



**Statement of
Environmental Effects
for
All Saints' College
24 Hunter Street,
Horseshoe Bend**

Prepared by Barr Planning

for Catholic Diocese of Maitland - Newcastle

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1 Introduction

This Statement of Environmental Effects (Statement) has been prepared by Barr Property and Planning on behalf of the Catholic Diocese of Maitland – Newcastle (CDMN). It accompanies a Development Application (DA) lodged with Maitland City Council (Council) pursuant to Section 4.12 of the Environmental Planning and Assessment Act 1979 (the EP&A Act).

The proposed development comprises the demolition of the addition to St Paul’s Parish Hall currently located on the northern elevation of the building, the erection of a two-storey Multi-Purpose Centre (MPC) containing sports courts/hall area, seven (7) general learning areas (GLAs), storage, amenities, mezzanine seating, landscaping, paving and accessible entry to St Paul’s Hall.

The DA is to be considered in conjunction with the Council's decision to amend the Maitland Local Environmental Plan 2011 (Maitland LEP) to allow an additional permitted use on the subject land to resolve permissibility for the use of the site for an educational establishment in association with the existing All-Saints’ College (ASC).

1.1 Purpose of this Statement of Environmental Effects

This Statement supports a development application lodged with Council to construct a multi-purpose centre forming part of an educational establishment known as All-Saints’ College campus located close to the site.

1.2 Ownership

The site is owned by the Trustees for the Roman Catholic Church for the Diocese of Maitland Newcastle.

1.3 Consent Authority

The DA will be submitted to Maitland Council and determined by the Hunter Central Coast Regional Planning Panel (HCCRPP).

1.4 Supporting Documentation

This SEE is supported by the following documentation:

Table 1 Supporting Documentation

Document	Author	Rev	Date
Architectural Plans	SHAC	L	08/04/2024
Proposed Draft Subdivision Plan	SHAC	D	07/05/2024
Access Report	Lindsay Perry Access	2	30/05/2021
Arborist Report	Tattersall Landers	-	February 2022
Traffic & Parking Assessment	Intersect Traffic	E	16/12/2022
Stormwater Design Strategy	Lindsay Dynan	D	25/05/2022
Flood Impact Assessment – Hunter River Catchment	Torrent Consulting	A	11/03/2022
Flood Impact Assessment – Local Catchment	Torrent Consulting	A	02/02/2023
Remediation Action Plan	Douglas Partners	1	21/11/2022
Social Impact Assessment	AGIS	-	12/12/2022
SEPP Requirements	GHD	0	26/04/2024
Embodied Emissions Material Form	Muller Partnership	1.20	24/10/2023
Statement of Heritage Impact	John Carr Heritage Design	C	02/03/2023
Estimated Development Cost Report	Muller Partnership	1	16/04/2024

These documents have been uploaded as separate documents to the NSW Planning Portal.

2 Site and Context

2.1 The Site

The site is an irregular parcel of land identified as Lot 1 DP 1261532, Lot 1 in DP 69160, and Lot 1 in DP 669283, known as 24 Hunter Street, forming part of the All-Saints' College Campus (ASC), shown outlined in 'red' in Figure 1. The site is currently developed and under use as an educational establishment.

The site is bounded by land containing sports courts to the south, Hunter Street to the west, Gourd Lane to the east, part of the lot has frontage along Carrington Street to the north. The northern portion of the site is currently occupied by St Nicholas early learning childcare facility. St Paul's Parish Hall is centrally located along the street front at Hunter Street. The site was previously used by the Maitland Ex-Services citizens Bowl and Sports Club and since its purchase has been used by ASC.



Figure 1 Locality Plan. Source: Nearmap 2022

The proposed development is located within the Central Maitland Heritage Conservation Area (HCA). However, St Paul's Parish Hall is not an identified heritage item or place identified in the Maitland LEP 2011.

The site is mapped as located within the Coastal Environment Area, and partially located within the Coastal Use Area. The site is not located on or near wetland areas. Further information is not required to inform a planning proposal.

The site is located within the flood planning area and is below Council's Flood Planning Level and has a mild slope downward from Hunter Street towards the east. The flood level for this location is 9.72m AHD as per the Maitland DCP.

