

maitland

city council

PLANNING PROPOSAL

AMENDMENT TO THE MAITLAND LEP 2011

(Part Lot 1 DP 1261532)

24 Hunter Street Horseshoe Bend

Version 2

14/7/2023



CONTENTS

CONTENTS.....	i
INTRODUCTION	1
PART 1:OBJECTIVES OR INTENDED OUTCOMES.....	2
PART 2:EXPLANATION OF PROVISIONS.....	2
PART 3:JUSTIFICATION FOR PROPOSED REZONING	2
SECTION A – NEED FOR THE PLANNING PROPOSAL	3
SECTION B – RELATIONSHIP TO STRATEGIC PLANNING FRAMEWORK.....	3
SECTION C – ENVIRONMENTAL, SOCIAL AND ECONOMIC IMPACT.....	13
SECTION D – STATE AND COMMONWEALTH INTERESTS.....	17
PART 4:DRAFT LEP MAPS.....	18
PART 5:COMMUNITY CONSULTATION	18
PART 6:TIMEFRAMES.....	19

Version 1.0 – (For Council Report)

Tables

Table 1: Relevant State Environmental Planning Policies.....	5
Table 2: s117 Directions.....	6

INTRODUCTION

The planning proposal has been prepared in accordance with Section 3.33 of the Environmental Planning and Assessment Act 1979. It explains the intended effect of, and justification for the proposed amendment to amend Schedule 1 of the Maitland Local Environmental Plan 2011 (MLEP 2011) to enable the permissibility of an education establishment on the subject land.

The planning proposal is the result of discussion between Maitland City Council and the Catholic Diocese of Maitland-Newcastle (the proponent) where it was established the intention of the Diocese is to enable an educational establishment to be permissible with consent to facilitate recreational opportunities, general learning areas (GLA), and a gathering space for the All-Saints College (ASC).

The planning proposal applies to that part of Lot 1 DP 1261532, 24 Hunter Street Horseshoe Bend, zoned RE2 – Private Recreation.

Delegation for making the local environmental plan will be requested by Council.



Figure 1: Subject Land

PART 1: OBJECTIVES OR INTENDED OUTCOMES

The objective of this amendment is to enable, with development consent, the development of an education establishment on the subject land to be operated in conjunction with the adjacent school.

The intended outcome is an amendment to Schedule 1 of the Maitland LEP 2011 to permit education activities within the RE 2 – Private Recreation zone of the site and:

- To provide an efficient, environmental, economic, and social use of the land to provide a public benefit;
- To enable the lodgement of a development application for the proposed educational establishment.

PART 2: EXPLANATION OF PROVISIONS

The planning proposal seeks to include an Additional Permitted Use (APU) in Schedule 1 of the Maitland Local Environmental Plan 2011 to facilitate an educational establishment on the subject site as follows:

14 Use of certain land at 24 Hunter Street Horseshoe Bend

(1) This clause applies to part Lot 1 DP 1261532 being 24 Hunter Street Horseshoe Bend.

(2) Development of an educational establishment being permitted with development consent

A summary of the proposed amendment is provided in the table below:

Applicable land	Part Lot 1 DP 1261532 being 24 Hunter Street Horseshoe Bend.
Landowner	Catholic Diocese of Maitland-Newcastle
Land Size	10,373m ²
Current Zoning Provisions	RE2 – Private Recreation
Proposed Amendment	Amendment to Schedule 1 Additional Permitted Uses (APU) “Education Establishment”
Map Amendments	Nil

PART 3: JUSTIFICATION FOR PROPOSED REZONING

In accordance with the Department of Planning's 'Guide to Preparing Planning Proposals', this section provides a response to the following issues:

- Section A: Need for the planning proposal.
- Section B: Relationship to strategic planning framework.
- Section C: Environmental, social and economic impact; and
- Section D: State and Commonwealth interests.

