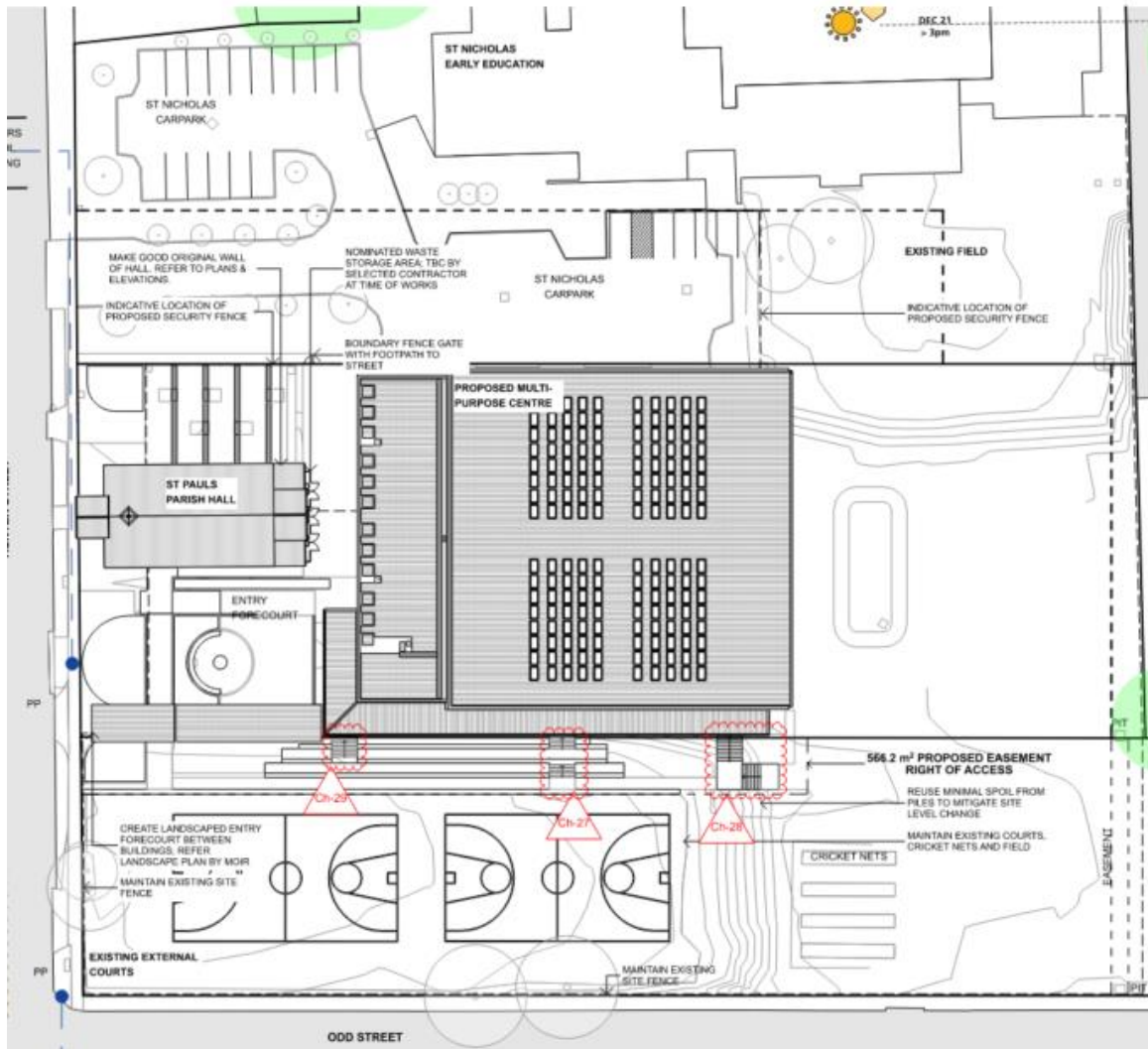
- Covered walkway structure that will link the MPC to Hunter Street.
- Four into three lot Torrens Title Subdivision with creation of easements for access and drainage as follows:
  - Proposed lot A: 7049.7m<sup>2</sup>
  - Proposed lot B: 5448.2m<sup>2</sup>
  - No change to existing lot 2 DP 91268: 5831m<sup>2</sup>
- Category 1 Remediation works including the following remediation strategy for each remediation area:
  - Remediation Area A (proposed MPC): Combination of onsite management and excavation and disposal / onsite management of localised hotspot areas;
  - Remediation Area B (existing fill mound in the central northern portion): Onsite management (note this area could be stripped and validated and the impacted fill could be consolidated and managed beneath the proposed development building);
  - Remediation Area C (existing basketball court area and surrounding fill batter): Onsite management of impacted area;



- Remediation Area D (existing playing field area): Excavation and off-site disposal of localised impacted areas.
- Stormwater management including on-site bio-retention system, replace existing stormwater pipe and 3 x on-site detention tanks in the lower ground floor level of the MPC.
- Landscaping including new forecourt areas to the north, east and south of St Paul's Parish Hall with accessible access and stairs from the sports court to the MPC and repurpose existing sandstone on site to create sandstone wall to southern boundary.
- Realign existing car spaces at No.24 Hunter Street serving an existing childcare facility (car space numbers will not change).
- Wall signage including:
  - "All Saints College Centre of Excellence" on the western elevation of the MPC;
  - Restoration of the 'St Pauls Parish Hall' signage on the western elevation.
- 1.8 metre high palisade security fencing.

**Note:** The applicant has detailed in the SOEE that the proposed development will not lead to an increase in student or staff numbers or change the existing hours of operation.

As previously detailed, ASC has two campus's, St Marys and St Peters. The proposed development will provide a central gathering space for the two campuses during sport, assembly, and celebratory events, as well as being used for sporting activities, PE, learning and lunchtimes.



**Figure 2 – Proposed site plan**

Concepts of the proposal are provided in Figure 3-5 below and the Architectural Plans provided at Appendix B.



**Figure 3 – Concept perspective of St Paul’s Parish Hall and MPC as viewed from Hunter Street**



**Figure 4 – Concept perspective as viewed from Hunter Street**



**Figure 5 – Concept perspective as viewed from Odd Street**

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

**Table 1: Key Development Data**

Control	Proposal
Site area	18,673m <sup>2</sup>
Proposed GFA	St Paul's: 140m <sup>2</sup> MPC: 2745m <sup>2</sup>
FSR	No FSR control applicable to this site
Clause 4.6 Requests	Not applicable
Max Height (measured from existing ground level (EGL))	No height of buildings control applicable to this site. St Paul's: No change (13.7m from top of spire to EGL and ridgeline to EGL ranges from 9m to 10.2m) MPC: 10.6m to the roof of GLA and 14.550m to the roof of the MPC
Minimum lot size for R1	450m <sup>2</sup> Proposed new lots achieve compliance Note: No minimum lot size for RE2 or MU1
Landscaped area	No landscaped area control applicable to this site
Car parking spaces	None proposed given no change in student or staff numbers
Setbacks	St Paul's: No change in building setbacks

	Setback between St Pauls and MPC: 6m  MPC: <ul style="list-style-type: none"> <li>Northern boundary: 22m to St Nicholas</li> <li>Eastern boundary: 42m to rear boundary</li> <li>Southern boundary: 33m to Odd Street</li> <li>Western boundary: 32.5m to Hunter Street</li> </ul>
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## 2.2 Background

A chronology of the current development application is outlined in **Table 2** below:

**Table 2: Chronology of the DA**

Date	Event
<b>24 May 2024</b>	DA/2024/424 lodged with Council.
<b>5 June 2024</b>	Initial request for: <ul style="list-style-type: none"> <li>Hunter Water Stamped Plans;</li> <li>Acoustic Report (not uploaded to Planning Portal);</li> <li>Inclusion of Lot 2 in DP 91268.</li> </ul>
<b>5 June 2024</b>	Acoustic Report submitted to Council.
<b>6 June 2024</b>	DA referred to external agencies (Ausgrid, SES, TfNSW and Mindaribba Local Aboriginal Land Council).
<b>13 June to 10 July 2024</b>	Exhibition of the application (2 submission received).
<b>13 August 2024</b>	Request for additional information from Council to applicant regarding the following issues: <ul style="list-style-type: none"> <li>Stormwater details;</li> <li>Earthworks details;</li> <li>Landscaping details;</li> <li>Waste management details required;</li> <li>Contamination details;</li> <li>Request for a preliminary archaeological assessment for Aboriginal and Historical potential and strategy for archaeological management;</li> <li>Operational management details including community use and student/staff numbers;</li> <li>Bulk and scale issues of southern elevation;</li> <li>Confirmation that development contributions will be waived;</li> <li>Confirmation that external referral comments received from Ausgrid and TfNSW;</li> <li>Advisory comment that two submissions received during the notification period and applicant required to review and address concerns;</li> <li>Confirmation that RPP meeting scheduled for 11/9.</li> </ul>

<b>21 August 2024</b>	Applicant requested an extension of time to 11 October 2024 to respond to RFI.
<b>11 September 2024</b>	<p>RPP briefing. The following key issues were identified by the Panel for further consideration:</p> <ul style="list-style-type: none"> <li>• Contamination particularly where capping proposed and whether this is appropriate in a flood prone area;</li> <li>• Flooding impacts, evacuation measures and the lack of freeboard;</li> <li>• Existing and proposed student and staff numbers, hours of operation and car parking arrangements so that baseline arrangements can be factually understood.</li> <li>• If after hours community use of the MPC is proposed, additional information regarding hours of operation, car parking generation, acoustic impacts, patron capacity and plan of management.</li> <li>• Consideration of over-flow carparking options.</li> <li>• Bulk and scale deemed acceptable.</li> <li>• Good landscaping outcomes are required where compensatory plantings are proposed.</li> </ul>
<b>19 September 2024</b>	Revised architectural plans, Flood Emergency Response Plan, Site Waste Minimisation and Management Plan and Detailed Site Investigation with testing submitted to Council.
<b>29 September 2024</b>	Non-Aboriginal Archaeological Assessment submitted to Council.
<b>4 October 2024</b>	Revised engineering and landscaping plans, stormwater modelling and car parking analysis submitted to Council.
<b>10 October 2024</b>	Remedial Action Plan submitted to Council.
<b>30 October 2024</b>	Final Aboriginal Cultural Heritage Assessment Report submitted to Council.

### 2.3 Site History

St Paul's Parish Hall officially opened on 1 August 1914 and served its purpose as an Anglican Parish Hall for 70 years until the Catholic Diocese purchased the site on 30 August 1984.

The northern portion of 24 Hunter Street previously occupied the Maitland Bowling Club and greens. DA/2017/447 was approved by Council on 14 November 2017 for a childcare centre (70 places), vocational training centre (20 places) and signage. "St Nicholas Childcare Centre", has been constructed and is under operation (refer to Table 3 below).

The Childcare Centre that was approved under DA/2017/447, included a condition requiring that a Remediation Action Plan to be prepared and the works to be undertaken prior to the commencement of building works. It was also required that the proponent submit a Validation Report from a suitably qualified engineering consultant certifying that these works have been completed in accordance with the RAP.



Other applications on the site (tree removal / demountable buildings) of little consequence.

### **Historic use of Lot 2 DP91268**

In regard to the existing use of the fields, cricket nets and outdoor basketball courts on Lot 2 DP91268, the Catholic Diocese acquired this site on 20 June 1973 and began utilising as outdoor recreational space associated with the school. A search through Council's files indicated no such approval. To legitimise the use of the existing outdoor area as an ancillary area to the existing educational establishment this has been included as part of a development application.

### **All Saints College – St Peters Campus**

A search through Council's files revealed a long development history with the redevelopment of the All Saints College – St Peters Campus over many years.

The applicant has detailed in the SOEE that student and staff numbers will not change.

A search through Council's records failed to identify a specific condition of consent nominating approved student and staff numbers. The applicant is also not aware of any such conditions restricting student and staff numbers.

A chronology of the previous development application and Planning Proposal is outlined in **Table 3** below:

**Table 3: Chronology of the previous DA and Planning Proposal**

<b>Date</b>	<b>Event</b>
<b>22 April 2021</b>	Pre lodgement meeting
<b>25 October 2021</b>	Lodgement of DA/2021/1177 for Educational Establishment (adaptive reuse of St Paul's Parish Hall and MPC) at 20-24 Hunter Street, Horseshoe Bend
<b>8 December 2021</b>	Initial kick off meeting with RPP
<b>20 April 2022</b>	Briefing with RPP
<b>20 June 2022</b>	DA/2021/1177 withdrawn due to permissibility issues with Educational Establishments not permitted in the RE2 Private Recreation zone.
<b>11 October 2022</b>	Scoping Proposal submitted to Council.
<b>27 October 2022</b>	Council provided advice on Scoping Proposal.
<b>7 February 2023</b>	Planning Proposal submitted to Council.
<b>22 March 2023</b>	Revised Planning Proposal submitted to Council.
<b>25 July 2023</b>	Council resolved to prepare a Planning Proposal and seek gateway determination for an additional permitted land use for an educational establishment at 24 Hunter Street.

<b>5 April 2024</b>	Gateway Determination issued by the Department of Planning, Housing and Infrastructure authorising Council to exercise the functions of the local plan-making authority.
<b>24 April to 23 May 2024</b>	Exhibition of the Planning Proposal with 3 Government Agency Submissions from NSW SES, EPA and Heritage NSW.
<b>23 July 2024</b>	Council endorsed the Planning Proposal and exercised their plan making authority.
<b>7 August 2024</b>	Request Parliamentary Counsel (PC) to draft a LEP.
<b>21 August 2024</b>	PC Certificate issued and MLEP 2011 (Amendment No.37).
<b>20 September 2024</b>	Gazettal of MLEP 2011 (Amendment No.37) as follows:
<p><b>Schedule 1 Additional permitted uses of MLEP 2011</b></p> <p><b>Clause 14:</b></p> <p>Use of certain land at 24 Hunter Street, Horseshoe Bend</p> <p>(1) This clause applies to part of Lot 1, DP 1261532, 24 Hunter Street, Horseshoe Bend, identified as "Horseshoe Bend Area 1" on the <a href="#">Additional Permitted Uses Map</a>.</p> <p>(2) Development for the purposes of educational establishments is permitted with development consent.</p>	

### 3. STATUTORY CONSIDERATIONS

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

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



(e) *the public interest.*

These matters are considered in detail below.

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

- Integrated Development (s4.46);
- Designated Development (s4.10);
- Requiring concurrence/referral (s4.13); or
- A Crown DA (s4.33).

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

The relevant Environmental Planning Instruments (EPIs), proposed instruments, development control plans, planning agreements and the matters for consideration under the Regulation are considered below.

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

The following EPIs are relevant to this application:

- *State Environmental Planning Policy (Biodiversity and Conservation) 2021*
- *State Environmental Planning Policy (Industry and Employment) 2021*
- *State Environmental Planning Policy (Planning Systems) 2021*
- *State Environmental Planning Policy (Resilience and Hazards) 2021*
- *State Environmental Planning Policy (Transport and Infrastructure) 2021*
- *State Environmental Planning Policy (Sustainable Buildings) 2022*
- *Maitland Local Environmental Plan (MLEP) 2011*

A summary of the key matters for consideration arising from these State Environmental Planning Policies (SEPPs) are outlined in **Table 4** and considered in more detail below.