The site is classified as containing Class 4 Acid Sulfate Soils. The controls require any works more than 2 metres below the natural ground surface and works by which the water table is likely to be lowered more than 2 metres below the natural ground surface will require consent.

A Contamination Study was previously undertaken by Douglas Partners. Based on the desktop study and sampling conducted on the site, the Report concluded:

“based on the results of site history assessment, site observations, subsurface investigation and laboratory testing, the site could be made suitable for the proposed high school playground area, subject to remediation and/or management of the identified contamination.”

Douglas Partners recommended a site-specific Remedial Action Plan (RAP) is prepared confirming the adopted remediation strategy with reference to the proposed development (i.e., offsite disposal or on-site management of a combination of both).

2.2 Background

DA/2021/1177 was previously submitted for the site. All Saints' College has two campuses St Mary's, and St Peter's. The multipurpose building is intended to be a central gathering space for the two campuses as a school hall for, assembly, and annual celebratory events, as well as being used for sporting activities, PE, learning and lunchtimes.

DA/2021/1177 was withdrawn as an education establishment was not permitted. Part of the site, Lot 1 DP 1261532, is currently zoned RE2 Private Recreation under the Maitland LEP. The RE2 Private Recreation does not permit educational establishments and is not a prescribed zone provided within State Environmental Planning Policy (Transport and Infrastructure) 2021 (TI SEPP).

Accordingly, a Planning Proposal (PP-2023-2554) has been prepared to permit an additional permitted use on the site. The Gateway Determination was issued by the Department of Planning, Housing, and Infrastructure (DPHI) on 5 April 2024. The Planning Proposal is currently being exhibited between 24 April 2024 and 23 May 2024.



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In accordance with Clause 3.37 nothing in EP&A Act prevents the making of a development application to a consent authority for consent to carry out development that may only be carried out if an environmental planning instrument applying to the land on which the development is proposed to be carried out, if the environmental planning instrument, being the Maitland LEP, is appropriately amended.

It is noted that whilst the development application can be made, it cannot be determined until the Maitland LEP is amended.

3 Proposed Development

3.1 Summary

The development application includes the following elements:

- Change of use of land to an education establishment
- Demolition of the previous addition to St. Pauls Parish Hall and removal of the existing gravel driveway
- Three into two Lot subdivision and creation of easements
- Remediation works
- Construction of a MPC building
- Construction of a covered walkway structure that will link the MPC to the Hunter Street Access
- Associated works including tree removal and landscaping