SECTION A – NEED FOR THE PLANNING PROPOSAL

1. Is the planning proposal a result of any strategic study or report?

No. The site is adjacent to the existing All Saints College main campus and, once developed, will provide additional general learning areas (GLA) and gathering space for the existing students. Out of school hours community uses are also envisaged to benefit from the proposed educational facility. The proposal is consistent with the Central Maitland Structure Plan in that it is contributing educational, cultural, and sporting precinct of Central Maitland.

2. Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way?

Yes. In order to achieve the objectives, which are to enable the proposed educational establishment to be developed on the subject land, the land use needs to be made a permissible use. Options to achieve this objective include rezoning the land to a zone which identifies education establish as a permissible land use or include the site and land use activity as an additional permitted use under schedule 1 of the MLEP 2011.

The rezoning of the site to a zone which permits education establishment could potentially allow other land uses not suitable to the site due to constraints such as flooding. The planning proposal to amend the MLEP 2011 to enable an additional permitted use within the RE2 – Private Recreation zone of the subject land is the best way to achieve the objectives and intended outcome.

3 Is there a net community benefit?

No net community benefit test has been undertaken as part of this planning proposal. It is considered the planning proposal will contribute to the educational, sporting, cultural and civic attributes of the precinct benefiting the wider community of Maitland.

SECTION B – RELATIONSHIP TO STRATEGIC PLANNING FRAMEWORK

4 Is the planning proposal consistent with the objectives and actions contained within the applicable regional or sub-regional strategy?

Hunter Regional Plan 2041

The Hunter Regional Plan 2041 is a 20-year blueprint for the future of the Hunter and provides the overarching strategic framework to guide development, investment, and planning within the Hunter Region. The vision is to create a leading regional economy in Australia, with a vibrant metropolitan city at the heart.

The Planning Proposal is conducive with the relative objectives of the HRP 2041 as follows:

Objective 3 - Create 15-minute neighbourhoods to support mixed, multi-modal, inclusive, and vibrant communities

- The planning proposal consolidates educational and sporting assets in the community and contributes to establishing a well serviced 15-minute neighbourhood;
- The proposal supports the expected future growth of population in the Maitland area;
- Prioritising walking, cycling, and public transport within this locality is achievable and encourages healthy lifestyle choices enabling students to walk, cycle and use public transport to attend school.
- Educational assets are important to achieving local access for most everyday needs of the community. The subject land and proposal are ideally located to provide an expanded educational service to the local community within a 15-minute catchment area. The proposal will also extend to providing additional sporting, arts and religious facilities that can be made available for community use outside of school hours.

Objective 8 - Plan for business and services at the heart of healthy, prosperous, and innovative communities

- The design of the school enables a variety of ancillary uses within the development to provide flexibility and adaptability of land uses as required to service the community;
- The proximity of the site to existing centres and connections to public transport and pedestrian networks provides easy access for growing residential areas;

Greater Newcastle Metropolitan Plan 2036

The Greater Newcastle Metropolitan Plan 2036 (the Metropolitan Plan) sets out the strategies and actions that will drive sustainable growth across the five (5) Local Government Areas of Cessnock, Lake Macquarie, Newcastle City, Port Stephens, and Maitland, which make up Greater Newcastle.

The Metropolitan Plan aims to achieve the vision set out in the Hunter Regional Plan 2041 – for the Hunter to be the leading regional economy in Australia with a vibrant new metropolitan city at its heart resources.

Maitland is recognised as a regional destination for education, culture, and sports. The planning proposal is consistent in supporting and contributing to all three of these elements in the Central Maitland precinct.

5 Is the planning proposal consistent with the local council's Community Strategic Plan, or other local strategic plans?

Maitland +10 (Community Strategic Plan)

Council has prepared and adopted the Maitland +10 Community Strategic Plan (the Community Strategic Plan) in line with the Integrated Planning and Reporting legislation and guidelines. The Community Strategic Plan was last reviewed in 2018. The Planning Proposal is considered consistent with the vision and objectives of the Community Strategic Plan as it supports local business, cultural, professional, and educational development.