**Table 4: Summary of Applicable EPI**

EPI	Matters for Consideration	Comply (Y/N)
State Environmental Planning Policy (Biodiversity & Conservation) 2021	Chapter 2: Vegetation in non-rural areas, clause 2.6 – clearing of vegetation requires a permit or approval (development consent).  Chapter 4: Koala Habitat Protection 2021, clause 4.9 – the land does not contain koala feed tree species or is core koala habitat.	Y
State Environmental Planning Policy (Industry and Employment) 2021	Chapter 3: Advertising and Signage <ul style="list-style-type: none"><li>• Section 3.6 – granting consent to signage</li></ul>	Y

State Environmental Planning Policy (Planning Systems) 2021	<p>Chapter 2: State and Regional Development</p> <ul style="list-style-type: none"> <li>• Section 2.19(1) declares the proposal regionally significant development pursuant to Clause 5b of Schedule 6 as it comprises an Educational Establishment with an EDC of more than \$5 million.</li> </ul>	Y
SEPP (Resilience & Hazards)	<p>Chapter 2: Coastal Management</p> <ul style="list-style-type: none"> <li>• Section 2.10(1) &amp; (2) - Development on land within the coastal environment area</li> <li>• Section 2.11(1) - Development on land within the coastal use area</li> </ul> <p>Chapter 4: Remediation of Land</p> <ul style="list-style-type: none"> <li>• <b>Section 4.6</b> - Contamination and remediation has been considered in the Remedial Action Plan and the proposal is satisfactory subject to conditions.</li> </ul>	Y
State Environmental Planning Policy (Transport and Infrastructure) 2021	<p>Chapter 2: Infrastructure</p> <ul style="list-style-type: none"> <li>• <b>Section 2.48(2)</b> - Determination of development applications - other development) – electricity transmission - the proposal is satisfactory subject to conditions.</li> <li>• Section 2.122 - Traffic-generating development</li> </ul> <p>Chapter 3: Educational Establishments</p> <ul style="list-style-type: none"> <li>• Section 3.36 – Schools</li> <li>• Section 3.58 – Traffic generating development</li> <li>• Schedule 8 – Design Quality principles</li> </ul>	Y
State Environmental Planning Policy (Sustainable Buildings) 2022	Chapter 3: Standards for Non-Residential Development. No compliance issues identified subject to imposition of conditions on any consent granted.	Y
Proposed Instruments	No compliance issues identified.	Y
MLEP 2011	<ul style="list-style-type: none"> <li>• Clause 2.3 – Permissibility and zone objectives</li> <li>• Clause 2.5 – Additional permitted uses for particular land</li> <li>• Clause 2.6 – Subdivision – consent requirements</li> <li>• Clause 2.7 – Demolition requires development consent</li> <li>• Clause 4.1 – Minimum subdivision lot size</li> <li>• Clause 5.10 – Heritage conservation</li> <li>• Clause 5.21 – Flood Planning</li> <li>• Clause 7.1 – Acid sulfate soils</li> <li>• Clause 7.2 – Earthworks</li> </ul>	Y

Consideration of the relevant SEPPs is outlined below:

## **State Environmental Planning Policy (Biodiversity and Conservation) 2021**

The aim of this Policy is to protect the biodiversity values of trees and other vegetation and to preserve the amenity of non-rural areas of the State through the preservation of trees and other vegetation.

The application proposes to remove 17 trees, which includes 8 native (impact area 0.07ha) and 9 exotic species impacting an area of 600m<sup>2</sup>. Compensatory planting is proposed.

The application is supported by an Arboricultural Impact Assessment (AIA), which has been reviewed by Council's Biodiversity and Resilience Officer. This is considered sufficient information to assess the proposed development against its legislative requirements including:

- Biodiversity Conservation Act (BCA) 2016;
- State Environmental Planning Policy (Biodiversity and Conservation) 2021;
- Environment Protection and Biodiversity Conservation Act 1999 (EPBC Act).

In regard to the BCA 2016, the proposed development is not located within a mapped area for threatened species, mapped as containing biodiversity values, exceed clearing thresholds of the Biodiversity Offset Scheme (BOS) or determined to cause a 'significant impact' to a threatened entity pursuant to Section 7.3 of the BCA 2016. Therefore, the BOS has not been triggered, and a Biodiversity Development Assessment Report (BDAR) and associated credit obligations are not required for this development.

### **Chapter 2: Vegetation in non-rural areas**

Any proposed clearing is below the minimum biodiversity offset scheme (BOS) threshold applying to any part of the land (less than 0.25 ha in this case).

The land is not identified on the Biodiversity Values Map.

The site was inspected by Council's Biodiversity and Resilience Officer. During the site inspection it was observed that habitat on site was considered suitable for a limited number of fauna species for foraging, breeding and connectivity. At least three tree hollows were observed across two exotic trees along with an unoccupied stick nest (likely belong to common bird species of magpie or raven) in the canopy of one native tree. Due to the surrounding land uses, lack of connectivity to other habitats and lack of quality foraging habitat surrounding the site, it is unlikely that these habitat features would provide suitable habitat to support any threatened species known to the locality. No other key habitat features such as habitat logs and rock piles are present on site. No threatened fauna or flora species were observed during the site inspection.

It was determined that due to the low biodiversity value within the impact footprint, the BAR requirement for this application has been waived.

### **Chapter 4: Koala Habitat Protection 2021**

This Chapter aims to encourage the conservation and management of areas of natural vegetation that provide habitat for koalas to support a permanent free-living population over their present range and reverse the current trend of koala population decline.

This Chapter applies to the City of Maitland identified in schedule 2 (Local Government Area).

Having regard to Clause 4.9 (development assessment process – no approved koala plan of management for land), this section applies as the site has an area of at least 1 hectare and does not have an approved koala plan of management applying to the land.

Before Council can grant consent, it must assess whether the development is likely to have any impact on koalas or koala habitat.

The vegetation to be impacted by the development contains koala use trees but no koala feed trees listed under SEPP (Biodiversity and Conservation) 2021. The impact area is small (>0.1ha) with no koala connectivity to nearby habitats. No koalas or evidence of koalas were recorded on site and there are no historical records of koalas on or surrounding the site. Due to these factors, it is unlikely that the development site or surrounding areas would be able to support a koala population, therefore, the site has been determined not to contain 'core koala habitat'.

**Comment:** In summary, the application is generally supported by Council's Biodiversity and Resilience Officer subject to the inclusion of appropriate conditions of consent relating to the preparation of a Biodiversity Management Plan, artificial hollow installation and monitoring, and implementation of a clearing strategy.

### ***State Environmental Planning Policy (Industry and Employment) 2021***

#### **Chapter 3: Advertising and signage**

The relevant aims and objectives of the SEPP are to ensure that signage is compatible with the desired amenity and visual character of an area, provides effective communication in suitable locations, and is of a high quality design and finish. The application proposes non-illuminated wall signage, which constitutes building identification signage and includes:

- All Saints College Centre of Excellence" on the western elevation of the MPC;
- Restoration of the 'St Pauls Parish Hall" signage on the western elevation.

The proposed non-illuminated signage is clear and concise, modest in size and scale, well integrated into the building design, compatible with the sensitivity of a HCA and supports the assessment criteria contained in Schedule 5 (Assessment criteria) of the SEPP.

### ***State Environmental Planning Policy (Planning Systems) 2021***

#### **Chapter 2: State and Regional Development**

The proposal is *regionally significant development* pursuant to Section 2.19(1) as it satisfies the criteria in Clause 5b of Schedule 6 of the SEPP (Planning Systems) 2021 as the proposal is development for an Educational Establishment. Accordingly, the Panel is the consent authority for the application. The proposal is consistent with this Policy.

### ***State Environmental Planning Policy (Resilience and Hazards) 2021***

#### **Chapter 2: Coastal Management**

The aim of this Policy is to promote an integrated and co-ordinated approach to land use planning in the coastal zone in a manner consistent with the objects of the Coastal Management Act 2016. Part of the site is mapped as Coastal Environment Area and Coastal Use Area.

The application is considered to be consistent with the relevant provisions of Clause 2.10 (Development on land in the coastal environment area) and Clause 2.11 (Development on land within the coastal use area) as follows:

- The development has been designed and sited to avoid an adverse impact on biophysical and hydrological environments. It is acknowledged that 17 trees will be removed to accommodate the development. This has been supported by an Arborist Report, which has been reviewed by Council's Ecologist as acceptable subject to conditions of consent.
- Does not adversely impact Aboriginal cultural heritage, practices and places on or near the site (refer to discussion under Clause 5.10 of the LEP).
- Does not adversely impact the visual amenity or scenic qualities of the coast or existing open space, access along a foreshore, beach, headland or rock platforms.
- Manages flooding associated with the site and mitigates impacts to downstream catchments (refer to discussion under Clause 5.21 of the LEP).

#### Chapter 4: Remediation of Land

The provisions of Chapter 4 of *State Environmental Planning Policy (Resilience and Hazards) 2021* (*the Resilience and Hazards SEPP*) have been considered in the assessment of the development application. Section 4.6 of Resilience and Hazards SEPP requires consent authorities to consider whether the land is contaminated, and if the land is contaminated, it is satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for the purpose for which the development is proposed to be carried out. In order to consider this, a Detailed Site Investigation ('DSI') and Remedial Action Plan (RAP) has been prepared for the site.

A Detailed Site Investigation, prepared by Douglas Partners (DP 2018), and Additional Contamination Testing and Geotechnical Investigation (DP 2020) identified widespread contamination of the site, some of which had been consolidated into a containment cell, which exceeds the site criteria and has the potential for unacceptable risks to users of the site.

Contamination includes heavy metals, polycyclic aromatic hydrocarbons (PAH), including benzo(a)pyrene (BaP) and BaP TEQ and minor total recoverable hydrocarbons. The contamination is generally isolated to fill which also contains anthropogenic materials including demolition materials. Bonded (non-friable) Asbestos Containing Materials (ACM) encountered as bonded cement sheeting fragments was reported in shallow fill in the central portion of the existing childcare footprint during construction works and was managed under the unexpected finds procedure with capping requirements presented in a previous RAP by DP in 2017.

A RAP was prepared by DP 2024 to support the proposed application and outlines remediation and management measures to ensure the site could be made suitable for the proposed development. The RAP considers the remediation works to be Category 1, which requires Council consent and that the site could be made suitable for the proposed Educational Establishment subject to implementation of the RAP.

The RAP presents three remedial options, which include capping and containment with management under a Long-Term Environmental Management Plan (LTEMP), hotspot excavation and off-site disposal and a combination of both capping and hotspot removal.

A number of potential data gaps were identified in the RAP by the Consultant Environmental Scientist which require additional investigations. These include:

- Verification of the extent of contamination across the site to allow estimation of contaminant volumes for detailed design purposes (which also needs to consider existing containment cells 1 and 2, which has not been discussed in detail within the RAP).
- Additional investigations are also required to verify the preferred remediation approach for Remediation Areas A to D, which cover the entire site footprint. It is understood from the applicant that this is currently occurring.
- The additional investigations recommended in the RAP include:
  - Inspections following demolition works.
  - Hotspot delineation (areas in the western and southwest portion of the Site) (Area A and C).
  - Further investigations in the:
    - Central northern portion of the site;
    - Existing gravel hardstand driveway / car park;
    - Playing field areas to delineate exceedances and southeastern playground; and
    - Area north of hall where limited previous assessments have been conducted.

The proposed remediation strategy outlined in the RAP is subject to further investigations and includes four proposed remediation areas:

- Remediation Area A (proposed MPC): Combination of onsite management and excavation and disposal of localised hotspot areas (PAHs and potential ACM impacted fill);
- Remediation Area B (existing fill mound in the central northern portion): Onsite management (note this area could be stripped and validated the impacted fill could be consolidated and managed beneath the proposed development building) (PAHs and potential ACM impacted fill);
- Remediation Area C (existing basketball court area and surrounding fill batter): Onsite management of impacted area (lead, PAHs and potential ACM impacted fill); and
- Remediation Area D (existing playing field area): Excavation and off-site disposal of localised impacted areas (localised PAH/ BaP, TRH, zinc and copper impacts).

The Consultant Environmental Scientist notes that the proposed Remediation Areas A to D cover the entire site footprint and although DP 2018 and DP 2020 reported the sampling density generally satisfied the NSW Environment Protection Authority (EPA) Sampling Design Guidelines (NSW EPA 2022), the site conditions have not been fully characterised with respect to the identified contamination which includes asbestos. It is also noted the preferred remedial options are conceptual only as they do not include an estimate on remedial extent of volumes for the proposed Remediation Areas A to D or the volume of material in containment areas cell 1 and cell 2 which were generated during construction of the Early Learning Centre.

The submitted engineering plans do not appear to reference the capping and containment of potentially contaminated fill from proposed Remediation Areas A to D or material from containment areas cell 1 and cell 2.

With consideration to the sensitive land use of the site and review of the information provided, it is recommended that additional characterisation of soil contamination is required to enable the development of a robust conceptual site model to appropriately inform a remedial options assessment and data gaps identified in the RAP (DP 2024).