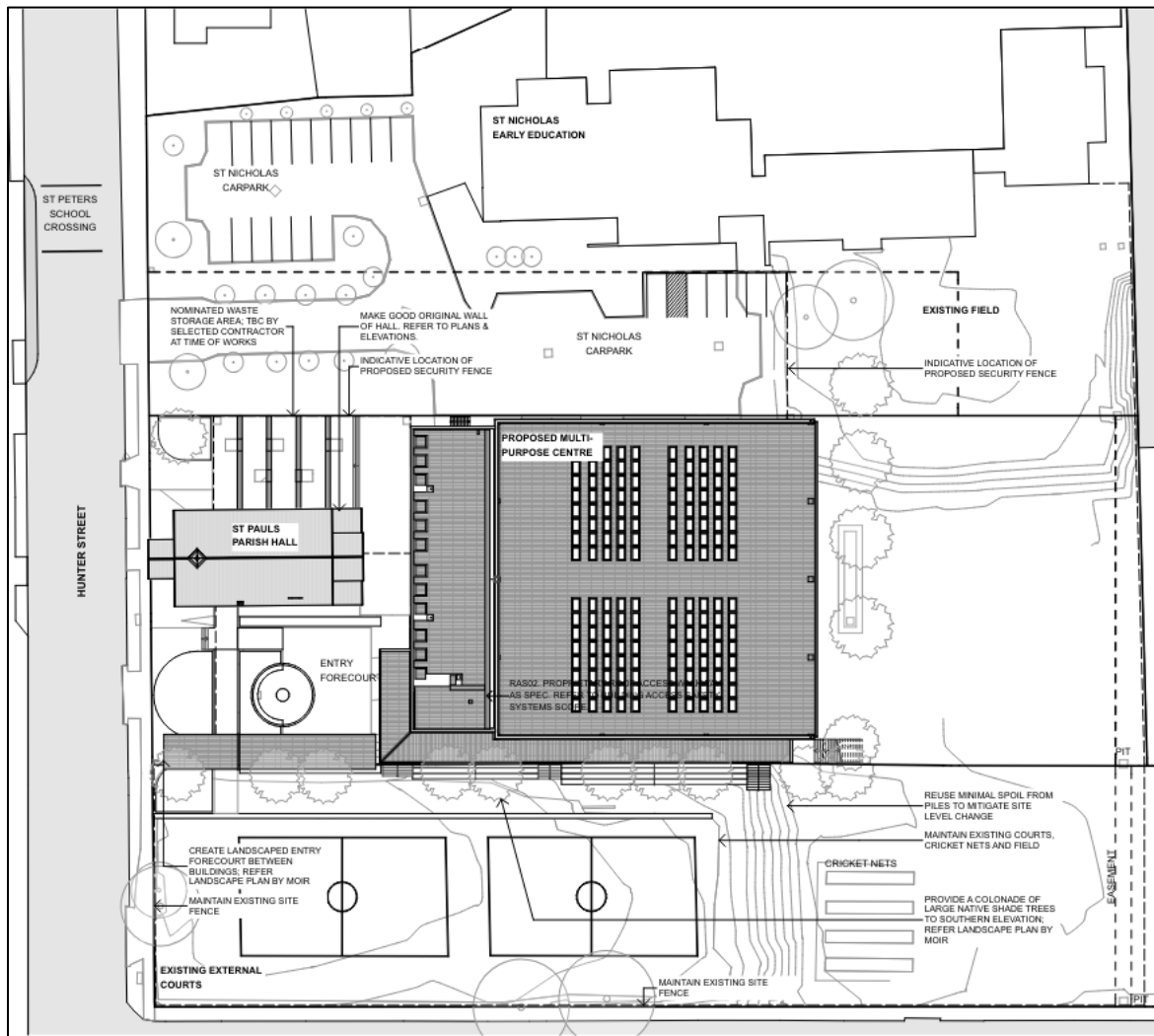


Figure 2: Proposed Site Plan. Source: SHAC Architects, 08/04/24

3.2 Use of the Land

The land will be used for the purposes of an educational establishment as part of the existing All Saints' College.

3.3 Subdivision

The subdivision proposed will be a three into two Lot subdivision of existing, DP 69160 and DP 669283, and the creation of a right carriageway for access and a proposed drainage easement to the eastern boundary. The table below provides a summary of the lots created from the three into two subdivision.

Table 2: Existing Lots

Property Description	Area (m ²)
Lot 1, DP 1261532	11,540
Lot 1, DP 69160	680.4
Lot 1, DP 6699283	632.3
Total	12,852.7

Table 3 Proposed Lot details

Proposed Lot	Area (m ²)
A	7,049.7
B	5,448.2
Total	12,852.7

3.4 Demolition and Remediation

The proposed development involves the demolition of the previous unsympathetic addition to St. Pauls Parish Hall. This is in poor condition and not required as part of the ongoing continued school operation. The demolition will enable the final stage of the restoration of the Hall to its original footprint and facilitates the use of the building for educational purposes.

A site-specific Remedial Action Plan (RAP) is submitted as the site is considered to be Category 1 Remediation in accordance with *NSW DUAP/EPA Managing Land Contamination, Planning Guidelines, SEPP 55 – Remediation of Land (NSW DUAP/EPA, 1998)*. The remediation objectives, as identified in the RAP are to:

- Address potentially unacceptable risks to relevant environmental values from contamination; and,
- Render the site suitable, from a contamination perspective, for the proposed development.

The RAP provides details of the remediation work required to ensure the site is suitable for the intended use. The recommended remediation strategy is for capping and containing the PAH and minor long-chain TRH (F3) impacted soils beneath the proposed building slabs and appropriate soil capping or pavement within landscaped areas. If capping of impacted materials is undertaken, upon the completion of remediation and validation works and construction, a Site Management Plan will be drafted for long-term management of capped materials on-site (i.e. measures to reduce the likelihood of future disturbance, and procedures for handling/disposal in the event that identified contaminated materials are disturbed).