Maitland Local Strategic Planning Statement (LSPS) 2040+

The Maitland Local Strategic Planning Statement 2040+ sets out a 20-year land use vision for the Maitland Local Government Area (LGA) and outlines how this growth and change will be sustainably managed into the future.

The subject site is located within the Central Maitland precinct. This precinct provides a mix of civic, retail, professional, educational, sporting, and cultural uses. The planning proposal is consistent with the retention and protection of heritage within the city and will facilitate the public benefits of an existing education facility.

The Planning Proposal is aligned with Planning Priority 5 – Preserve and enhance the distinctive local character of our centres and neighbourhoods.

Maitland Urban Settlement Strategy (MUSS)

The MUSS provides the broad direction for future urban growth in the Maitland LGA. The Strategy aims to provide both flexibility and certainty by maintaining a generous supply of land for residential growth on several development fronts throughout the Maitland LGA. The proposal is not located within an identified future urban release area and is situated in the established Central Maitland cultural and civic precinct.

6 Is the planning proposal consistent with applicable state environmental planning policies?

An assessment of the planning proposal against the relevant SEPPs is provided in the table below.

RELEVANCE	CONSISTENCY AND IMPLICATIONS
State Environmental Planning Policy (Biodiversity)	<p>CONSISTENT</p> <p>A tree survey was completed for the site identifying 17 trees within the impact area comprising of 8 native species and 9 exotic species. The removal of this vegetation does not trigger Biodiversity Offset Scheme. No Koala habitat was identified on site. No evidence of Koala presence was identified on site.</p>
State Environmental Planning Policy (Industry & Employment)	N/A
State Environmental Planning Policy (Precinct Eastern Harbour)	N/A
State Environmental Planning Policy (Precinct Western City Parkland)	N/A
State Environmental Planning Policy (Precincts Regional)	N/A
State Environmental Planning Policy (Precincts Western Sydney)	N/A
State Environmental Planning Policy (Primary Production)	N/A
State Environmental Planning Policy (Resilience & Hazards)	<p>CONSISTENT</p> <p>Part of the subject site is mapped on the Coastal Environment Area Map. Consideration of clause 2.10 Development of land within the Coastal Environment Area and clause 2.11 development of land within the Coastal Use Area determined the location of the site within the Central Maitland CBD, and its highly disturbed nature, it is unlikely coastal vegetation will be adversely affected by the proposed future development.</p>
State Environmental Planning Policy (Resources & Energy)	N/A
State Environmental Planning Policy (Transport & Infrastructure)	<p>CONSISTENT</p> <p>Under the MLEP 2011 the RE2 Private recreation zone does not permit education establishments and the RE2 zone is not a prescribed zone under Section 3.34(1) of the SEPP. The development is otherwise consistent with the provisions under clause</p>

RELEVANCE**CONSISTENCY AND IMPLICATIONS**

3.36 School Development permitted with consent and Schedule 4 School Design Principles. The proposed future educational establishment is not envisaged to increase student numbers of additional school staff.

Table 1: Relevant State Environmental Planning Policies.

7 Is the planning proposal consistent with applicable Ministerial Directions for Local Plan making?

DIRECTION**CONSISTENCY AND IMPLICATIONS****Focus Area 1: Planning Systems**

1.1 Implementation of Regional Plans

The Hunter Regional Plan 2041 applies to the subject site and triggers consideration of this direction.

As detailed above in section 4. The planning proposal is demonstrated to be consistent with the Hunter Regional Plan 2041. It is considered that the planning proposal achieves the overall intent of the HRP 2041 without adverse environmental impact that cannot be managed or mitigated.

The planning proposal is considered consistent with this direction

1.2 Development of Aboriginal Land Council land

N/A -

1.3 Approval and referral requirements

The planning proposal is to enable an education establishment as an additional permitted use on the land to facilitate further development associated with the All-Saints College. It will require additional assessment and referral for future development applications. The proposal does not initiate designated development.