In addition, the MCC Contaminated Land Policy – Land Use Planning (2023) states that onsite containment or capping is not permitted where contamination is reported above the soil investigation levels specified in The National Environment Protection (Assessment of Site Contamination) Measure 1999, amended in 2013 (ASC NEPM, 2013), unless otherwise agreed with Council. Accordingly, it is recommended the following conditions of consent be imposed to ensure the site is suited to its future intended purpose:

1. *A NSW Environment Protection Authority accredited Site Auditor must be appointed to Audit reports compiled as part of the contaminated land assessment, remediation, and validation process.*
2. *Prior to issue of a Construction Certificate, additional investigations must be conducted in accordance with the Remediation Action Plan (DP 2024) to further characterise Site contamination with respect to remedial volumes and asbestos and to inform the detailed designs. The additional investigations must be prepared, or reviewed and approved by an appropriately qualified and certified environmental consultant and must be prepared in accordance with:*
  - a. *Council's Contaminated Land Policy;*
  - b. *Managing Land Contamination Planning Guidelines – SEPP - Resilience & Hazards;*
  - c. *Relevant EPA Guidelines, noting in particular the NSW EPA (2020); Consultants Reporting on Contaminated Land – Contaminated Land Guidelines;*
  - d. *National Environmental Protection (Assessment of Site Contamination) Measure 1999 (as amended 2013) (ASC NEPM 2013).*
3. *Prior to issue of the construction certificate, Interim Audit Advice must be provided to Council that clearly states the site can be made suitable for the continuing land use as an education facility subject to the implementation of the Remediation Action Plan (DP 2024), subject to the additional investigations and detailed design.*
4. *Prior to issue of the Occupation Certificate the site must be remediated in accordance with the Remedial Action Plan (DP 2024). The remediation and validation works must be supervised by a appropriately qualified and experienced environmental consultant in accordance with the approved Remedial Action Plan (DP 2024).*
5. *Prior to issue of the Occupation Certificate the proponent must submit a detailed Validation Report to Council' Manager Environment & Sustainability and the Certifying Authority. The Validation Report must be prepared in accordance with:*
  - a. *Council's Contaminated Land Policy;*

- b. *Managing Land Contamination Planning Guidelines – SEPP - Resilience & Hazards;*
- c. *Relevant EPA Guidelines, noting in particular the NSW EPA (2020); Consultants Reporting on Contaminated Land – Contaminated Land Guidelines;*
- d. *National Environmental Protection (Assessment of Site Contamination) Measure 1999 (as amended 2013) (ASC NEPM 2013).*

*The Validation Report must be prepared or reviewed and approved by an appropriately qualified and certified environmental consultant. The Validation Report must verify that the land is suitable for the proposed use as an educational facility, and that the remediation and validation of the site has been undertaken in accordance with the approved Remediation Action Plan.*

- 6. *Where the Validation Report identifies the need for implementation of a Long-Term Environmental Management Plan (LTEMP), the plan must be submitted to Council's Manager Environment & Sustainability and the Certifying Authority with the Validation Report. The LTEMP must describe the nature and location of the contamination and prescribe how the contaminants will be managed/monitored and the responsible parties for this management/monitoring in the long-term.*

*The document must define the legal mechanism intended to make it enforceable. The LTEMP must be prepared, or reviewed and approved by an appropriately qualified and certified environmental consultant and must be prepared in accordance with:*

- a. *Council's Contaminated Land Policy;*
- b. *Managing Land Contamination Planning Guidelines – SEPP - Resilience & Hazards;*
- c. *Relevant EPA Guidelines, noting in particular the NSW EPA (2020); Consultants Reporting on Contaminated Land – Contaminated Land Guidelines;*
- d. *National Environmental Protection (Assessment of Site Contamination) Measure 1999 (as amended 2013) (ASC NEPM 2013).*

- 7. *Prior to issue of the Occupation Certificate, a Site Audit Report and Site Audit Statement stating that the land has been remediated in accordance with the approved Remediation Action Plan (DP 2024) and is suitable for the proposed development as secondary school land use must be provided to Council. The purpose of the Site Audit must be one of the following:*

- a. *A1: To determine land use suitability for the proposed use as a secondary school; Or*
- b. *A2: To determine land use suitability subject to compliance with either an active or passive environmental management plan for the proposed use as a secondary school.*

*Where an A2 Audit, the Site Audit Statement and Site Audit Report must include any restrictions or management requirements for the site.*



8. *Within 30 days of completion of the Category 1 remediation work, written notice of completion Validation Report, which is subject to the implementation of the LTEMP, must be provided to Council as required under SEPP (Resilience and Hazards) 2021, along with a copy of the validation report and LTEMP to confirm that the remediation has been carried out in accordance with the RAP (DP 2024).*

## **State Environmental Planning Policy (SEPP) (Transport and Infrastructure) 2021**

### **Chapter 2: Infrastructure**

The aim of this Chapter is to facilitate the effective delivery of infrastructure across the State by:

- (a) improving regulatory certainty and efficiency through a consistent planning regime for infrastructure and the provision of services, and*
- (b) providing greater flexibility in the location of infrastructure and service facilities, and*
- (c) allowing for the efficient development, redevelopment or disposal of surplus government owned land, and*
- (d) identifying the environmental assessment category into which different types of infrastructure and services development fall (including identifying certain development of minimal environmental impact as exempt development), and*
- (e) identifying matters to be considered in the assessment of development adjacent to particular types of infrastructure development, and*
- (f) providing for consultation with relevant public authorities about certain development during the assessment process or prior to development commencing, and*
- (g) providing opportunities for infrastructure to demonstrate good design outcomes.*

### **Division 5 – Electricity transmission or distribution**

**Clause 2.48** - The application was referred to Ausgrid under Clause 2.48 of the SEPP (Transport and Infrastructure) 2021 for works in the vicinity of overhead powerlines. Ausgrid advised on 26 June 2024 they raise no objection subject to appropriate conditions of consent, which will be included on any development consent issued.

### **Division 17 – Roads and Traffic**

**Clause 2.117** – The proposed development is not on a classified road.

**Clause 2.118** – The proposed development does not have frontage to a classified road.

**Clause 2.119** – The site is not on land in or adjacent to the road corridor for a freeway, a tollway or a transitway or any other road with an annual average daily traffic volume of more than 20,000 vehicles per day.

**Clause 2.121** – The application is not Traffic-generating developing under Schedule 3 (Traffic generating development to be referred to Transport for NSW) of the SEPP. However, the application was referred as an advisory to Transport for NSW (TfNSW) under Section 3.58 of the SEPP. TfNSW advised on 17 June 2024 no objection to or requirements for the proposed development as it is considered there will be no significant impact on the classified (State) road network.

### **Chapter 3: Educational Establishments**

The aim of this Chapter is to facilitate the effective delivery of educational establishments and early education and care facilities across the State by:

- (a) improving regulatory certainty and efficiency through a consistent planning regime for educational establishments and early education and care facilities, and*
- (b) simplifying and standardising planning approval pathways for educational establishments and early education and care facilities (including identifying certain development of minimal environmental impact as exempt development), and*
- (c) establishing consistent State-wide assessment requirements and design considerations for educational establishments and early education and care facilities to improve the quality of infrastructure delivered and to minimise impacts on surrounding areas, and*
- (d) allowing for the efficient development, redevelopment or use of surplus government-owned land (including providing for consultation with communities regarding educational establishments in their local area), and*
- (e) providing for consultation with relevant public authorities about certain development during the assessment process or prior to development commencing, and*
- (f) aligning the NSW planning framework with the National Quality Framework that regulates early education and care services, and*
- (g) ensuring that proponents of new developments or modified premises meet the applicable requirements of the National Quality Framework for early education and care services, and of the corresponding regime for State regulated education and care services, as part of the planning approval and development process, and*
- (h) encouraging proponents of new developments or modified premises and consent authorities to facilitate the joint and shared use of the facilities of educational establishments with the community through appropriate design.*

The SEPP contains provisions that will make it easier for child-care providers, schools, TAFEs and Universities to build new facilities and improve existing ones by streamlining approval processes and consistency of development requirements and improve information about all national and state requirements for new child care services and schools.

#### **Clause 3.36 (Schools – development permitted with consent)**

**Clause 3.36(1):** Development for the purposes of a school may be carried out within a prescribed zone.

Under the MLEP 2011, the site is zoned R1 General Residential, RE2 Private Recreation and MU1 Mixed Use.

Prescribed zones under Clause 3.34 of the SEPP (Transport and Infrastructure) 2021 include R1 General Residential and MU1 Mixed Use. RE2 is not a prescribed zone.

As discussed under zoning and permissibility in the LEP section of the report, permissibility is sought through the MLEP 2011 and a recent amendment to allow an additional permitted land use (Educational Establishment) on 24 Hunter Street, Horseshoe Bend.

**Clause 3.36(2) –** This is not applicable as it relates to complying development.

**Clause 3.36(3) –** Development for the purpose of a school may be carried out with development consent on land that is not in a prescribed zone if it is carried out on land within the boundaries of an existing or approved school.

As discussed under relevant history, although All Saints College have utilised the land for outdoor recreational space associated with an educational establishment, a search through Council's files indicated no such approval. To legitimise the use of the existing outdoor area as an ancillary area associated with an educational establishment, this has been included as part of this development application.

**Clause 3.36(5):** A school (including any part of its site and any of its facilities) may be used, with development consent, for the physical, social, cultural or intellectual development or welfare of the community, whether or not it is a commercial use of the establishment.

**Clause 3.36(6):** Before determining a development application for development referred to in subsection 3.36(3), the consent authority must take into consideration the following:

*(a) the design quality of the development when evaluated in accordance with the design quality principles set out in Schedule 8 below:*

School Design Quality Principles	Comment
Principle 1 – Context, built form and landscape	<p>The proposed MPC is considered contextually appropriate given the proximity of the existing childcare centre and school.</p> <p>The building has been designed to respond to and enhance the unique qualities of the CMHCA by providing a contemporary built form that respects the curtilage of St Paul's Parish Hall. Adequate setbacks have been provided from the street to ensure the MPC does not dominate the streetscape. Adequate setbacks have been provided from adjoining residential interfaces to ensure residential amenity is maintained.</p> <p>Proposed landscaping has been successfully integrated into the design to enhance on-site amenity and contribute to the streetscape and school environment. The landscape has been designed to balance functional circulation, access, and amenity. Courtyards are provided to each side of St Pauls Parish Hall, as a formal entrance into the site, with landscape features designed to highlight the character of the building and contribute to the aesthetic of the streetscape. The landscaping also improves access and movement across the site by connecting different existing and new spaces and levels and helps break up the bulk and scale of the MPC.</p>
Principle 2 – Sustainable, efficient and durable	The proposed MPC has been designed to minimise the consumption of energy, water and natural resources, reduce waste and encourage recycling.

	<p>The building materials are durable and the design adaptable to enable evolution over time to meet future requirements. The flexible learning spaces can be utilised as traditional classrooms or opened for more flexible teaching and learning, to suit emerging pedagogy. The courts also provide excellent flexibility of use for the school eg sport, assembly, special celebrations etc</p> <p>The proposal uses energy efficient materials and devices wherever possible to meet or exceed Australian standards. The existing waste minimisation and recycling strategies currently in place for the school will follow through, operationally once construction of the MPC is complete. Solar panels are to be installed after construction and stormwater harvesting use to reuse and reduce water usage. This is further addressed under the SEPP (Sustainable Buildings) 2022 below with compliance achieved.</p>
Principle 3 – Accessible and inclusive	<p>The proposed development provides good wayfinding and is accessible and inclusive to people with differing needs and capabilities.</p> <p>The proposed landscaping provides strong visual cues for wayfinding with simple signage to identify buildings and their function within the site. The landscape and building design ensure equality in mobility and access across the various spaces on the site, which is supported by an Access Report, prepared by Lindsay Perry Access.</p> <p>The opportunity for community uses is an operational consideration by the school. However, does not form part of this application. This is discussed later in the report.</p>
Principle 4 – Health and safety	<p>The proposed MPC optimises safety and security within its boundaries and the surrounding public domain, and balances this with the need to create a welcoming and accessible environment.</p> <p>The provision of a MPC for sporting facilities optimises and promotes health and fitness pursuits for existing and future students at the school.</p>

Principle 5 – Amenity	<p>The proposed development has carefully considered the amenity of adjoining developments particularly the interface with residential properties.</p> <p>The building is adequately sited and setback from adjoining properties to ensure visual and acoustic privacy and separation is maintained.</p> <p>Submitted shadow diagrams indicate no overshadowing on adjoining properties.</p> <p>The proposed development will not result in any view loss.</p> <p>There will no increase in student or staff numbers so traffic/car parking will not change.</p>
Principle 6 – Whole of life, flexible and adaptive	<p>The building is expected to have a design life greater than 50 years. The design of the MPC enables flexibility and adaptability for multiple uses so that the school can adapt overtime to suit their changing educational needs.</p>
Principle 7 – Aesthetics	<p>The proposed design of the MPC and landscape setting is aesthetically pleasing, provides visual interest and compliments the unique character of the CMHCA.</p> <p>The curtilage and siting between the two buildings respects the significance of St Paul's Parish Hall with the hall remaining the key feature in the street, framed by the new landscaped forecourts.</p> <p>The development will have a positive impact on the streetscape character, CMHCA, school community and neighbourhood.</p> <p>The demolition of the lean to on the northern elevation of St Paul's Parish Hall will remove an uncharacteristic building element.</p>

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

**Comment:** The SOEE states “the proposed building will be available for use to accommodate community uses of the school facilities outside of school hours for sports and training”.

The applicant was requested to provide additional information on the proposed hours of operation and operational management of the school facilities being shared with the community.

In response, the applicant has advised there are currently no specific out-of-hours community uses planned for the proposed MPC. Use of the proposed MPC will only occur during school hours. A condition will be imposed to ensure this is the case. Should the applicant wish to explore out of school community use, a future application will be required with an Operational Management Plan.

## **Part 3.7 – General Development Controls**

### **Clause 3.58 – Traffic generating development**

This section applies to development for the purpose of an Educational Establishment that can accommodate 50 or more additional students, and involves an enlargement or extension of existing premises, or new premises, on a site that has direct vehicular or pedestrian access to any road.

The submitted SOEE has detailed there will be no increase in student / staff numbers. The proposed development is therefore not traffic generating development. However, an advisory referral was sent to TfNSW who advised on 17 June 2024 no objection to or requirements for the proposed development as it is considered there will be no significant impact on the classified (State) road network.

### ***State Environmental Planning Policy (Sustainable Buildings) 2022***

The objectives of this Policy are to ensure that the performance of the development satisfies the requirements to achieve water and thermal comfort standards that will promote a more sustainable development.

## **Chapter 3 – Standards for non-residential development**

This chapter applies to the proposed development as the new development has an EDC over \$5 million. Clause 3.2(1) of the SEPP requires the consent authority must consider whether the development is designed to enable the following:

- (a) the minimisation of waste from associated demolition and construction, including by the choice and reuse of building materials,*
- (b) a reduction in peak demand for electricity, including through the use of energy efficient technology,*
- (c) a reduction in the reliance on artificial lighting and mechanical heating and cooling through passive design,*
- (d) the generation and storage of renewable energy,*
- (e) the metering and monitoring of energy consumption,*
- (f) the minimisation of the consumption of potable water.*

The application is accompanied by SEPP Requirements, prepared by GHD, dated 26 April 2024 and Embodied Emissions Material Form, Revision 1.20, prepared by Muller Partnership, dated 24 October 2024.

To minimise waste during demolition and construction, the project is targeting a 5-Star Green Star Buildings rating. Credit 2: Responsible Construction, is targeted, which required 90% diversion of waste from landfill.

The proposed development includes a number of design features that will reduce demand for energy and water. This includes passive design the inclusion of solar panels, energy and water efficient fixtures. Awnings, sun control devices and blinds are proposed to provide

protection against unwanted sunlight and heat gain in accordance with Section J requirements. The building will be fully insulated to comply with the requirements of the National Construction Code. It is proposed to install photovoltaic panels on the roof to offset the Centres electricity consumption. The building will use air conditioning and water heating systems that meet current energy efficiency standards, including instantaneous on-demand hot water systems. The positioning of windows is also designed to optimise daylight and reduce reliance on artificial lighting during daytime.

To minimise potable water consumption, rainwater harvested in a minimum capacity rainwater tank of 20kL will be used for toilet/urinal flushing and irrigation. Sub-surface drip with moisture sensor override will be considered for irrigation demand.

Clauses 3.2(2) requires that Development consent must not be granted to non-residential development unless the consent authority is satisfied the embodied emissions attributable to the development have been quantified. Accordingly, an Embodied Emissions Materials Form has been submitted with the application to demonstrate this. Appropriate conditions will be included on any development consent issued.

### **Maitland Local Environmental Plan 2011**

The relevant local environmental plan applying to the site is the *MLEP 2011*.

