

Panel Reference	PPSHCC-298
DA Number	DA/2024/424
LGA	Maitland City Council
Proposed Development	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
Street Address	20-24 Hunter Street, Horseshoe Bend
Applicant/Owner	Trustees of the Roman Catholic Church for The Diocese of Maitland-Newcastle C/o Barr Planning
Date of DA lodgement	24 May 2024
Total number of Submissions Number of Unique Objections and Summary of key submissions	Two
Recommendation	Approval
Regional Development Criteria	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
List of all relevant s4.15(1)(a) matters	<ul style="list-style-type: none"> • <i>State Environmental Planning Policy (Biodiversity and Conversation) 2021;</i> • <i>State Environmental Planning Policy (Industry and Employment) 2021;</i> • <i>State Environmental Planning Policy (Planning Systems) 2021;</i> • <i>State Environmental Planning Policy (Resilience and Hazards) 2021;</i> • <i>State Environmental Planning Policy (Transport and Infrastructure) 2021;</i> • <i>State Environmental Planning Policy (Sustainable Buildings) 2022;</i> • <i>Maitland Local Environmental Plan 2011;</i> • <i>Maitland Development Control Plan 2011.</i>
List all documents submitted with this report for the Panel's consideration	<ul style="list-style-type: none"> • Revised architectural plans, Revisions M, N & O, prepared by SHAC, all dated 2 September 2024; • Revised engineering plans, Revisions D & E, prepared by Northrop, all dated 2 October 2024; • Revised landscaping plans, Revision E, prepared by Moir, dated 30 September 2024; • Draft Subdivision Plan, Revision F, prepared by SHAC, dated 7 May 2024; • Revised Statement of Environmental Effects, Revision 2, dated 17 June 2024, prepared by Barr Planning; • Additional information response, dated 19 September 2024, prepared by Barr Planning. • Additional information response to HCCRPP deferral, dated 18 December 2024, prepared by Barr Planning. • Statement of Heritage Impact, Revision C, prepared by John Carr Heritage Design, dated 2 March 2023;

	<ul style="list-style-type: none"> • 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 • Updated response to Council, dated 19 February 2025, prepared by Douglas Partners. • Revised Remediation Action Plan, Revision 2, prepared by Douglas Partners, dated 13 February 2025; • Report on Supplementary Detailed Site Investigation, Revision 2, prepared by Douglas Partners, dated 19 February 2025; • Additional Contamination Testing and Geotechnical Investigation, prepared by Douglas Partners, dated 4 September 2020; • Social Impact Assessment, prepared by AGIS, dated 12 December 2022; • SEPP Requirements, prepared by GHD, dated 26 April 2024; • Embodied Emissions Material Form, Revision 1.20, prepared by Muller Partnership, dated 24 October 2023; • Estimated Development Cost Report, Revision 1, prepared by Muller Partnership, dated 16 April 2024; • Traffic and Parking Assessment, Revision E, prepared by Intersect Traffic, dated 16 December 2022; • Additional car parking analysis, prepared by SHAC, dated 23 September 2024; • Acoustic Assessment, Revision 1, prepared by RAPT Consulting, dated 9 February 2022; • Access Report, Revision 2, prepared by Lindsay Perry Access, dated 30 May 2021; • Arborist Report, prepared by Tattersall Lander Pty Ltd, dated February 2022; • 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;
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	<ul style="list-style-type: none"> Response to engineering issues, prepared by Northrop, dated 3 October 2024 and DRAINS Modelling; Site Waste Minimisation and Management Plan, prepared by Barr Planning, dated September 2024.
Clause 4.6 requests	N/A
Summary of key issues	<ul style="list-style-type: none"> Permissibility; Bulk and scale; Car parking and traffic; Contamination; Existing student and staff numbers; Heritage conservation; Flooding; Noise; Tree removal.
Report prepared by	Georgie Williams, Principal Planner
Addendum report date	11 March 2025
Original report date	3 December 2024

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?