The planning proposal is considered consistent with this direction

1.4 Site Specific Provisions

The objective of this Planning Proposal is to facilitate the use of the site for educational purposes. Consequently, consideration of this Direction is triggered.

The Planning Proposal is seeking to amend the MLEP 2011 to include "education



DIRECTION**CONSISTENCY AND IMPLICATIONS**

establishment” at 24 Hunter Street Horseshoe Bend as an additional Permitted Use within Schedule 1. The Planning Proposal does not propose the imposition of any development standards or requirements beyond those existing within the MLEP 2011.

The planning proposal is considered consistent with this direction

Focus Area 1 Planning System – Place Based

The site is not within any of the place Based areas detailed under Ministerial Directions 1.5 – 1.20

Focus Area 2: Design and Place

There are no Ministerial Directions under this focus area

Focus Area 3: Biodiversity and Conservation

 3.1 Conservation zones

N/A

 3.2 Heritage Conservation

The subject lands are located within the Central Maitland Heritage Conservation Area (HCA).

A Statement of Heritage Impact and supporting architectural plans have been prepared for the proposed restoration and adaptive re-use of St Paul’s Parish Hall and the construction of the proposed educational establishment. Three (3) listed heritage items are located in the general vicinity of the subject lands. The former Presbyterian High School Manse (State Heritage Item) Free Church Street, the Maitland Mercury building (local item) corner of High Street and Hunter Street, and former bank building also known as Mansfield House (Local item) High Street.

The design of the supporting educational establishment building behind St Paul’s Parish Hall provides a scaled increase in the bulk of the new building over the smaller hall. Setting the larger building back into the site minimises effects of views from the site towards the surrounding HCA and similarly from the HCA to the site. The use of a



DIRECTION**CONSISTENCY AND IMPLICATIONS**

contemporary design for the new building ties it to the nearby All Saints College St Peters campus and the St Nicholas Early Childhood Centre.

It is considered the proposed adaptive re-use of the former St Paul's Parish Hall and construction of a new MPC building will have minimal impact on the heritage significance of the surrounding HCA. Further assessment in terms of consistency with Council heritage controls will form part of the development application process.

An Archaeology Due Diligence Assessment was undertaken for the proposed multi-purpose centre site and refurbishment of the existing St Paul's Hall. No archaeological sites or Potential Archaeological Deposits (PADs) were identified during the site survey. As no sites or PADs were identified, there are no impacts on the archaeological record. The assessment report recommends that should any Aboriginal objects be uncovered during earth works, all work will cease in that location immediately and the Environmental Line contacted.

The planning proposal is considered consistent with this direction

3.3 Sydney Drinking Water Catchments

N/A

3.4 Application of C3 and C4 and Environmental Overlays in the Far North Coast LEP

N/A

3.5 Recreation Vehicle Area

N/A

Focus Area 4: Resilience and Hazards

4.1 Flooding

The subject site is located within the Central Maitland flood planning area. The inclusion of an additional permitted use provision into the MLEP 2011 triggers application of this direction.

DIRECTION

CONSISTENCY AND IMPLICATIONS

The Planning Proposal does not propose to rezone land, nor does it propose to alter the provisions of clause 5.21 of the MLEP 2011.

The submitted Flood Impact Assessment (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 Flood Impact Assessment. 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.

With 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 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.

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

DIRECTION**CONSISTENCY AND IMPLICATIONS**

properties and does not enable residential development.

The planning proposal is considered consistent with this direction

4.2 Coastal Management

Part of the site is mapped on the Coastal Environment Area and Coastal Environment Mapping. The development of the land will result in remove of some trees on site. Removal of vegetation from within the mapped area will be minor in respect to canopy trees. It is considered the location of the site within the Central Maitland CBD, and its highly disturbed nature, it is unlikely coastal vegetation will be adversely affected by the proposed future development. The Planning Proposal is consistent with the objects of the Coastal Management Act. The Planning Proposal does not conflict with the provisions of the NSW Coastal Management Manual and associated Toolkit, the NSW Coastal Design Guidelines. There is no relevant Coastal Management Program applicable to the subject site.