#### ***Zoning and Permissibility (Part 2)***

Under Clause 2.2 of the MLEP 2011, the site is split zoned (refer to Figure 6):

- R1 General Residential;
- RE2 Private Recreation; and
- MU1 Mixed Use zone.



**Figure 6 – Zoning Map under MLEP 2011**

St Paul's Parish Hall is located wholly on the R1 portion of the site.

The proposed MPC is located wholly on the RE2 portion of the site.

The existing basketball court, cricket pitch and field fronting Odd Street is located wholly on the MU1 portion of the site.

As per the definitions in Clause 4 (contained in the Dictionary), the proposal satisfies the definition of Educational Establishment as follows:

**educational establishment** means a building or place used for education (including teaching), being –

- (a) a school, or
- (b) a tertiary institution, including a university or a TAFE establishment, that provides formal education and is constituted by or under an Act.

Educational Establishments are permitted with development consent in the R1 General Residential Zone and MU1 Mixed use zone by virtue of the MLEP 2011 and SEPP (Transport and Infrastructure) 2021. However, Educational Establishments are prohibited in the RE2 Private Recreation Zone by virtue of the MLEP 2011 and SEPP (Transport and Infrastructure) 2021)

As discussed under relevant history, to overcome the permissibility issue, the applicant submitted a Planning Proposal for an additional permitted land use for an Educational Establishment at 24 Hunter Street. The application could not be determined until gazettal of the LEP Amendment, which occurred on 20 September 2024 and includes the following Clause within Schedule 1 – Additional permitted uses of the MLEP 2011:

**14 Use of certain land at 24 Hunter Street, Horseshoe Bend**

- (1) This clause applies to part of Lot 1, DP 1261532, 24 Hunter Street, Horseshoe Bend, identified as "Horseshoe Bend Area 1" on the *Additional Permitted Uses Map*.
- (2) Development for the purposes of educational establishments is permitted with development consent.

The zone objectives of the R1 General Residential zone include the following (pursuant to the Land Use Table in Clause 2.3):

- *To provide for the housing needs of the community.*
- *To provide for a variety of housing types and densities.*
- *To enable other land uses that provide facilities or services to meet the day to day needs of residents.*

The proposed development will provide enhanced educational facilities and services to meet the day to day educational needs of existing and future students attending All Saints College in a central location of Maitland.

The zone objectives of the RE2 zone include the following (pursuant to the Land Use Table in Clause 2.3):

- *To enable land to be used for private open space or recreational purposes.*
- *To provide a range of recreational settings and activities and compatible land uses.*
- *To protect and enhance the natural environment for recreational purposes.*



The proposed development will enhance All Saint Colleges' recreational facilities and formalise the use of the open space. The land use is considered compatible given the historic use and location of the existing school and childcare centre.

The zone objectives of the MU1 zone include the following (pursuant to the Land Use Table in Clause 2.3):

- *To encourage a diversity of business, retail, office and light industrial land uses that generate employment opportunities.*
- *To ensure that new development provides diverse and active street frontages to attract pedestrian traffic and to contribute to vibrant, diverse and functional streets and public spaces.*
- *To minimise conflict between land uses within this zone and land uses within adjoining zones.*
- *To encourage business, retail, community and other non-residential land uses on the ground floor of buildings.*

The proposal is considered to be consistent with these zone objectives given the diversity of educational uses the MPC can accommodate. The proposal provides a diverse and interesting street frontage, which will contribute to a vibrant, diverse and functional street and spaces in the centre of Maitland. The development has aimed to minimise conflict between land uses within this zone and land uses within adjoining zones, particularly the residential interface.

#### *General Controls and Development Standards (Part 2, 4, 5 and 6)*

The LEP also contains controls relating to development standards, miscellaneous provisions and local provisions. The controls relevant to the proposal are considered in **Table 5** below.

**Table 5: Consideration of the LEP Controls**

<b>Control</b>	<b>Requirement</b>	<b>Comment</b>	<b>Comply</b>
Clause 2.7 – Demolition requires development consent	The demolition of a building or work may be carried out only with development consent	Appropriate conditions will be imposed to ensure demolition is undertaken in accordance with Australian Standards and to ensure any potential asbestos in accordance with NSW Safe Work requirements and Regulations.	Yes
Clause 4.1 - Minimum subdivision Lot size	450m <sup>2</sup> in the R1 zone  No minimum lot size applies to the RE2 or MU1 zone	The application proposes a four into three lot Torrens Title Subdivision as follows: <ul style="list-style-type: none"> <li>• Proposed lot A: 7049.7m<sup>2</sup></li> <li>• Proposed lot B: 5448.2m<sup>2</sup></li> </ul>	Yes

		<ul style="list-style-type: none"> <li>No change to existing lot 2 DP 91268: 5831m<sup>2</sup></li> </ul> <p>The proposed lots affected by the R1 portion of the site comply with the minimum lot size.</p>	
Clause 4.3 - Height of buildings	The site is not mapped on the height of buildings map.		N/A
Clause 4.4 - Floor Space Ratio	No site has no mapped FSR		N/A
Clause 5.10 - Heritage Conservation	<p>The site is located within the Central Maitland Heritage Conservation Area (CMHCA).</p> <p>Disturbing or excavating an Aboriginal place of heritage significance</p>	Refer to discussion below	Yes
Clause 5.21 – Flood planning	The objectives are to minimise the flood risk to life and property associated with the use of land, allow development on land that is compatible with the flood function and behaviour on the land, taking into account projected changes as a result of climate change, to avoid adverse or cumulative impacts on flood behaviour and the environment and to enable the safe occupation and efficient evacuation of people in the event of a flood.	Refer to discussion below	Yes
Clause 7.1 - Acid sulphate soils	The objective is to ensure that development does not disturb, expose or drain acid sulfate soils and	The site is identified as containing class 4 & 5 land. The submitted RAP, prepared by Douglas Partners, dated October 2024, indicates the absence	Yes

	cause environmental damage.	of acid sulphate soil conditions in the soil samples tested to the depths investigated (i.e. maximum depth of 2.5 m), which is consistent with the ASS risk map for the site. Previous geotechnical investigations for the site did not encounter water until 6.1m below ground level.	
Clause 7.2 - Earthworks	To ensure that earthworks will not have a detrimental impact on environmental functions and processes, neighbouring uses, cultural or heritage items or features of the surrounding land.	Refer to discussion below:  The proposed development will result in some earthworks on site due to the topography of the site and to accommodate the bio-retention basin and Category 1 remediation works with capping on site.	Yes

### Clause 5.10 – Heritage Conservation

The objectives of this clause are as follows:

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

The site is not listed as an item of heritage however is located within the CMHCA.

St Paul's Parish Hall is identified as a recommended heritage item under the Maitland Heritage Survey Review which will be included as part of a future LEP amendment. The applicant has treated the Hall as a heritage item, which should be commended.

A number of other locally and State listed heritage items occur in the general vicinity of the site including:

- State listed heritage item at 32 Free Church Street known as the Presbyterian High School/Manse;
- Local item known as the Maitland Mercury at 258 High Street.
- Local item known as Mansfield House at 315 High Street.

In accordance with Clause 5.10, the determining authority must, before granting consent, consider the effect of the proposed development on the heritage significance of the area concerned. In this regard the application is supported by the following heritage reports and documentation:

- Statement of Heritage Impact, Revision C, prepared by John Carr Heritage Design, dated 2 March 2023;
- Preliminary Archaeological Assessment, prepared by Umwelt, dated 5 August 2022;
- Additional information, prepared by SHAC, dated 30 August 2024;
- Aboriginal Cultural Heritage Assessment, prepared by McCardle Cultural Heritage Pty Ltd, dated 29 October 2024.

A summary of each is provided below:

### **Statement of Heritage Impact (SOHI)**

Council's Heritage Planner has reviewed the SOHI and provided the following comments:

- The SOHI provides useful analysis of the site context, highlighting the nature of views within Central Maitland being confined to the street scene as a result of the relatively flat terrain. It is also of note that the street pattern and terrain results in special places of seclusion.
- Significant and contributory buildings in the vicinity are highlighted. With respect to most impacted views, the view from Mansfield is listed. I would rate this as the view corridor of highest profile, particularly from its 1<sup>st</sup> and 2<sup>nd</sup> storey.
- The SOHI provides commentary on important building typologies, particularly for Central Maitland with descriptors relating to landmark buildings (such as Mansfield) and the collective significance of intact buildings dating to the 19<sup>th</sup> and 20<sup>th</sup> century. Also, that the smaller buildings complement larger buildings in both scale and design.
- The contributory value of the St Paul's Hall is confirmed by the SOHI and articulates the intactness of building fabric and original design. Assessment of significant values relating to the building are provided as part of a Heritage Assessment prepared by EJE as follows:

#### St Pauls Parish Hall

The St Paul's Parish Hall is a representative example of the work of F. G. Castleden provided for the Anglican Diocese of Newcastle at a modest scale while he was Diocesan Architect. It is largely intact, containing a high degree of original building fabric albeit now missing the articles and furnishing provided for the ceremony and services of the Anglican Church. It has associations with both the Anglican community and now the Catholic Community of Maitland.

The Parish Hall is considered to be an example of the Ecclesiastical buildings in Central Maitland which had developed during the 19th Century and is a continuation of this theme. The Parish Hall forms part of the intact streetscape of Hunter Street which adjoins and is visible from High Street. It is associated with cultural activities of Maitland as well as the Anglican and Catholic denominations. The Parish Hall is considered to be contributory to the Central Maitland Heritage Conservation Area.<sup>4</sup>

- It is of historical interest that the Hall has a connection to the St Paul's Church (located within the Maitland Park precinct).

Regarding the MPC design, the HIS found:

*“The overall development has minimal impact on the heritage significance of the surrounding heritage conservation area”.*

### **Adaptive Reuse of St Paul’s Parish Hall**

- The proposed restoration and reuse of the existing hall is supported as a long term use for the building. Clarification around materials schedule has been provided.
- Conditions relating to the use of experienced tradespeople in all repairs to internal and external original fabric is required. A summary of restoration works is requested and for it to be reviewed and signed off by the project’s appointed conservation architect. This will be included as a condition of consent.
- The use of low internal dividers is supported and maintains the volume of the internal space.

### **Curtilage and setting of St Paul’s Parish Hall**

- The front west elevation to the MPC is generally considered to be acceptable in the context of the setting of the Hall, primarily as a result of masonry materials, colour, landscaping to the north and south sides of the Hall. The retention of open spaces to the north and south is particularly commended and will be especially complimentary to increasing and highlighting the significance of this building. The use of colour differentiation in brick selection is supported between the Hall and the MPC.
- Support fencing stepped back away from the Hall front building line.

### **MPC**

The SOHI states the design of the MPC has been dictated by the existing Parish Hall, the flood zone and the required height of the indoor basketball requirements for a volume free of structure. This has been successfully achieved by sitting the main ground floor over a lower ground floor and creating a separate two storey flood free portion detailed to reflect elements found in the former Parish Hall without copying the hall design.

The use of semi-circular openings and half semi-circular openings to the corners of the building fronting Hunter Street has allowed this contemporary design to not only reflect the openings used in the hall, but emphasise the graded bulk and scale of the overall development as it steps up from the hall to the GLS and then to the larger and taller MPC.

Aligning the height of the GLS pod to the ridge height of the hall helps reduce its bulk and scale particularly when viewed from High Street or from Free Church Street. The GLS pod is made visually lighter by the scale of the openings within its facade which draws the viewer’s eye away from the scale of the MPC.

Council’s Heritage Planner initially raised concerns with the large expanse of unbroken metal sheet cladding on the southern elevation as this will be highly visible from public vantage points including Mansfield House. Options to create some differentiation would help reduce the bulk and scale and visual impact. Accordingly, the applicant submitted additional information (refer to Figure 7 below) to help support the design including a view analysis from Mansfield House. The Panel also commented at the briefing on 11 September 2024, that they were comfortable with the bulk and scale of the MPC.



**Figure 7 – View analysis from Mansfield House (SSH)**

The following recommendations from the SOHI will be included as conditions of consent:

1. The demolition work associated with removal of the intrusive kitchen addition shall salvage all bricks, including half bricks for reuse in reconstruction and repairs to the external walls. Reason - the bricks appear to be a close match to the originals.
2. Reconstruction and repairs to brick walls should be laid and repointed in hydraulic lime mortar. Reason - to match the existing mortar joints in the original walls for both repairs and repointing work.
3. Areas of brick walls on the Hall that require a roughcast application should be laid in new bricks. Reason - to maximise use of limited matching face bricks recovered from demolished areas of the Hall.

### **Aboriginal Cultural Heritage Report**

In exhibiting the Planning Proposal for an additional permitted land use, Heritage NSW advised that further consideration of Aboriginal heritage should be undertaken for the purposes of lodging a future development application. Accordingly, the applicant prepared an Aboriginal Cultural Heritage Assessment Report (ACHR), which has found no Aboriginal sites or objects have been identified within the study area for this project. The likelihood of sub-surface archaeological evidence is considered highly unlikely given the significant ground disturbance across the site and use since the 1820s and regular inundation and disturbance by flooding well before European occupation. Notwithstanding, standard conditions of consent are recommended in the event of unexpected finds and management of the site through appropriate induction procedures.

### **Archaeology**

A Preliminary Archaeological Assessment (non-Aboriginal) has been prepared by Umwelt, dated August 2022, comprising of the period since European arrival in Australia in 1788.

The site is located within the CMHCA, which would suggest that area has the potential to contain historically significant sites and/or objects related to the early settlement of the Maitland township. However, previous heritage assessments concur that:

*“The location of Horseshoe Bend in a known flood prone area is not expected to yield substantially sized artefacts. Smaller items may have been deposited during incidents of flooding over the years in silt layers below the foundations. Two former cottages, expected to have been constructed very early in the history of Maitland formerly occupied the site of the parish Hall. These were removed prior to the construction of the Parish Hall and while it is possible that remnants of these cottages may be evident, it is not expected that significant evidence will be found.”*

Archaeological evidence of the early cottages, or potential outbuildings, is unlikely to have remained intact following extensive disturbance in relation to their demolition, and the construction of the St Paul’s Parish Hall and associative landscaping.

The Assessment also found that any potential artefacts associated with the historical use of the site would likely be avoided due to the location of the proposed pile foundations for the MPC. The updated structural design does not clash with the potential privy/cesspit and is therefore unlikely to impact any potential artefacts associated with the historical use of the site. If the privy is not located as indicated on the historical plan, and a clash occurs during construction, the structural engineer has advised that any impact would be minimal. However, the potential archaeological value of the privy contents would be subject to further investigation by relevant consultants and as such, an 2m buffer has been shown on the documents for hand-digging and investigation by the contractor prior to piling.

### **Aboriginal Archaeology**

No archaeological sites were identified during the survey and this is likely due to a number of factors including:

- Distance from reliable water and subsistence resources indicates the project area was unlikely to have been utilised for camping;
- The project area may have been used for travel and/or hunting and gathering which manifest in the archaeological record as very low-density artefact scatters and/or isolated finds; and
- Past and present land uses would have displaced and/or destroyed any evidence of past Aboriginal land use.