Yes

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 as part of this application.

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.

The application was reported to the Panel for determination on 10 December 2024. However, the Panel resolved to defer determination on 17 December 2024 for:

- i. Sufficient information to satisfy the provisions of section 4.6 of SEPP (Resilience and Hazards) 2021.*
- ii. Details of full time equivalent staff, and the breakdown of permanent and casual staff for 2024.*
- iii. Establishment of a baseline/student and staff cap for St Peters for 2024.*

In Council's reporting of the matter, the additional information should be assessed and recommended conditions reviewed".

The Record of Deferral noted the following actions:

- 1. The Applicant to provide the information outlined at points (i) to (iii);*
- 2. A formal written request to amend the application is required to be uploaded to the Planning Portal by the Applicant within 7 days outlining:*
 - a. Particulars sufficient to indicate the nature of the change of the development, as required under section 37 of the Environmental Planning and Assessment Regulation 2021;*
 - b. Updated technical reports relied on in the amended application.*
- 3. Council is requested to provide an addendum assessment report responding to the matters above, which is to be uploaded to the Planning Portal within four (4) weeks of the upload of the Applicant's required information to the Planning Portal.*
- 4. When the updated assessment report is received the Panel will determine the application by way of electronic determination.*

All above matters raised by the Panel have now been adequately addressed by the applicant through additional information, which is addressed in this report. This report should be read as an addendum to the original assessment report, dated 3 December 2024.

The revised application has now 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 draft conditions contained in Attachment A. Accordingly, the application is presented to the Panel for E Determination with a recommendation for approval.

Deferral item

Each deferral item is addressed in turn and should be read as an addendum to the original assessment report:

- i. Sufficient information to satisfy the provisions of section 4.6 of SEPP (Resilience and Hazards) 2021**

In order to address item (i) of the deferral, the applicant has submitted the following additional information:

- Revised Remediation Action Plan, Revision 2, prepared by Douglas Partners, dated 13 February 2025;
- Report on Supplementary Detailed Site Investigation, Revision 2, prepared by Douglas Partners, dated 19 February 2025; and
- Updated response to Council, dated 19 February 2025, prepared by Douglas Partners.

These documents were uploaded to the Planning Portal on 13 and 19 February 2025 and aim to address data gaps identified by Council's Contamination Consultant, further assess the extent of contamination and confirm the area and extent required for remediation.

An updated assessment under Chapter 4: Remediation of Land is provided below:

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 and be satisfied, a Supplementary Detailed Site Investigation (SDSI) and Revised Remedial Action Plan (RAP) has been prepared for the site.

The SDSI was conducted within the current site area in 2024 following recommendations from the previous assessments to provide additional data for site characterisation and delineation of proposed remediation areas and to inform the updated RAP. The additional investigation was conducted to address the following:

- Delineation of the contamination hotspot areas within the site;
- Presence/concentrations of asbestos in impacted areas (including central-northern portion) via screening / soil testing;
- Assessment of PAH source, extent of PAH impact and requirements for remediation within the gravel hardstand driveway / car park;
- Delineate known HSL exceedances and to enable statistical analysis of several known elevated analytes in the playing field areas to determine the risk profile and remediation requirements (if any);
- Further assessment of areas with limited (i.e. north of existing hall and south-eastern grassed area) or no testing to date (i.e. south eastern grassed area).

The additional investigations comprised:

- Drilling/excavation of 32 additional boreholes/test pits within the current site area;
- Laboratory testing of soil samples for a range of potential contaminants;
- Screening/sieving of bulk samples of fill materials from the test locations for assessment of possible asbestos containing materials (ACM);
- Preparation of a report presenting the results of the supplementary assessment, including update of plans defining proposed remediation areas based on previous and current testing results.

The results of the assessment generally indicated the presence of elevated heavy metal, PAH and asbestos impacts in fill, commensurate with previous assessment results.