The planning proposal is consistent with this direction

4.3 Planning for Bushfire Protection

N/A

4.4 Remediation of Contaminated Land

A detailed site investigation for contamination identified potential contaminate sources in fill material of unknown origin. The investigations recommended onsite management through containment within building foundations and soil capping within landscape areas or offsite removal. A RAP has been devised for the proposed development of the providing sequencing and management of the remediation work. The plan confirms that on completion of the work and issue of a validation assessment, the site would be suitable for use as an education establishment.

The planning proposal is consistent with this direction

DIRECTION**CONSISTENCY AND IMPLICATIONS**

4.5 Acid Sulphate Soils

The subject site contains Class 4 Acid Sulphate Soils. The inclusion of an additional permitted use provision into the MLEP 2011 triggers application of this direction.

The MLEP 2011 already contains Clause 7.1 from the standard LEP instrument which is consistent with these guidelines. This Planning Proposal does not propose to alter these provisions. A geotechnical investigation for the site did not encounter water until 6.1m below ground level at the time of testing. There was no indication of groundwater at 2.9m being the maximum level required for footings associated with the proposed development. There are to be no physical works carried out on the site associated with the Planning Proposal that may disturb, expose or drain acid sulphate soils and cause environmental damage. As such, the planning authority can be satisfied that the Planning Proposal is consistent with the ASS Model & ASS Planning Guidelines.

The planning proposal is consistent with this direction

4.6 Mine Subsidence and Unstable Land

N/A

Focus Area 5: Transport and Infrastructure

5.1 Integrating Land Use and Transport

N/A

5.2 Reserving land for Public Purpose

N/A

5.3 Development near Regulated Airports and Defence Lands

N/A

5.4 Shooting Ranges

N/A

Focus Area 6: Housing

6.1 Residential zones

N/A

6.2 Caravan parks and Manufactured Home Estates

N/A

Focus Area 7: Industry and Employment

DIRECTION	CONSISTENCY AND IMPLICATIONS
7.1 Business and Industrial zones	N/A
7.2 Reduction in non-hosted short-term accommodation	N/A
7.3 Commercial and retail development along the Pacific Highway, North Coast	N/A
Focus Area 8: Resources and Energy	
8.1 Mining, Petroleum Production and Energy	N/A
Focus Area 9: Primary Production	
9.1 Rural Zones	N/A
9.2 Rural Lands	N/A
9.3 Oyster Aquaculture	N/A
9.4 Farmland of Regional and State of Significance on the Far North Coast NSW	N/A

Table 2: Ministerial Directions

SECTION C – ENVIRONMENTAL, SOCIAL AND ECONOMIC IMPACT

8 Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of the proposal?

An ecological assessment was prepared for the site in relation to the development of the educational establishment footprint and use of the surrounding area of the subject land. The report concluded that there were no threatened flora or fauna species recorded within the survey area. The site did not contain any Ecological Endangered vegetation communities. A total of seventeen (17) trees are proposed to be removed from site which include a number of introduced weed species. The proposal will include the establishment of landscaping of the site with native vegetation species.

9 Are there any other likely environmental effects as a result of the planning proposal and how are they proposed to be managed?

Flooding- A Flood Impact Assessment has been undertaken for the proposal for both regional flooding from the Hunter River and localized flooding from local storm events.

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 7.1m AHD. The outlet for overland flow from the combined storage is at a level of approximately 7.2m AHD via Raglan Street.

A conservative estimate of local catchment flood conditions was modelled including the entire catchment and no 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 flood impact assessment modelling identified three potential critical conditions for flood impacts associated with the proposal.

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 (3) 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 flood impact assessment, 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 Impact- As stated above, the subject lands are located within the Hunter River Floodplain. The proposed development is subject to the flooding provisions of the MLEP 2011 and Maitland DCP 2011.

The submitted Flood Impact Assessment (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 Flood Impact Assessment. 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. With 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 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.

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.