**Heritage conclusion:** The proposal demonstrates that the development is appropriate within the CMHCA and has met the requirements necessary under Clause 5.10 of the MLEP 2011. The proposal will not detrimentally impact the significance of the listed heritage items in the locality or the broader significance of the HCA. Council’s Heritage Planner supports the proposed development subject to conditions of consent.

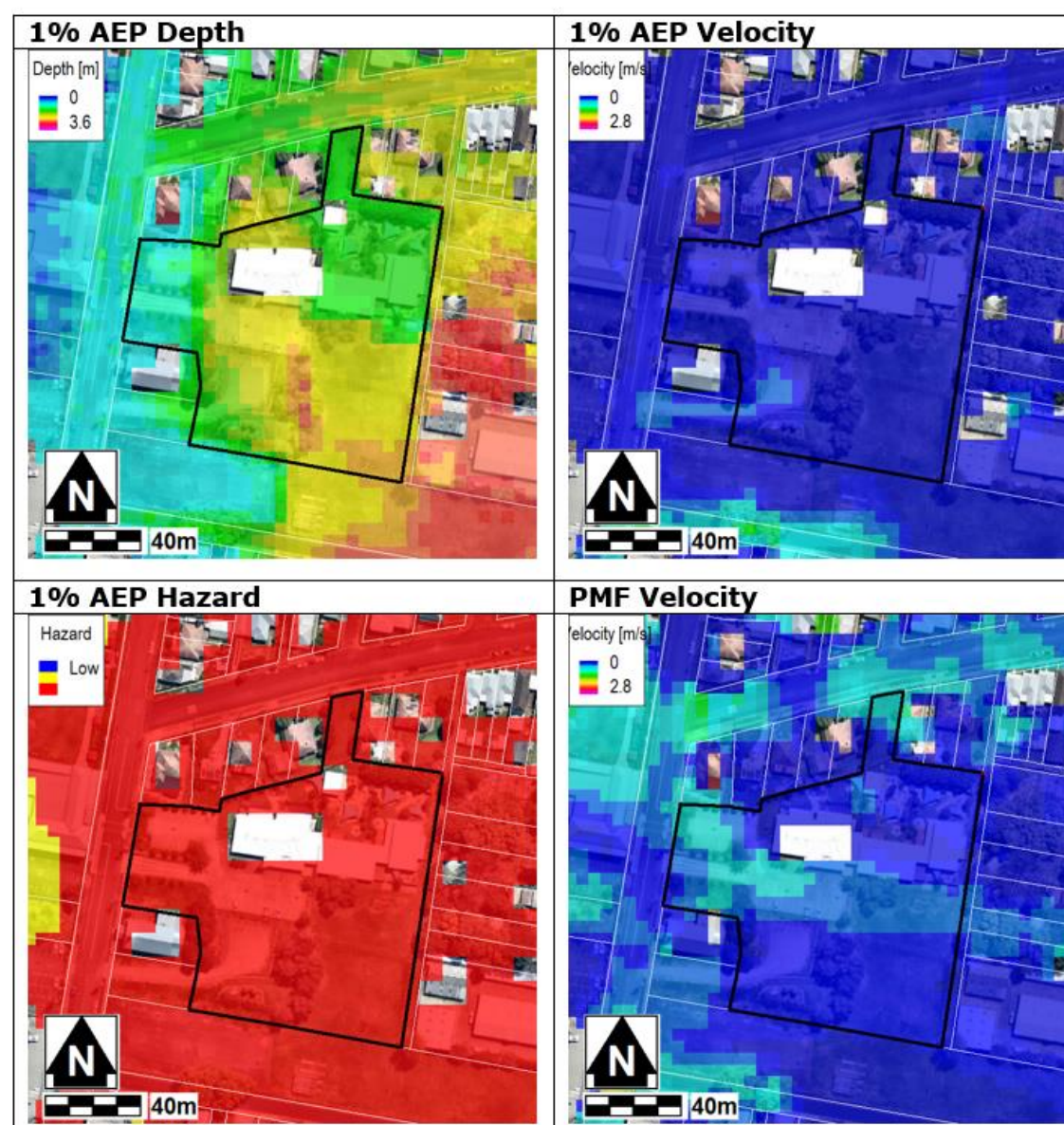
### **Clause 5.21 – Flood planning**

The subject site is mapped as being within the Flood Planning Area under the MLEP 2011 with the following modelled flood characteristics (refer to Table 6 and Figure 7 below):



**Table 6 – Flood information**

Flood Information	Minimum value	Maximum Value
1% AEP (1 in 100yr) Level m AHD	9.72	9.72
1% AEP Velocity	0.00	0.58
1% AEP Hazard	High (H5 and H6)	High (H5 and H6)
PMF Level	11.86	11.92
PMF Velocity	0.01	1.38



**Figure 8 – Maps of flood characteristics**

The objectives of this Clause are as follows:

- (a) to minimise the flood risk to life and property associated with the use of land,
- (b) to allow development on land that is compatible with the flood function and behaviour on the land, taking into account projected changes as a result of climate change,
- (c) to avoid adverse or cumulative impacts on flood behaviour and the environment,
- (d) to enable the safe occupation and efficient evacuation of people in the event of a flood.



The existing ground floor level of the St Paul's Parish Hall is RL: 9.270

The proposed design of the MPC is at RL:

- Lower ground floor level – 6.720
- Ground floor level – 9.720
- First floor level – 13.320

The application is supported by:

- Flood Impact Assessment – Hunter River Catchment, Revision A, prepared by Torrent Consulting, dated 11 March 2022;
- Flood Impact Assessment – Local Catchment, Revision A, prepared by Torrent Consulting, dated 2 February 2023;
- Flood Emergency Response Plan, Version 1, prepared by BMT, dated 16 September 2024.

Local catchment flooding and Hunter Regional flooding is discussed in turn:

### **Local Catchment Flooding**

The subject land is located within the Hunter River floodplain within an urban environment.

A TRUFLOW model of the local catchment has been produced and submitted for the assessment of the proposal. The local catchment draining to the site is approximately 1ha in size. If the local stormwater drainage network is exceeded, then the total area of approximately 19ha can drain to a topographic depression centred on Odd Street.

Two topographical depressions have been identified within the locality. In a local rainstorm scenario, with insufficient local drainage capacity, these depressions will begin to fill and eventually become connected via Carrington Street at a level of approximately 7.1mAHD. The outlet for overland flow from the combined storage is at a level of approximately 7.2mAHD via Raglan Street.

A conservative estimate of local catchment flood conditions was modelled including the entire catchment and sub-surface stormwater drainage network, resulting in retention of all catchment rainfall within the local floodplain storage until the overflow along Raglan Street is reached.

The FIA modelling identified three potential critical conditions for flood impacts associated with the proposal as follows:

1. Local redistribution of overland flow running through the site;
2. Loss of volumetric storage within the Odd Street topographic depression;
3. Loss of volumetric storage within the combined depressions.

Three 1% AEP design event scenarios were simulated for the pre- and post-development conditions. Results show a negligible change in the modelled peak flood levels or velocities for each of the three scenarios. A flood peak level increase of 7mm has been modelled within the Odd Street storage for the 6hr storm duration, with zero impact on the Cathcart Street storage. For the 12hr storm duration a peak flood level increase of 4mm has been modelled across the combined storages. This does not represent a tangible adverse impact, particularly given the conservative assumption of a full blockage of the stormwater drainage network.

The FIA, supported by a TRUFLOW hydraulic model, concludes the proposal development of the site has a negligible impact to the modelled peak flood levels and peak flood velocities.

### **Hunter River Regional Flooding**

The subject site is located within the Hunter River Floodplain.

The submitted FIA included flood modelling for the 5% AEP, 2% AEP, 1% AEP and 0.5% AEP events to define basic line flood conditions for the purpose of assessing flood risk and the basis for the FIA. The FIA determined that most of the site has a high-risk hazard and at peak flood conditions comprise of tailwater with low velocity flows.

In regard to management of flood risk to property, the ground floor of the proposed Educational Establishment will have a finished floor level of 9.72m AHD which is the 1% AEP flood level adopted by Council. As the proposal does not comprise of habitable rooms, the finished floor level is not required to be at the flood planning level being 0.5m above this level. However, the entire sub-floor area needs to be flood compatible and should be constructed and fitted out in accordance with Flood Aware Design Requirements. This will be conditioned. Certification will also be required from a structural engineer (based on information provided by a suitably qualified hydraulic engineer) to confirm that the structure has been designed to resist the forces of a 1 in 100 year flood event and this will form a condition of consent prior to the issue of an Occupation Certificate.

The FIA concludes that the proposed development will have minor impacts upstream and minimal impacts downstream of the site. Minor impacts occur in peak velocity as localized redistribution mostly contained on the site for a short period of time within a flood event. The management of risk to life and property from flooding is consistent with that of the existing area, with evacuation of Central Maitland in advance of the flood event.

The proposal is considered compatible with the flood hazard and behaviour associated with the site. The site is not within a floodway, does not result in significant impacts to other properties and does not enable residential development.

Council's Flood Engineer has reviewed the proposed development and above-mentioned reports and advised the proposed development shows that localised increases in velocity are likely in flooding events. However, these increases do not significantly impact on the risk to life and property due to their location. The site will be evacuated as per the Flood Emergency Response Plan in advance of these events occurring.

The application was also referred to the NSW State Emergency Service (SES) as an advisory who provided the following comments:

- It was noted the proposal does not provide for housing, nor will it result in an increase in population of the locality or increase student/staff numbers or employees.
- The Flood Emergency Response Plan should be updated for the facility.
- Careful consideration should be given to the proposed development against the flood and isolation risks, particularly given the site is considered of sensitive uses and the potential for high hazard flooding in the area. Council should be satisfied that there is sufficient safe evacuation capacity for children and staff at the College grounds, taking into consideration the increase in flood velocities in surrounding streets as a

result of the development. Evacuation must not require people to drive or walk through flood water.

- The importance of early evacuation and compliance with evacuation warnings both during and after construction, for the life-span of the development.
- Recommend that the primary strategy for schools in flood-prone areas is to close the school prior to the start of the school day if there is risk of flooding, for example, when there is a flood warning.
- Recommend that building design considers the potential flood and debris loadings of the PMF so that structural failure is avoided during a flood. Consideration should also be given to the resilience of facilities likely to become flooded, for example by installing washable finishes or removable infrastructure which would otherwise be likely to be damaged or contaminated by flood water.
- Additional design considerations include:
  - Placing any power points, storage and waste rooms above the PMF, where possible to avoid flood damage and risk of contamination.
  - Safety features for proposed lifts, to ensure that floodwater does not enter the lift and ensure people do not exit into flooded areas.
  - Recommend updating the Flood Emergency Response Plan and developing a testing, monitoring and review schedule. FEMPs should be regularly exercised, similar to building fire evacuation drills and updated at regular intervals and whenever additional flood information is available or highlighted during the drills or flood events.

## **Clause 7.2 - Earthworks**

The objectives of this clause are:

- (a) *to ensure that earthworks for which development consent is required will not have a detrimental impact on environmental functions and processes, neighbouring uses, cultural or heritage items or features of the surrounding land*
- (b) *to allow earthworks of a minor nature without requiring separate development consent.*

Before granting development consent for earthworks, Council must consider a range of environmental matters to ensure there is no adverse impacts.

Earthworks for bioretention construction has been detailed on the plan and shows proposed batters slope grade and extension, demonstrating the proposed earthworks tying back onto natural surface level. Council's Senior Development Engineer has reviewed the revised stormwater plans, earthworks plan and sections as acceptable subject to appropriate conditions of consent, which will be included on any development consent issued.

Appropriate conditions will also be included on any development consent issued to ensure the quality and source of fill is acceptable and the amenity of adjoining properties is protected during the construction phase (dust, noise, construction management, erosion etc).

The likelihood of disturbing relics has been considered under Clause 5.10 of the MLEP 2011.

In summary, the proposal is considered to be generally consistent with the MLEP 2011.

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

There are several proposed instruments which have been the subject of public consultation under the EP&A Act, and are relevant to the proposal, including the following:

- *Draft Maitland Local Environmental Plan 2011*
- *Draft Remediation of Land SEPP*
- *Draft SEPP (Environment)*

These proposed instruments are considered below:

***Draft Maitland Local Environmental Plan 2011***

The application was submitted to Council on 24 May 2024.

The DLEP 2011 to implement Maitland Local Housing and Rural Strategies 2041 commenced exhibition on 5 June to 17 July 2024.

Savings provisions therefore apply under Clause 1.8A of the MLEP 2011 that a development application made but not finally determined before the commencement of this LEP amendment must be determined as if this LEP amendment had not commenced.

***Draft Remediation of Land SEPP***

The draft SEPP Environment was exhibited from 31 January 2018 to 13 April 2018. The proposed new land remediation SEPP will provide a state-wide planning framework for the remediation of land, maintain the objectives and reinforce those aspects of the existing framework, require planning authorities to consider potential for land to be contaminated when determining development applications, clearly list the remediation works that require development consent and introduce certification and operational requirements for remediation works that can be undertaken without development consent.

A draft instrument is not available for review and therefore the development cannot be assessed against its provision.

***Draft SEPP (Environment)***

With regard to water catchments, Maitland City Council is not included in Sydney Water Drinking Catchment and therefore the draft provisions of this SEPP do not apply.

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

The following Development Control Plan is relevant to this application:

- *Maitland Development Control Plan (MDCP) 2011*

The following chapters of the MDCP 2011 apply to this application:

- Part A – Administration:
  - A.4 – Notification
- Part B – Environmental Guidelines:
  - B.3 – Hunter River Floodplain;
  - B.5 – Tree and Vegetation Management;
  - B.6 – Waste Not – Site Waste Minimisation & Management.
- Part C – Design Guidelines:
  - C.1 - Accessible Living;
  - C.4 – Heritage Conservation;
  - C.6 – Signage;
  - C.10 – Subdivision;
  - C.11 – Vehicular Access and Car Parking;
  - C.12 - Crime Prevention Through Environmental Design.
- Part E – Special Precincts:
  - E.1 – Centres;
  - E.3 – Heritage Conservation Areas:
    - 2. Central Maitland Heritage Conservation Area.

Each Chapter is discussed in turn:

#### **A.4 – Notification**

The proposal was notified and advertised for 28 days from 13 June to 20 July 2024 in accordance with the MDCP 2011 and Council's Community Participation Plan. A total of two unique submission were received, which are addressed elsewhere in this report.

#### **B.3 – Hunter River Floodplain**

This issue has been adequately discussed under Clause 5.21 (Flood Planning) of the MLEP 2011.

#### **B.5 – Tree and Vegetation Management**

This issue has been adequately discussed under the SEPP (Biodiversity and Conservation) 2021.