South Eastern Portion

The results of field screening, additional testing including recent additional surface tests for asbestos indicate the absence of asbestos (i.e. below laboratory level of reporting) and minimal chemical impact within this portion of the site. The results of additional statistical analysis for B(a)P (calculated 95% upper confidence limit (UCL) of the arithmetic mean (95% UCL)) indicated that the 95% UCL concentration for B(a)P was within the conservative ESL. No remediation / management will therefore be required for the south east portion of the grass playing field.

Conceptual Site Model (CSM)

The CSM has been divided into three sections (refer to Figure 1 below), outlining the potential sources of contamination and associated Contaminants of Potential Concern (CoPC) for the site being:

- S1: Imported fill – Contaminated fill identified in some areas and require delineation / further assessment in other areas. Remediation/management required in areas where impact is identified and site users and ecological receptors are potentially exposed to fill;
- CoPC: PAH, heavy metals, TRH, BTEX, asbestos (i.e. as bonded asbestos containing material (ACM), pesticides, PCB.
- S2: Demolition of former structures – Asbestos has been identified in some areas and require delineation / further assessment in other areas. Remediation/management required in areas where impact is identified and site users receptors are potentially exposed to asbestos.
- CoPC: heavy metals, possible asbestos (i.e. as bonded asbestos containing material (ACM)).
- S3: Storage of vehicles within hardstand carpark area / previous access tracks - Testing of soil within the site to date indicates that contaminants associated with this land use does not appear to have significantly impacted the site.

Source and Identified Contaminants	Transport Pathway	Receptor	Action
<ul style="list-style-type: none"> • S1: Imported fill; <ul style="list-style-type: none"> ◦ Identified CoC: PAH, TRH and heavy metals, asbestos, • S2: Demolition of former structures - <ul style="list-style-type: none"> ◦ CoPC: heavy metals, asbestos • S3: Storage of vehicles hardstand carpark area / previous access tracks - <ul style="list-style-type: none"> ◦ CoPC: PAH, heavy metals 	P1: Ingestion and dermal contact. P2: Inhalation of dust and/or vapours.	R1: Current site users. R2: Construction and maintenance workers. R3: End users.	Remediation/management is required to remove the sources and/or pathways for potential exposure of receptors to the identified contamination at the site in order to render the site suitable for the ongoing use of the site as a secondary school.
	P3: Surface water run-off.	R5: Surface water.	
	P6: Inhalation, ingestion and absorption.	R7: Terrestrial ecosystems.	

Notes to Table:

On the basis of the low leachability characteristics of contaminated fill materials, as evidenced by previous leachability (ASLP) testing, the pathways P4 and P5 and Receptor R6 were not considered applicable for the final CSM.

Figure 1 – Summary of potentially complete exposure pathways

The areas requiring remediation across the site have been separated into four individual areas based on the following:

- Proposed staging / timing for the remediation / development;
- Existing and proposed landforms;
- Proposed development.

The remediation areas outlined in Figure 2 below comprise:

- Remediation Area A - proposed MPC and St Pauls Parish Hall: All areas impacted with PAH (B(a)P) and asbestos-impacted fill;
- Remediation Area B - existing raised fill mound in the central northern portion: All areas impacted with PAH (B(a)P), heavy metals and asbestos;
- Remediation Area C - existing basketball court area and surrounding fill batter: All areas impacted with PAH (B(a)P), lead and potential asbestos-impacted fill;
- Remediation Area D - existing playing field area impacted with PAH B(a)P, TRH, heavy metals, and asbestos.