Traffic/Parking - A Traffic and Parking Assessment has been undertaken for the proposed educational establishment. Access to the proposed facility will be shared through the existing vehicle access crossing off Hunter Street currently providing access for St. Nicholas Early Learning Childcare Centre.

The proposal seeks to provide an additional and improved facility for the existing school population not resulting in any increase in student enrolments or employment of additional staff. The new facility maybe used for some after school activities associated with the school such as sports training and parish and community uses. As the additional traffic generated is outside school hour use and does not coincide with peak road network traffic periods, it is reasonable to conclude that the additional traffic loading will not adversely impact on the local road network.

Contamination Testing/Remediation Action Plan - Douglas Partners conducted a Detailed Site Investigation for contamination over the footprint of the development area including areas to the south (basketball courts) and playing fields to the east and northeast.

The test results indicated the presence of contamination within fill material exceeding adopted site assessment criteria for recreation land uses, including schools. Elevated heavy metals were also detected above ecological criteria within the grass playing fields to the east and basketball courts to the south.

Asbestos testing was also conducted on "placed fill" on site which originated from excavations conducted on the subject lands. The results indicated that four fragments analysed contained asbestos. Additional site-specific contamination testing identified exceedance of criteria for recreational land use. Due to the extensive fill across the site, and elevated contamination concentrations, remediation of the site will be required.

The report recommends additional investigations to further assess the development footprint in order to assess data gaps in previous investigations. The Preferred Remediation Strategy recommended within the submitted Remediation Action Plan (RAP) lists a staged remediation methodology to achieve the remediation goals.

Stage 1 – Additional Investigations /Data Gap Analysis

Stage 2 – Initial Preparation and Site Meeting

Stage 3 – Stripping of Landscape Areas/Validation (where or if required)

Stage 4 - Validation Imported Fill Material (if required)

Stage 5 – On-Site Management of Imported Fill

A Validation Assessment Report will be prepared by the environmental consultants in accordance with NSW EPA (2020). The validation report shall describe the remediation approach adopted, methodology, results and conclusions of the assessment and make a statement regarding the suitability of the site for the proposed school facility.

An additional investigation report maybe required along with an update/revision of the RAP based on the findings of the additional investigations. It is considered that the site can be made suitable for the proposed development subject to the implementation of the submitted RAP.

Archaeological Due Diligence - An Archaeology Due Diligence Assessment was undertaken over the development site and refurbishment of the existing St Paul's Hall. No archaeological sites or Potential Archaeological Deposits (PADs) were identified during the site survey. As no sites or PADs were identified, there are no impacts on the archaeological record. The assessment report recommends that should any Aboriginal objects be uncovered during earth works, all work will cease in that location immediately and the Environmental Line contacted. Similarly, persons responsible for the management of onsite works will ensure all staff, contractors and others involved in the construction are made aware of statutory legislation protection sites and places of significance.

Acoustic Assessment - An Acoustic Assessment has been prepared for the use of the subject land as an educational establishment associated with ASC. The assessment addresses both construction and operational noise with consideration to:

- *Road Noise Policy (RNP, DECCW 2011)*
- *Noise Policy for Industrial (NPfi) (NSW EPA. 2017)*
- *Interim Construction Noise Guidelines (NSW DECC, 2009)*
- *Association of Australia Acoustical Consultants Guideline for Educational Facilities Acoustics*

It is considered there could be short term noise impacts on adjoining residents during the construction phase of the development. In accordance with best practice guidelines, construction activities and noise generating machinery are managed through restrictions on operational times and days. The Acoustic Assessment has recommended a range of mitigating measures to help reduce the likelihood of noise impacts on adjoining residences during construction.

Architectural Plans/Statement of Heritage Impact - The subject lands are located within the Central Maitland Heritage Conservation Area (HCA). A Statement of Heritage Impact and supporting architectural plans have been prepared for the proposed restoration and adaptive re-use of St Paul's Parish Hall and the construction of the proposed educational establishment. Three (3) listed heritage items are located in the general vicinity of the subject lands. The former Presbyterian High School Manse (State Heritage Item) Free Church Street, the Maitland Mercury



building (local item) corner of High Street and Hunter Street, and former bank building also known as Mansfield House (Local item) High Street.