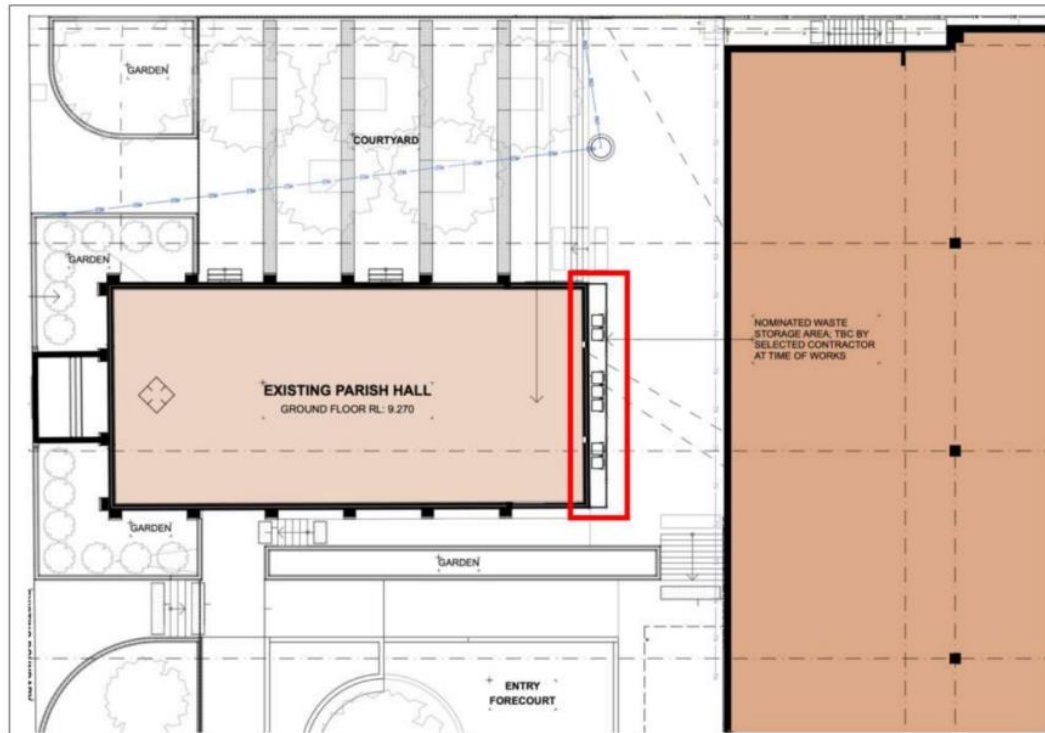
#### **B.6 – Waste Not – Site Waste Minimisation & Management**

Following a preliminary assessment, the applicant was requested to provide additional information on waste management and storage. Accordingly, a revised Site Waste Minimisation and Management and amended architectural plans have been submitted.

The designated waste storage area is shown in a bin enclosure area to the rear of St Paul's Parish Hall, which is not visible from the street (refer to Figure 9 below). The applicant has advised the collection point for the waste service provided will be from either the northern carpark, which is accessible from the vehicular entrance on Hunter Street or the street frontage, where there is ample street frontage for collection. Bins will be required to be transferred minimum distances over level ground from the designated waste storage area to the collection point in the carpark or the street frontage, accessed via a gate on the northern boundary fence. The applicant has submitted turning templates to demonstrate the bins can be collected by the waste service provider utilising a MRV rear lift collection vehicle. However, concern is raised that the turning templates conflict with a pedestrian crossing within the

childcare centre carpark and would require a ROCW given it's a separate allotment. Accordingly, collection from Hunter Street is the preferred option.

Council's Waste Officer has reviewed the additional information and supports collection from Hunter Street. Appropriate waste conditions will be included on any development consent issued including a condition to ensure waste collection occurs outside of school operating hours to avoid congestion and to reduce operational risks to students, staff or the public including the adjoining childcare centre.



**Figure 9 – Proposed waste storage area**

### **C.1 – Accessible Living**

The aim of this chapter is to ensure that new development is accessible and useable by all people.

The application is supported by an Access Report, prepared by Lindsay Perry Access, which has reviewed the DA documentation against current accessibility legislation including the provisions of the National Construction Code Building Code of Australia 2019, Access Code for Buildings 2010, Disability (Access to Premises (Buildings)) Standards 2010, relevant Australian Standards and the Disability Discrimination Act 1992 with regard to access for persons with a disability.

The proposal provides for accessible paths of travel, accessible sanitary facilities and vertical circulation with a lift and stairs in the MPC. The Access Report concludes that the proposed development generally complies with the Building Code of Australia 2016 and the intent of the Disability Discrimination Act 1992 subject to recommendations in the report being implemented during the construction process. Consent conditions are proposed to ensure these recommendations are met.

Alterations will be made to the southern elevation of St Paul's Parish Hall to accommodate access for people with disabilities.

Council's Community Planner has reviewed the Access Report and revised plans as acceptable and supports the recommendations. Accordingly, a condition is recommended for imposition to ensure the recommendations shall be incorporated into the design and construction of the development.

#### **C.4 – Heritage Conservation**

This Chapter applies as the site is located within the CMHCA and within the vicinity of heritage items. Heritage Conservation has been adequately discussed under Clause 5.10 of the MLEP 2011.

#### **C.6 – Signage**

This issue has been adequately discussed under SEPP (Industry and Employment) 2021.

#### **C.10 – Subdivision**

The proposal includes a 4 into 3 lot Torrens Title Subdivision to enable St Nicholas Childcare and associated carpark to stand on one lot, St Paul's Parish Hall and MPC to stand on a separate lot and the existing basketball courts and cricket nets will continue to stand on their existing allotment with a right of carriageway. A review of the DCP subdivision control raises no concerns. Specific environmental issues have been addressed elsewhere in the report. Council's Senior Development Engineer has reviewed the land title including easements for drainage and right of access as acceptable.

#### **C.11 – Vehicular Access and Car Parking**

The applicant has submitted a Traffic & Parking Assessment (T&PA), prepared by Intersect Traffic, to support the application. This assessment determined that as the proposal will not result in an increase in student or staff numbers, no additional traffic will be generated by the development or additional car parking demand during operation. The proposed development with therefore not impact on the adjoining local road network.

#### **Construction Traffic**

During construction, it is estimated there will be up to 20 tradesmen working on site. With deliveries this could increase traffic volumes on the local road network by up to 30 vtp. However, the majority of this traffic is generated by employees travelling to and from the site to get to work and then go home in the afternoon. Therefore, the peak construction traffic periods are likely to be between 7am and 8am and 4pm and 5pm. These peak periods are prior to and after the school peaks which represent the peak traffic periods on the road network i.e. 8am to 9am and 3pm to 4pm. This construction traffic will be significantly less than the school traffic generation so again as the peaks do not coincide it is again reasonable to conclude that construction traffic associated with the development will not adversely impact on the adjoining local road network.

The T&PA recommends that construction deliveries to the site be prohibited between 8am and 9:30am and 2:30pm and 4:00pm to ensure road and pedestrian safety. Construction should also be programmed so that the major works are undertaken during school holiday periods. These measures can be included in a Construction Management Plan prepared and implemented by the building contractor prior to commencement of work. Approval for a construction zone for part of Hunter Street and Odd Street will need to also be sought from Council.

## Servicing / Loading

Note servicing of the development will be undertaken using the existing school servicing arrangements therefore there are no adverse traffic impacts from servicing of the development. Waste servicing has been discussed above and will occur from Hunter Street.

## Traffic Volumes

Current traffic volumes on the local and state road network are below the technical mid-block capacities of the roads and as such there is spare capacity within the road network to cater for development in the area and the existing road network is currently operating satisfactorily.

The T&PA details that there may be some after school activities associated with the school and community uses, which will generate a relatively minor additional traffic loading during non-peak periods for the road network. However, the applicant has recently advised Council:

*“There are currently no specific out-of-hours community uses planned for the proposed MPC. Use of the proposed MPC will only occur during school hours. As previously stated, the facility will be made available for use of the community, however operator intending to use the MPC outside of school hours will be required to prepare and lodge an appropriate development application with Council”.*

## Vehicular Access

The T&PA details that the MPC could utilise the adjoining child care centre carpark with 30 spaces for any additional parking demand generated by out of school hours use, which does not conflict with the approved childcare hours of operation. As detailed above, the applicant is not pursuing this option at this time.

## Car parking

The MDCP 2011 prescribes the following car parking rate for educational establishments:

- *1 space for every employee or staff member plus 1 space for every 30 students over 17yrs for High Schools and 1 space for every 5 students for Higher Education Establishments plus provision for a drop off / pick up area.*

As detailed above, there will be no increase in student or staff numbers and therefore no additional car parking is required for the proposed development. A condition of consent will be imposed to ensure there is no increase.

It is noted that an informal car park located directly behind St Paul's Parish Hall on 24 Hunter Street is currently utilised by the public for car parking purposes. It is assumed that staff of the school and childcare centre utilise this area. However, this is not an approved or formalised carpark.

Following car parking concerns raised by the Panel at the briefing on 11 September 2024, the applicant has prepared additional information, which includes a Site Carpark Analysis Plan, prepared by SHAC, dated 23 September 2024, to demonstrate carparking baseline arrangements (refer to Figure 10 below). The Carpark Analysis considers the existing car parking arrangements which consists of a combination of on-site and on street car parking.

The Carpark Analysis identifies provision of:

- 53 carparks on site;



- 119 on street car spaces in the immediate vicinity of the St Peter's Campus; and
- Timed car parking to facilitate kiss-and-drop exists on the western side of Hunter Street.

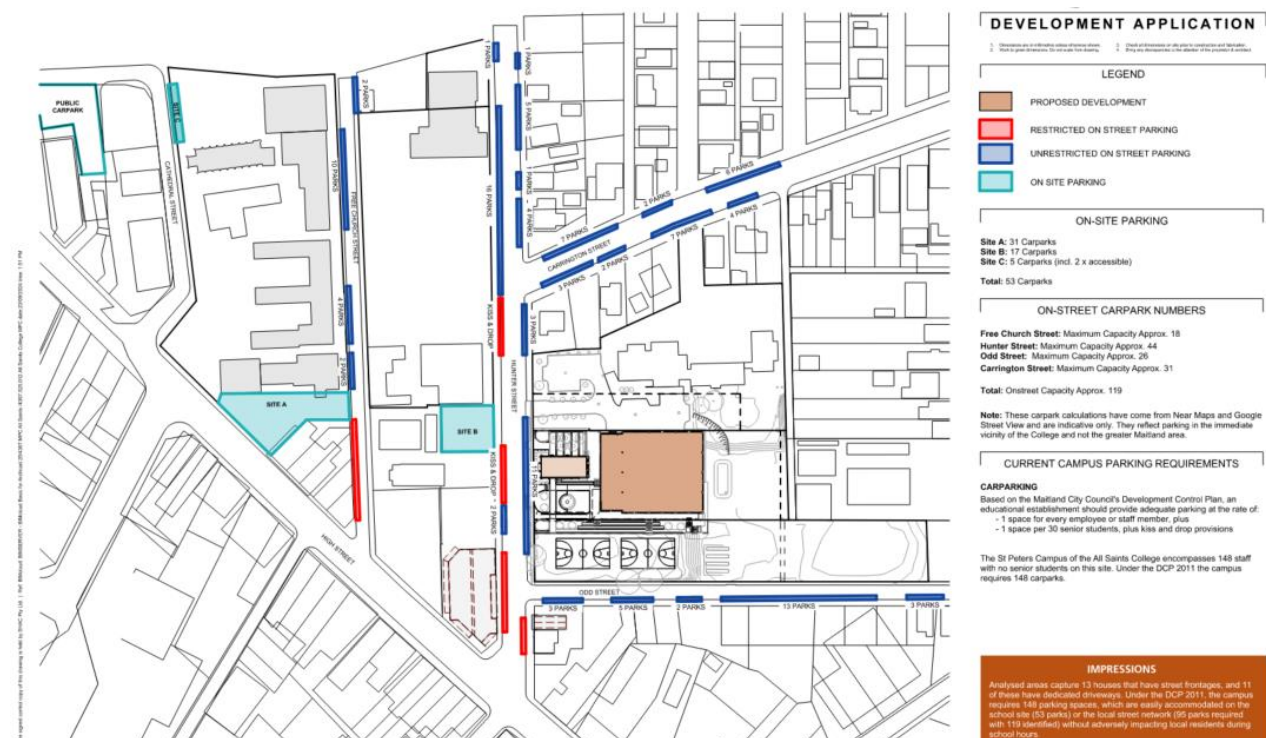
The St Peter's Campus (years 7 to 10) accommodates 148 staff with no senior students (years 11 to 12) on this site.

Pursuant to the MDCP 2011 car parking rate, the campus requires 148 car spaces and provision of a kiss-and-drop.

Based on the Site Carpark Analysis, the campus has a historical deficiency of 95 car spaces on site. However, 119 on-street car parking spaces are identified in proximity to the Campus.

These spaces extend in front of 13 dwellings, 11 of which are observed to have off street car parking. The provision of on-street parking is considered adequate to satisfy the historical deficiency of on-site carparking and service the existing school population.

The applicant has strenuously maintained that the proposed development will not result in an increase in student or staff numbers and is not to facilitate speculation of a future amalgamation of the St Peter's and St Mary's campuses. Any increase to student capacity on site will be subject of a future development application that includes consideration of the associated car parking and traffic impacts and any additional infrastructure required.



**Figure 10 – Site Carpark Analysis**

The proposal will result in the removal of two existing vehicular accesses to the site that would make available an additional 2 or 3 on-street car spaces on Hunter Street.

## Pedestrian paths

There are existing concrete pedestrian footpaths of varying widths between 1.2 metres to 2.7 metres over the frontage of the proposed development and across the road on the western

side of Hunter Street. These footpaths extend to Carrington Street to the north and connect to full width paths on High Street to the south.

At the High Street / Hunter Street intersection, an at-grade signalised pedestrian crossing and marked pedestrian crossing exists for crossing all legs of the intersection.

A school crossing exists on Hunter Street adjacent to the existing access and driveway to the adjoining child care centre. These crossings permit students and other pedestrians to safely cross the local road network to connect to the school facilities and school bus services including the subject site.

The proposed development will not generate any additional pedestrian traffic other than students crossing Hunter Street from St Peter's to the MPC or Parish Hall. The existing crossing is considered adequate.

Internal pedestrian linkages are provided within the development and within the existing school to direct pedestrians to the safest and most convenient crossing point of Hunter Street.

### **Public Transport**

Hunter Valley Buses run public transport (bus) services in the area. Routes 179, 180, 181, 182 and 183 run along High Street through Maitland servicing or providing connection to other bus services locally, to Raymond Terrace, Singleton, Paterson, Gresford and to train stations for travel throughout the Hunter region and further. The two nearest bus stops are located on High Street within convenient walking distance (approximately 200 and 250 metres) from the site. School bus services operated by Hunter Valley Buses also service the school providing transport to and from the school for the majority of students attending the school.

### **Bicycles**

No additional bicycle parking facilities required by DCP 2011.

Hunter Street has cycleway markings on the road surface on both sides of the street in the vicinity of the development running to the north to Hunter River levee bank and to the on-road cycleway in Carrington Street which then runs south to via James Street. There are no on or off-road cycle facilities in other streets in the area. Cyclists would currently be required to share the travel lanes on High Street and Hunter Street.