Figure 2 – Site boundary, remediation area, proposed capping & depth of impacted fill

The preferred remediation strategy for each remediation area based on the previous investigations and the current proposed development and associated constraints are as follows:

- Remediation Area A (proposed MPC & St Pauls Hall): Onsite management of impacted area beneath the proposed building and associated pavements and landscaped areas (refer to Figure 3 and 4 below);
- Remediation Area B (existing fill mound in the central northern portion): Onsite management beneath an appropriate soil capping. Note to achieve design finish levels

excavation and placement of upper impacted fill materials beneath the proposed MPC will be required (refer to Figure 2);

- Remediation Area C (existing basketball court area and surrounding fill batter): Onsite management of impacted area via upgrading of the existing asphalt pavement and appropriate soil capping of batter (refer to Figure 2):
 - Area C – Grassed batters to be stripped to facilitate construction of a minimum 0.3m VENM cap and the basketball court to be resurfaced to meet a minimum 0.1m hardstand cap;
 - Advice during construction will recommend a final landform that can accommodate the proposed capping. Should the proposed final landform be too steep to maintain the required capping depth, additional advice will be provided during construction regarding flattening of batters, terracing, vegetation etc;
- Remediation Area D (existing playing field area): Onsite management beneath an appropriate soil capping. Note to achieve design finish levels excavation and placement of upper impacted fill materials beneath the proposed multipurpose centre will be required.

Note: Stripping/excavation of impacted fill in the footprint of the proposed bio-retention system is recommended as a precaution to avoid direct infiltration through contaminated fill.