The design of the proposed building behind St Paul's Parish Hall provides a scaled increase in the bulk of the new building over the smaller hall. Setting the larger building back into the site minimises effects of views from the site towards the surrounding HCA and similarly from the HCA to the site. The use of a contemporary design for the MPC building ties it to the nearby All Saints College St Peters campus and the St Nicholas Early Childhood Centre.

It is considered the proposed adaptive re-use of the former St Paul's Parish Hall and construction of a new building will have minimal impact on the heritage significance of the surrounding HCA. Further assessment in terms of consistency with Council heritage controls will form part of the development application process.

10 How has the planning proposal adequately addressed any social and economic effects?

Both an economic and social impact assessment were undertaken for the proposal.

The Economic Impact Assessment undertaken for the proposal concluded that improvements to, and continued use of St Paul's Parish Hall, and the development of a educational establishment to be used in association with All Saints College (ASC) education establishment will complement the existing education attributes of the precinct. The proposal will provide short term employment benefits during the construction stage. The use of the proposed building will not result in an increase in employment associated with the ASC.

The Social Impact Assessment concludes the proposed educational establishment will contribute to the continued and improved functioning of the ASC and provide a positive outcome for the wider community.

SECTION D – STATE AND COMMONWEALTH INTERESTS

11 Is there adequate public infrastructure for the planning proposal?

A Traffic Impact Assessment has been undertaken to determine the suitability of the existing road network and parking provisions associated with existing and proposed land uses in the locality. The conclusion from the assessment recommended that the proposal is supported from a traffic impact and management perspective as there is no expected increase in student or staff numbers associated with the facility. Access to the proposed facility will be shared through the existing vehicle access crossing off Hunter Street currently providing access for St. Nicholas Early

The new building maybe used for some after school activities associated with the school such as sports training and parish and community uses. As this additional traffic generated is outside school hour use and does not coincide with peak road network traffic periods, it is reasonable to conclude that the additional traffic loading will not adversely impact on the local road network.

No additional public infrastructure is required to facilitate proposed land use enabled by the planning proposal.

12 What are the views of State and Commonwealth public authorities consulted in accordance with the Gateway Determination?

To be determined by the conditions outlined in the Gateway Determination to be issued for this proposal.

PART 4: DRAFT LEP MAPS

There are no changes required to the Maitland LEP 2011 maps.

PART 5: COMMUNITY CONSULTATION

In accordance with Section 57(2) of the Environmental Planning and Assessment Act 1979, and section 29 of the Local Government Act 1993, community consultation must be undertaken by the local authority prior to approval of the planning proposal.

In accordance with Council's adopted Community Engagement Strategy (March 2009), consultation on the proposed rezoning will be undertaken to inform and receive feedback from interested stakeholders. To engage the local community the following will be undertaken:

- Notice in the Hunter Post newspaper;
- Exhibition material and relevant consultation documents to be made available at all Council Libraries and Council's Administration Building;
- Consultation documents to be made available on Council's website;
- Notices published on Council's social media applications, for public comment.
- Consultation with any relevant committee or reference groups?

At the close of the consultation process, Council officers will consider all submissions received and present a report to Council for their endorsement of the planning proposal before proceeding to finalisation of the amendment.

The consultation process, as outlined above, does not prevent any additional consultation measures that may be determined appropriate as part of the Gateway Determination process.

PART 6: TIMEFRAMES

PROJECT TIMELINE	DATE
Date of Gateway Determination	April 2024
Timeframe for government agency consultation (as required by Gateway Determination)	April/May 2024
Commencement and completion dates for public exhibition period	April/May 2024
Timeframe for consideration of submissions	May 2024
Anticipated date RPA will forward the plan to the department to be made (if not delegated)	Delegated
Anticipated date of Publication of the amendment	July 2024