## **C.12 – Crime Prevention Through Environmental Design**

A CPTED report was not submitted with the application however has been adequately addressed within the SOEE and identifies a number of strategies to mitigate risk and to ensure that the proposed development is designed / constructed in accordance with CPTED principles.

The proposed development provides opportunities for natural and casual surveillance from within the development by staff and students. The school premises are proposed to be surrounded by security fencing and CCTV surveillance to minimize unauthorized access. The layout and landscaping design aims to prevent/deter theft or crime with high visibility and demonstrates clear guardianship of the land and definitive school boundaries. Therefore, the proposal remains consistent with this chapter of the DCP.

## **E.1 – Centres**

This section of DCP 2011 contains general requirements for business and commercial zones. New development in existing centres needs to respect the built form of the existing centre and the elements that make the centre unique.

The DCP requires the provision of active street frontages which is achieved with the entry forecourt area and adaptive reuse of St Paul's Parish Hall.

The character, scale and massing of the development has been taken into consideration and the proposed development is not considered out of context in this transitioning Central Maitland area.

## **E.3 – Heritage Conservation Areas**

### **2. Central Maitland Heritage Conservation Area**

The subject site is located within the CMHCA. This section of the DCP provides a description of the conservation area and requires that an understanding of its history and diversity (within a thematic and historic context) ensures the way individual buildings are considered. The proposed development is consistent with the Conservation Policies by adaptively restoring the St Paul's Parish Hall. The proposed siting of the MPC and bulk and scale respects the significance of the hall.

### **Development Contributions**

The following contributions plans are relevant pursuant to Section 7.18 of the EP&A Act and have been considered in the recommended conditions (notwithstanding Contributions plans are not DCPs they are required to be considered):

- ***Maitland City Council Section 94A Levy - Development Contributions Plan 2006 (Revision C 2013)***

Consideration has been given to this plan which has been prepared pursuant to s7.12 (previously known as s94A) of the EP&A Act.

The applicant has requested an exemption from development contributions for the following reasons:

- The applicant (Trustees of the Roman Catholic Church for the Diocese of Maitland-Newcastle trading as the Diocese of Maitland-Newcastle Catholic Schools Office is a registered charity (ABN 62089182027).
- The Catholic Schools Office operates as a not for profit service which delivers education and related sporting and recreational services to children and young people.
- All Saints College provides activities and facilities for the benefit of the community in the form of education services for children and young people.

Council's Development Contributions Officer has reviewed the request to waiver s7.12 contributions and supports the request. This decision has been made in accordance with Clause 7 of Maitland City Council's S94A Levy Contributions Plan 2006 based on the Trustees providing evidence of being a registered charity/not for profit organisation and the development providing a community service through education.

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

There have been no planning agreements entered into and there are no draft planning agreements being proposed for the site.

**(e) Section 4.15(1)(a)(iv) – Provisions of Regulations**

Section 61 of the 2021 EP&A Regulation contains matters that must be taken into consideration by a consent authority in determining a development application, with the following matters being relevant to the proposal:

- If demolition of a building proposed - provisions of AS 2601;

Section 62 (consideration of fire safety) and Section 64 (consent authority may require upgrade of buildings) of the 2021 EP&A Regulation are relevant to the proposal.

These provisions of the 2021 EP&A Regulation have been considered by Council's Building Surveyor and are addressed in the recommended draft conditions (where necessary).

**3.2 Section 4.15(1)(b) - Likely Impacts of Development**

The likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality must be considered. In this regard, potential impacts related to the proposal have been considered in response to SEPPs, LEP and DCP controls outlined above and the Key Issues section below.

The following table identifies and discusses the relevant matters for consideration in relation to environmental, social and economic impacts associated with the proposal.

<b>Matters for Consideration</b>	<b>Comments</b>
<b>Environmental</b>	
Aboriginal heritage / heritage	These issues have been adequately considered under Clause 5.10 of the MLEP 2011.
Air quality	<p>The development is for a MPC and is not expected to impact on air quality after construction.</p> <p>There is the possibility of dust from earthworks during the construction phase.</p> <p>Earthwork management can be controlled through the implementation of appropriate conditions of consent specifically regulating the method of control and requiring that no pollution occur as a result of the works.</p>
Biodiversity / Tree removal	This issue has been adequately discussed under SEPP (Biodiversity and Conservation) 2021.
Bulk and scale / height / Visual impact	By nature, MPC's are bulky buildings. It is evident that effort has been made to mitigate this bulk by setting the building back from street, adjoining boundaries and behind St Paul's Parish Hall to respect the curtilage.

	<p>Whilst the architectural design is contemporary in style, the use of semi-circular openings and half semi-circular openings to the corners of the building fronting Hunter Street has allowed the building to reflect the openings used in the hall and emphasise the graded bulk and scale of the overall development as it steps up from the hall to the GLS and then to the larger and taller MPC.</p> <p>Aligning the height of the GLS pod to the ridge height of the hall helps reduce its bulk and scale particularly when viewed from High Street or from Free Church Street. The GLS pod is made visually lighter by the scale of the openings within its facade which draws the viewer's eye away from the scale of the MPC. The height of the MPC does not exceed the height of St Paul's Parish Hall spire</p> <p>As previously discussed, the applicant was requested to investigate options to create some differentiation in the southern elevation of the MPC to help reduce the bulk and scale and visual impact of the large expanses of metal sheeting. Accordingly, the applicant submitted additional information to help support the design including a view analysis from Mansfield House. The Panel also commented at the briefing on 11 September 2024, that they were comfortable with the bulk and scale of the MPC.</p> <p>The external brickwork of the western component of the MPC will reach the gutter level of St Paul's Parish Hall, with metal cladding above. The flat roof of the second component will be higher than the ridge line of the St Paul's Parish Hall roof (20.25m AHD) to meet basketball court clearance requirements, but lower than the St Paul's Parish Hall spire. The second eastern component is located approximately 10m behind the façade of the first / western component, or approximately 6m behind the rear wall of St Paul's Hall. The flat roof will be concealed by a parapet.</p> <p>Vertical and horizontal detailing of the façade provide design elements that reduce the height and bulk of the building. The front (western) brick cladding will contain architectural elements complementary to the St Paul's Parish Hall façade.</p>
Car parking / traffic	This issue has been adequately discussed under C.11 - Vehicular Access and Car Parking in the MDCP 2011.
Construction management	Subject to approval, a condition can be imposed to ensure a Construction Site Management Plan is prepared prior to construction commencing on site to ensure appropriate measures have been considered for site access, storage and the operation of the site during all phases of the construction process in a manner that respects adjoining owner's property rights and residential amenity in the locality, without unreasonable inconvenience to the community.

Contamination	This issue has been adequately discussed under SEPP (Resilience and Hazards) 2021.
Context and setting	<p>As detailed under relevant history, the site has been informally used as recreational space by All Saints College students for a number of years.</p> <p>The location is directly opposite St Peter's and adjoins St Nicholas childcare centre.</p> <p>Given the siting of the MPC, the proposed development will have minimal impact on the residential amenity of adjoining residential properties.</p> <p>The proposal will not alter existing student or staff numbers. The proposal is sympathetic to the existing character of the area and will substantially improve the teaching space and recreational facilities available within the school.</p>
CPTED	This issue has been adequately discussed under C.12 - Crime Prevention Through Environmental Design.
Erosion and sediment control	Subject to approval, appropriate conditions can be included on any development consent issued for the development to ensure erosion and sediment control is managed properly.
Fencing	<p>Clarification was required regarding fencing. The applicant has advised existing site fencing around the perimeter of the basketball courts and cricket nets allotment will remain.</p> <p>New security type fencing is proposed along the remainder of the northern and western boundary, which is considered to compliment the architectural design and CPTED.</p>
Flooding	This issue has been adequately discussed under Clause 5.21 of the MLEP 2011.
Landscaping	<p>Proposed landscaping has been successfully integrated into the design to enhance on-site amenity and contribute to the streetscape and school environment. The landscape has been designed to balance functional circulation, access, amenity and movement across the site by connecting different existing and new spaces and levels and helps break up the bulk and scale of the MPC.</p> <p>Compensatory landscape planting includes:</p> <ul style="list-style-type: none"> <li>• Lemon Scented Gum;</li> <li>• Brush Box;</li> <li>• Weeping Lilly Pilly;</li> <li>• Chinese Pistachio;</li> <li>• Snow Pear; and</li> <li>• Tuckeroo.</li> </ul> <p>Complimented by mass planting, shrubs and climbers.</p>

	<p>Bioretention landscaping has been implemented to compliment the basin.</p> <p>Council's Landscape Architect has reviewed the revised landscape plans as acceptable. Conditions shall be imposed to ensure landscaping is maintained in accordance with any approved plans.</p>
Lighting	<p>Subject to approval, a condition can be imposed to ensure any lighting shall be installed to ensure minimal glare and light spill onto adjoining properties or roadways. Lighting shall comply with <i>Australian Standard AS4282-1997</i>.</p>
Noise and vibration	<p>An Acoustic Assessment has been prepared by RAPT Consulting, dated February 2022, which considers construction noise and vibration, operational noise and internal acoustics with consideration to:</p> <ul style="list-style-type: none"> <li>• Road Noise Policy (DECCW 2011);</li> <li>• Noise Policy for Industry (NSW EPA. 2017);</li> <li>• Interim Construction Noise Guidelines (NSW DECC, 2009);</li> <li>• Assessing Vibration: A Technical Guideline (DECC, 2006);</li> <li>• Association of Australia Acoustical Consultants Guideline for Educational Facilities Acoustics;</li> <li>• Relevant Australian Standards.</li> </ul> <p>It should be noted the Acoustic Assessment was based on out of school activities outside of school hours, which is no longer the case.</p> <p><b>Construction</b></p> <p>Construction of the proposal will be undertaken in accordance with relevant industry guidelines, including standard construction hours. While this will result in some acoustic impacts within the locality, they will be short term only. Conditions are recommended to mitigate potential impacts and the applicant will be required to prepare a detailed Construction Site Management Plan, which will address noise during the construction phase.</p> <p><b>Operation</b></p> <p>At this stage, the mechanical plant has not been selected for the development. However, it is not uncommon for the mechanical plant not to be selected prior to submitting a development. Appropriate conditions will be imposed to ensure the ongoing operation of machinery, plant and equipment complies with the acoustic assessment.</p> <p>Acoustic Modelling was also based on the MPC having doors open. The results of the operational assessment indicate operational noise from the MPC will comply with project noise</p>

	<p>trigger levels at all receptors during day, evening, and night time. While compliance is expected for the operations of the proposal, it is recommended that MPC doors remain closed wherever possible and an operational noise management plan be implemented to deal with the unlikely event where excessive noise may be generated.</p> <p>Noise from external sources such as road traffic, mechanical plant and other natural sources may potentially impact the GLAs within the MPC. Acoustic certification will be required to ensure the MPC is designed in accordance with the Acoustic Assessment.</p> <p>Council's Environmental Health Officer has reviewed the Acoustic Report as acceptable subject to conditions of consent.</p>
Operational management – existing student and staff numbers	<p>As detailed throughout the report, the proposed development will be operated and managed by All Saints College and will provide a central gathering space for the two school campuses during sport, assembly, and celebratory events, as well as being used primarily for sporting activities, PE, learning and lunchtimes.</p> <p>Hours of operation: The SOEE states no change to the existing hours of operation. A condition will be imposed to ensure this is the case.</p> <p>Student / staff numbers: The SOEE states no change to existing student / staff numbers.</p> <p>At the briefing, the Panel requested additional information on the existing and proposed student and staff numbers so baseline arrangements can be factually understood.</p> <p>The applicant provided the following response:</p> <p><i>“The proposed development of additional sporting facilities and GLAs is intended to address an immediate shortfall of appropriate facilities at the St Peter’s campus and is not proposed to accommodate an increase in student numbers or to facilitate the future amalgamation of St Peter’s and St Mary’s campus. Consideration of the associated impacts and any additional infrastructure required to support the future of amalgamation of St Peter’s and St Mary will be subject of future development applications.</i></p> <p><i>Notwithstanding, the student and staff number for St Peter’s campus only is <b>1020 students and 148 staff</b>. This is equivalent to a 9-stream high school for accommodating Years 7 to 10, as is the intended operating size of the school going forward”.</i></p>



	<p>It is acknowledged that schools can experience fluctuations in staff and student numbers over the course of a year. However, the above number conflicts with information on the Catholic Schools Office Diocese of Maitland-Newcastle website, which identifies enrolment for St Peter's at 869 students and 309 for St Mary's, which totals 1,178 students.</p> <p>The My School website doesn't break down St Peter's and St Mary's separately but rather provides a combined total of 1231 students with 181 teaching staff for 2023 (2024 figures not provided). This is consistent with the All Saints College Annual School Report 2023, which identifies a total of 1231 students with no breakdown.</p> <p>The applicant was requested to provide current (2024) and expected enrolment numbers for 2025. However, at the time of finalising this report has failed to do so.</p> <p>The 2022 enrolments for the St Peter's campus are estimated to peak at 960 students and, at the time of responding, are currently sitting at 949 students.</p> <p>As stated above, enrolments can fluctuate up to 10% over a 12 month cycle depending on local demographics and conditions. Based on the Catholic Diocese enrolment number, it is therefore considered appropriate to cap the student numbers at 869 students + 10% = 956 students (approximately 239 students per year for years 7-10).</p> <p>The applicant has nominated 148 staff members for St Peter's Campus. Obviously staff numbers can also fluctuate year to year to reflect student enrolments and evolving learning support needs, with staff moving between campuses as required.</p> <p>The NSW Government My School website lists staff numbers for 2023 across the combined College (years 7 to 12) as follows:</p> <ul style="list-style-type: none"> <li>• 181 teaching staff (111.4 FTE)</li> <li>• 53 non-teaching staff (35.2 FTE)</li> <li>• Total 234 staff</li> </ul> <p>This equates to 1 staff member for every 5.2 students (<math>1,231/234 = 5.3</math>).</p> <p>Considering the natural fluctuation in student numbers and their learning needs, Council staff are of the opinion staff numbers should be capped at 180 staff (<math>956/5.3 = 180</math>).</p> <p>It is therefore the recommendation of this report that a condition be imposed to ensure</p>
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	<p>No approval is given or implied to an increase in student or staff numbers.</p> <p>No approval is given or implied to amalgamate All Saints St Mary's Senior Campus and All Saints St Peter's Junior Campus into one Campus.</p> <p>Use: The SOEE states the MPC will only be used by the school and not utilised by the general public. A condition will be imposed to ensure this is the case.</p>
Overshadowing	The applicant has submitted shadow diagrams which indicates no impact on adjoining properties.
Visual privacy	Given adequate separation / buffers from adjoining properties and the design and use of the MPC, no visual privacy concerns.
Overshadowing	The applicant has submitted shadow diagrams which indicates no impact on adjoining properties.
Reflectivity	Subject to approval, a condition can be imposed to ensure external cladding materials such as roofs, walls and windows shall have low-reflective properties.
Stormwater	<p>The development includes replacing the existing stormwater pipe to the rear that connects to Odd Street. The bio-retention basin will connect to the Odd Street drainage system. OSD x 3 tanks in the lower ground floor of the MPC.</p> <p>Council's Senior Development Engineer has reviewed the revised stormwater plans as acceptable subject to appropriate conditions of consent including:</p> <ul style="list-style-type: none"> <li>a. Stormwater shall be disposed of through a piped system designed in accordance with Australian Standard AS 3500 by a suitably qualified engineer.</li> <li>b. Minimum storage volume of 88 m<sup>3</sup> for on-site detention (OSD) with a maximum permissible site discharge limited to 121 litres per second for the 1% AEP event and strictly in accordance with drainage plan number NL203354 revision E dated 14/10/2024 by Northrop and drains modelling, and</li> <li>c. an emergency overland flow path for major storm events, that is directed to the public drainage system.</li> </ul> <p>A restriction or covenant on the title of affected lots (generally Section 88b) under the Conveyancing Act 1919, shall be created to give effect to a positive covenant burdening the lot, to maintain the bioretention system in accordance with the Stormwater System Maintenance Procedure Plan.</p>
Urban design	The application is not subject to design consideration under Chapter 4 (Design of residential apartment development) of the Housing SEPP (Formerly SEPP 65).