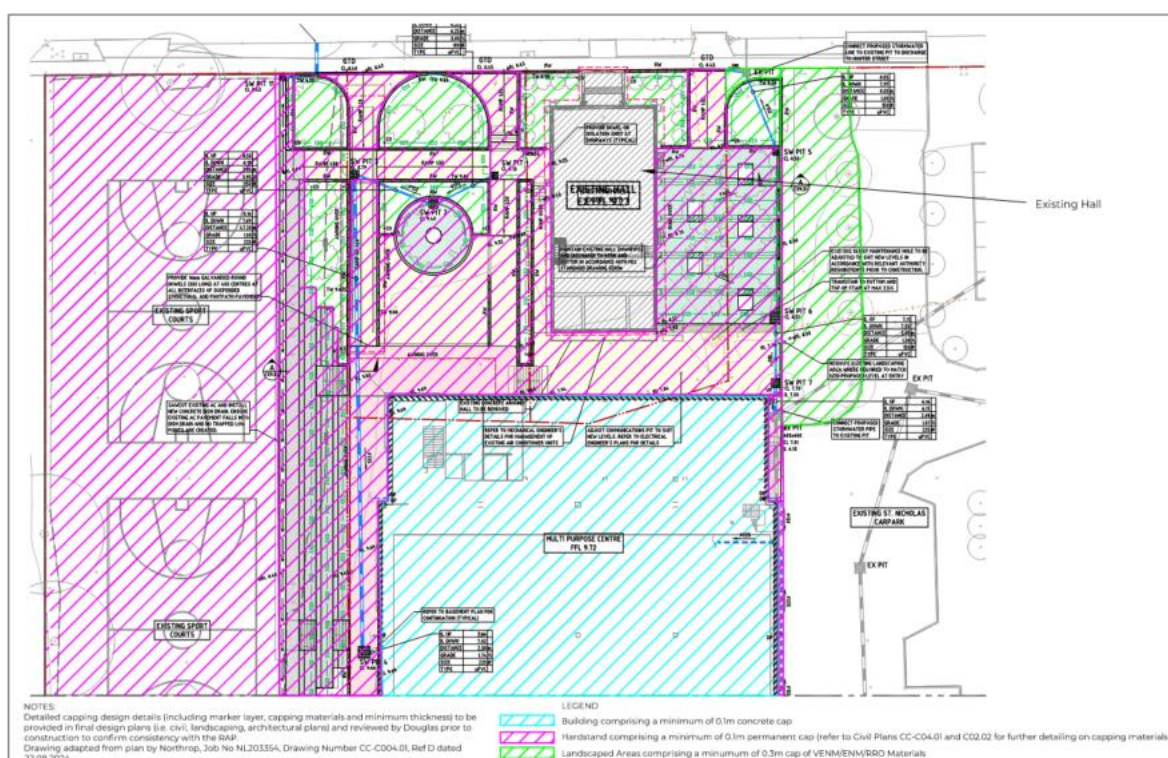


Figure 3 – Proposed capping for remediation area A

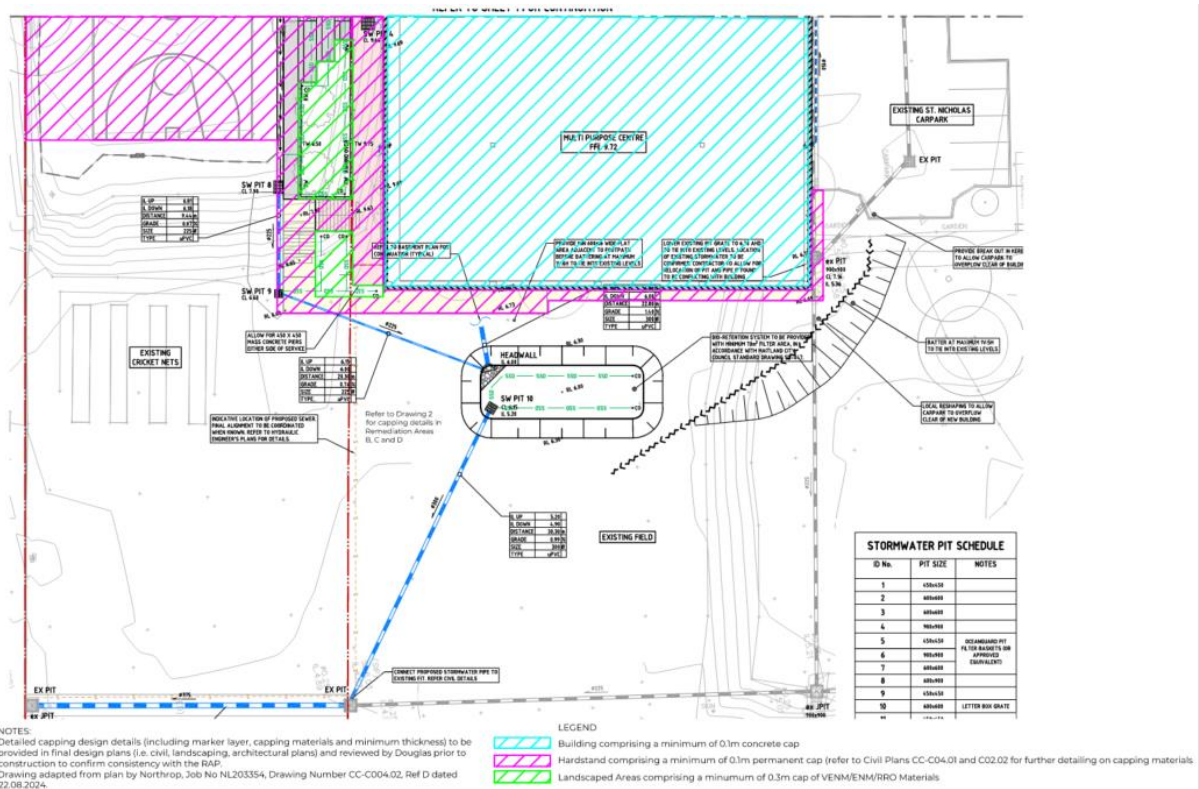


Figure 4 – Proposed capping for remediation area A

It is noted in the SDSI and RAP that the proposed development can accommodate up to 2,000m³ of impacted fill within the building voids and below the forecourt area. To achieve design finish levels and/or maintain existing surface levels, the upper fill within Remediation Areas B and D and localised areas of Remediation Area A will be stripped and consolidated and capped within the available proposed building void and proposed forecourt capacity with the excess materials to be disposed off-site. Estimated cut/fill balance for remediation works is detailed in Figure 5 below:

Remediation Area	Approximate volume of impacted upper fill requiring stripping / excavation ¹	Description	Approximate total estimated volume to be consolidated and approximate capacity within proposed development to accommodate impacted fill
A	600 m ³	Stripping of localised upper fill to achieve design finish levels and accommodate capping layer	<ul style="list-style-type: none">• 3,380 m³ of impacted fill proposed for stripping and consolidation• 2,000 m³ capacity to accommodate impacted fill within the building voids and below the forecourt
B	1,700 m ³	Stripping of upper 1.3 m (i.e. fill mound and underlying fill) to tie in with the surrounding existing surface levels and accommodate for capping layer	
C	200m ³	Nominal allowance for batters to accommodate capping layer.	
D	880 m ³	Stripping of upper 0.3 m to accommodate for capping layer and removal of impacted fill within the footprint of the bioretention system	
Approximate volume of impacted fill proposed for offsite disposal is 1,380 m ³			

Notes to Table:
1 – Volumes required to achieve minimum capping thickness (refer to Section 11) while achieving design finish levels and/or maintaining existing surface levels

Figure 5 – Approximate volume of impacted fill to be consolidated

Based on the above and the remediation areas as shown in Figure 2, an estimated volume of excess soils which cannot be accommodated / capped within the proposed development is in the order of 1,380m³ for off-site disposal. Actual volumes will be subject to further detailed design. Appropriate conditions have been recommended for imposition regarding preparation of a detailed Construction Site Management Plan (draft condition 23).

As detailed in the RAP, the general sequence of remediation shall be determined by the Remediation Contractor in consultation with the project team to ensure continuity with the staging of the development with the aim of minimising the potential for cross contamination of 'clean' areas / soils.

In summary, the SDSI concludes the site can be made suitable for the proposed school development subject to implementation of the RAP. On completion of remediation works, a Long Term Environmental Management Plan (LTEMP) prepared in accordance with NSW EPA guidelines will be required to outline management procedures for future works to maintain the integrity of the cap (draft condition 115).

Council's Contamination Consultant has reviewed the revised reports and is satisfied the site can be made suitable for school purposes. As per original draft conditions, it is recommended that a Site Audit Statement (SAS) be prepared by a NSW EPA Accredited Site Auditor, given the limited resources available to Council to oversee the remediation, validation and management process, implementation of the RAP and Construction Site Management Plan (which is yet to be prepared) and due to the sensitive nature of the remediation work at a school. The originally recommended conditions of consent have been updated to reflect the revised reports.

ii. **Details of full-time equivalent staff, and the breakdown of permanent and casual staff for 2024**

The applicant has confirmed the following breakdown of fulltime and casual staff in table 1 below, which should be used to set the cap of 148 staff at St Peters Campus:

Table 1: Staff numbers

Staff	Number
Full time permanent staff	35
Casual staff	113
Total	148

Draft condition 86 (Limitation on number of enrolments – Schools) provided in Attachment A to the Addendum Report has been amended to reflect this. [OBJ]

iii. **Establishment of a baseline/student and staff cap for St Peters for 2024**

The applicant has confirmed the following student enrolment numbers for 2024 and 2025 for St Peters Campus in Table 2 below. This should be used to set the maximum student cap inclusive of a 10% buffer for enrolment fluctuations. [OBJ]

St Peters Campus	2024 Student Enrolment	2025 Student Enrolment
Year 7	213	210
Year 8	208	214
Year 9	224	210
Year 10	222	223
Total	867	857
Plus 10%	954	943

The applicant has requested a student cap of 956 to allow for the projected enrolment and 10% fluctuation. However, based on the 2024 enrolment number, which is greater than 2025, Condition 86 in the Draft Conditions of consent provided as Attachment A to the Addendum Report has been amended to cap student numbers at 954 as follows:

“No approval is given or implied to an increase in student or staff numbers.

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.

Note: Existing student numbers are capped at 954 students for St Peter's Campus. Existing staff numbers are capped at 148 staff for St Peter's Campus”.

CONCLUSION

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

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