	The proposed MPC will provide a positive addition to Central Maitland and is considered to be of high architectural and urban design whilst promoting adaptive reuse of the St Paul's Parish Hall.
Utilities	The proposed new school building can be connected into nearby utilities and services without the potential for adverse impacts.
Views	The proposed development will not result in the loss of significant views.
Visual privacy	Given adequate separation from adjoining properties and the design of the MPC, no visual privacy concerns.
<b>Economic</b>	<p>An Economic Impact Assessment (EIA) has not been submitted with the application. However, the proposal will result in positive economic impacts for the local economy, including the creation of jobs during the construction phase with flow-on economic impacts to the local economy.</p> <p>The proposed development will have an ongoing economic benefit by providing additional school facilities to provide educational services. The proposed development will support positive educational and health outcomes for students.</p> <p>The on-going use of the site as an educational establishment will ensure teaching, teaching support and administration positions remain open to the local and broader community.</p>
<b>Social</b>	<p>The applicant has submitted a Social Impact Assessment with the application, prepared by AIGIS Group, which concludes the proposed Educational Establishment will contribute to the continued and improved functioning of All Saints College and provide a positive outcome for the wider community.</p> <p>Any potential negative social impacts associated with the proposal are likely to be those that relate to traffic and noise issues, which are discussed above.</p>

### 3.3 Section 4.15(1)(c) - Suitability of the site

As demonstrated in the assessment report, the proposed development is considered to fit the locality and the site attributes are conducive to development.

The site has been informally used as outdoor recreational spaces associated with All Saints College since the 1970's. Although subject to constraints (contamination, heritage and flooding), the site is considered to be suitable for the proposed MPC and is of sufficient size to enable the expansion of the existing education establishment without any significant adverse impacts on the neighbours or the contextual character of the area.

The proposal will see the adaptive reuse and refurbishment of the St Paul's Parish Hall, which will bring new life into a building worthy of heritage listing within the CMHCA.

The MLEP 2011 has been amended to allow an additional permitted land use being an Educational Establishment on the RE2 portion of the site.

The proposed development is considered suitable of the site.

### 3.4 Section 4.15(1)(d) - Public Submissions

Two submissions are considered in Section 5 of this report.

### 3.5 Section 4.15(1)(e) - Public interest

The proposed development is considered to be in the public interest. The proposal is generally consistent with the relevant heads of consideration pursuant to Section 4.15 of the EP&A Act, and the identified environmental, economic and social impacts are mitigated to an acceptable level through design or conditions of consent. The proposal will permit the construction of additional recreational facilities and GLAs to accommodate the existing student numbers. The provision of modern day infrastructure will provide an enhanced Education Establishment for student and teachers of All Saints College, resulting in a wider community benefit. The proposal is unlikely to impact on any Federal, State and Local Government or community interests. The proposal is therefore in the public interest.

## 4. REFERRALS AND SUBMISSIONS

### 4.1 Agency Referrals and Concurrence

The application has been referred to various agencies for comment/concurrence/referral as required by the EP&A Act and outlined below in Table 7 below.

There are no outstanding issues arising from these referral requirements subject to the imposition of the recommended conditions of consent being imposed.

**Table 7: Concurrence and Referrals to agencies**

Agency	Concurrence/ referral trigger	Comments (Issue, resolution, conditions)	Resolved
<b>Concurrence Requirements</b> (s4.13 of EP&A Act)			
N/A – Concurrence was not required under this application			
<b>Referral/Consultation Agencies</b>			
Electricity supply authority	Section 2.48 – <i>SEPP (Transport and Infrastructure) 2021</i> - Development near electrical infrastructure	The application was referred to Ausgrid who raised no objection to the development subject to appropriate conditions regarding construction related matters, dated 25 June 2024.	Y
Transport for NSW	Section 3.58 – <i>SEPP (Transport and Infrastructure) 2021</i> – Educational establishment deemed to be traffic generating development.	TfNSW has reviewed the application and raised no objection to or requirements for the proposed development as it was considered to have no significant impact on the nearby classified (State) road network, dated 17 June 2024. Advice to Council as follows:	Y

SES	Advisory referral for flood evacuation in a flood prone area	The SES provided comments on 8 October 2024. These are considered under Clause 5.21 of the MLEP 2011.	Y
Mindaribba	Clause 5.10 of MLEP 2011	No referral comment received.	N/A
Heritage NSW	Advisory referral	No referral comment received.	N/A
<b>Integrated Development (S 4.46 of the EP&amp;A Act)</b>			
N/A –No integration under this application			

## 4.2 Council Officer Referrals

The development application has been referred to various Council officers for technical review as outlined in **Table 8** below.

**Table 8: Consideration of Council Referrals**

Officer	Comments	Resolved
Building Surveyor	No objection subject to conditions of consent.	Yes
Community Planner (Access)	Council's Community Planner has reviewed the submitted Access Report and DA documentation as acceptable. Appropriate conditions will be included to ensure compliance.	Yes
Contamination	<p>Council has engaged a Consultant Environmental Scientist to undertake a detailed review of the DSI and RAP. The review identified the remedial options as conceptual only as they do not include an estimate on remedial extent of volumes or the volume of material in containment areas cell 1 and cell 2.</p> <p>Given the sensitive land use and based on information available, it is recommended that additional characterisation of soil contamination is required to enable the development of a robust conceptual site model to appropriately inform a remedial options assessment and data gaps identified.</p> <p>Accordingly, conditions are recommended to ensure:</p> <ul style="list-style-type: none"> <li>• An Accredited Site Auditor must be appointed;</li> <li>• Additional investigations are required prior to CC to further characterise contamination with respect to remedial volumes and asbestos, flooding and to inform the detailed designs;</li> <li>• Interim Audit Advice prior to CC;</li> <li>• Prior to OC, the site must be remediated and validated that the land is suitable for the proposed use as an Educational Establishment, and that the remediation and validation of the site has been undertaken in</li> </ul>	Yes

	<p>accordance with the approved Remediation Action Plan.</p> <ul style="list-style-type: none"> <li>• If the Validation Report identifies the need for implementation of a LTEMP, the plan must be submitted to Council and document the legal mechanism intended to make enforceable.</li> <li>• Prior to OC, a Site Audit Report and Site Audit Statement shall be provided to Council.</li> </ul>	
Development Contributions	<p>Council's Development Contributions Administrator has reviewed the application and supports the proposed exemption to s7.12. This decision has been made in accordance with Clause 7 of Maitland City Council's S94A Levy Contributions Plan 2006 based on the Trustees providing evidence of being a registered charity/not for profit organisation and the development providing a community service through education.</p>	Yes
Development Engineering	<p>Council's Senior Development Engineer initially reviewed the proposed development and requested additional information to address:</p> <ul style="list-style-type: none"> <li>• Stormwater management;</li> <li>• Drains modelling for assessment purposes;</li> <li>• Detention tank details;</li> <li>• Conflicts in architectural and engineering plans to be rectified;</li> <li>• Earthworks detail.</li> </ul> <p>This information has been submitted to the satisfaction of Council's engineer subject to conditions of consent.</p>	Yes
Ecology	<p>Council's Ecologist has reviewed the submitted Arborist Report as acceptable subject to conditions of consent. A BDAR is not required.</p>	Yes
Environmental Health	<p>Council's Environmental Health Officer has reviewed the Acoustic Report as acceptable subject to conditions of consent.</p>	Yes
Flooding	<p>Council's Flood Engineer has reviewed the submitted Flood Reports as acceptable subject to conditions of consent. The proposed development shows that localised increases in velocity are likely in flooding events. However, these increases do not significantly impact on the risk to life and property due to their location. The site will be evacuated in advance of these events occurring in accordance with the Flood Emergency Response Plan.</p>	Yes
Heritage	<p>Council's Heritage Officer has reviewed the submitted Heritage Impact Statement ('HIS') prepared for the applicant and concurred with the conclusion of the HIS that there would not be any adverse impacts on heritage values arising from the proposal. It was also recommended that conditions are to be imposed on any consent issued regarding the salvage of</p>	Yes

	materials and building elements, the retention of the commemorative plaques, provision of a photographic archival recording and a Heritage Interpretation Strategy to be prepared. Standard heritage discovery conditions were also recommended.	
Landscaping	<p>Council's Landscape Architect initially reviewed the application and requested:</p> <ul style="list-style-type: none"> <li>• A landscape masterplan demonstrating boundary information and site accessibility.</li> <li>• A north elevation/perspective between St Nicholas car park and the northern boundary of the site</li> <li>• The submitted architectural and landscape plans are missing grade information. Accessibility needs to be shown and demonstrated on plans.</li> <li>• Clarification of fencing details.</li> </ul> <p>This information has been submitted to the satisfaction of Council's Landscape Architect.</p>	Yes
Waste	Council's Waste Officer initially reviewed the application and requested a Waste Management Plan with details of waste storage and collection. This information has been submitted to the satisfaction of Council's Waste Officer.	Yes

The outstanding issues raised by Council officers are considered in the Key Issues section of this report.

### 4.3 Community Consultation

The proposal was notified in accordance with the DCP/Council's Community Participation Plan from 13 June 2024 until 10 July 2024. The notification included the following:

- Notification letters sent to adjoining and adjacent properties (38 properties);
- Notification on the Council's website.

The Council received a total of two unique submissions, comprising two objections against the proposal. The issues raised in these submissions are considered in **Table 9**. A submitters list is provided as an attachment to this report (refer to Attachment E).

**Table 9: Community Submissions**

Issue	No of submissions	Council Comments
Traffic	2	Traffic issues have been adequately discussed under Part C.11 - Vehicular

<p>Submissions raised concern the development will adversely impact traffic within the locality.</p> <p>Provide results of a traffic study.</p>		<p>Access and Car Parking in the MDCP 2011 section of the report.</p> <p><b>Outcome:</b> A condition shall be imposed to ensure there is no increase in student or staff numbers and that the MPC is only utilised during school hours.</p>
<p><b>Car parking</b></p> <p>Submissions raised the following concerns:</p> <p>Existing lack of car parking impacting residential streets.</p> <p>Lack of additional car parking.</p> <p>Amalgamation of St Mary's and St Peter's will exacerbate the car parking problem.</p> <p>The school provides very little car parking for staff and students.</p> <p>Off street car parking should be provided by the school as part of this application.</p> <p>How could Council allow expansion without considering car parking implications.</p> <p>Council could provide their car parks for car parking and shuttle buses to bring students and staff to the school.</p> <p>Consider restricted car parking in the local streets.</p>	2	<p>Car parking issues have been adequately discussed under Part C.11 - Vehicular Access and Car Parking in the MDCP 2011 section of the report.</p> <p><b>Outcome:</b> A condition shall be imposed to ensure there is no increase in student or staff numbers. No approval is given or implied for the amalgamation of St Peter's and St Mary's into one school campus.</p>

## 5. KEY ISSUES

The following key issues are relevant to the assessment of this application having considered the relevant planning controls and the proposal in detail:



## **5.1 Permissibility**

Educational Establishments are not permitted in the RE2 zone. This issue has been adequately discussed under zoning and permissibility in the MLEP 2011 section of the report.

Resolution: This issue has been resolved through a Planning Proposal, which was gazetted on 20 September 2024, to permit an additional permitted land use – Educational Establishment on the site.

## **5.2 Bulk and scale**

The bulk and scale of the development has been adequately considered under Clause 5.10 of the LEP 2011 and Section 4.15(1)(b) - Likely Impacts of Development as acceptable given the architectural design, siting of the building and landscape response.

## **5.3 Car parking and traffic**

Car parking and traffic is adequately discussed under Part C.11 - Vehicular Access and Car Parking in the MDCP 2011 section of the report.

Resolution: Appropriate conditions have been recommended for imposition to ensure there is no increase in student or staff numbers as outlined in Attachment A.

## **5.4 Contamination**

This issue is adequately discussed under SEPP (Resilience and Hazards) 2021.

Resolution: Appropriate contamination conditions have been recommended for imposition in Attachment A.

## **5.5 Existing student and staff numbers**

Existing student and staff numbers has been adequately considered under operational management in Section 4.15(1)(b) - Likely Impacts of Development.

Resolution: Appropriate conditions have been recommended for imposition to ensure there is no increase in student or staff numbers and that numbers are capped as outlined in Attachment A.

## **5.6 Flooding**

This issue is adequately discussed under Clause 5.21 of the MLEP 2011 with localised increases in velocity not significantly impacting on the risk to life and property due to their location.

Resolution: Appropriate flooding conditions have been recommended for imposition in Attachment A and a Flood Emergency Response Plan has been submitted.

## **5.7 Heritage Conservation**

This issue is adequately considered under Clause 5.10 of the LEP 2011.

Resolution: The recommendations contained within the HIS shall be conditioned as outlined in Attachment A.

## 5.8 Noise and vibration

Noise and vibration has been adequately considered under Section 4.15(1)(b) - Likely Impacts of Development as acceptable.

Resolution: The recommendations contained within the Acoustic Assessment have been incorporated as conditions of consent as outlined in Attachment A.

## 5.9 Tree removal

This issue has been adequately discussed under SEPP (Biodiversity & Conservation) 2021.

Resolution: Appropriate biodiversity conditions including preparation of a BMP and installation of artificial hollows have been recommended for imposition in Attachment A.

## 6. CONCLUSION

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

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

## 7. RECOMMENDATION

That the Development Application DA/2024/424 for Educational Establishment (School) with construction of a Multi-Purpose Centre, refurbishment of St Paul's Parish Hall, 4 into 3 Lot Torrens Title Subdivision, Category 1 Remediation Works, Demolition works and Tree Removal at 20-24 Hunter Street, Horseshoe Bend be APPROVED pursuant to Section 4.16(1)(a) of the *Environmental Planning and Assessment Act 1979* subject to the draft conditions of consent attached to this report at Attachment A.

The following attachments are provided:

- Attachment A: Draft conditions of consent
- Attachment B: Architectural Plans
- Attachment C: Landscaping Plans
- Attachment D: Engineering Plans
- Attachment E; Draft Subdivision Plan
- Attachment F: Photographs of the site
- Attachment G: Submitters list