3.5 Vegetation Removal

The proposed development includes the removal of 17 existing trees to the rear of St. Pauls Parish Hall. The Arborist report noted that of the 17 trees to be removed, one is dying, one is within close proximity to the proposed structure such that the Structural Root Zone and Tree Protection Zone will be impacted upon, and all the others are within the development footprint and as such are physically unable to be retained.

3.6 Construction

Construction of a new MPC building containing a school hall/gymnasium (indoor sports courts), seven flexible GLAs and amenities. storage and service areas, a mezzanine seating area, roof and associated structure. The MPC structure will comprise a two-storey structure with a flat roof setback to the east (behind) the St Paul's Parish Hall. The main entry to the building will be in the southern corner of its western (front) façade. The western façade, which faces St Paul's Hall, and Hunter Street beyond, is of masonry construction with brick arches referencing the architectural features of St Paul's Parish Hall.

3.6.1 Building Design

The western side of the development comprises seven flexible GLAs (three on the ground floor and four on the first floor) toilet facilities on ground floor level, and a lift within a two-storey brick veneer section. A lower ground level contains additional storage rooms and toilets.

The eastern side of the development comprises a large area containing two basketball courts, and five storage rooms which will be accessed from the basketball courts.

All levels are accessible by either stairs or a lift. The flat roof of the eastern component of the building is concealed by a brick parapet (17.720m AHD) and will match the ridge line of the St Paul's Parish Hall roof.

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.

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. The ground floor level of the MPC will be 9.72m AHD to meet flood planning requirements. It will be at grade at its southwestern corner but progressively elevated above the ground towards the north and east due to the mild slope of the site.

The roof of the proposed MPC will contain a solar PV array system. The final location of these panels will be finalised by the solar contractor. The school logo and signage titled 'All Saints' College Centre of Excellence' will be positioned to the front of the western façade, visible behind the existing Parish Hall. Development consent for the proposed signage is not sought, as it is exempt development.

3.7 Operation and Management

The proposed development will be operated and managed as part of All Saints' College.

The proposed development will not alter the current student or staff numbers. The hours of operation will not change as a result of the application.

The purpose of the development is to provide classrooms and improved recreational and fitness facilities for existing school students in both the St Peter's, and St. Mary's campuses of All Saints' College. The proposed GLAs are to accommodate a shortfall in suitable facilities on the St Peter's campus.

3.7.1 Waste Management

Waste products will be disposed using the school's existing arrangements detailed in the CDMN Sustainability Plan, to include the new facility. Any deliveries will be managed in the same manner as the school's existing arrangements. It is not proposed to store hazardous materials on site.

3.8 Estimated Cost of Development

The Estimated Cost of Development (ECD) for the project is expected to be \$18,380,000.

4 Strategic Context

4.1 Hunter Regional Plan 2041

The Hunter Regional Plan 2041 (the Plan) is a 20-year blueprint for the future of the Hunter and sets a vision for the Hunter Region to be the leading regional economy in Australia, with a vibrant metropolitan city at its heart. The proposal is consistent with the objectives of the plan which are described below:

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

- The proposed development will enhance the facilities of the existing centrally located school which will support the objective of creating a 15-minute mixed, multi modal inclusive and vibrant neighbourhood.

Objective: An interconnected and Globally focused Hunter without car-dependent communities

- The proposed development supports this objective of a globally focused Hunter without car dependent communities by enhancing the facilities of an existing centrally located school.

Objective: Conserve heritage, landscapes, environmentally sensitive areas, waterways and drinking water catchments.

- Heritage, ecological and Arboricultural investigations have been completed for the site confirming the heritage and landscape values of the site are consistent with the objectives of the plan. Adaptive reuse of the St Paul's Parish Hall and the restorative works proposed conserve and retain the heritage significance of the historical building on site.

Objective: Reach net zero and increase resilience and sustainable infrastructure.

- Consideration for resilience measures will be considered in respect to drought (wastewater reuse to reduce potable water use, measures, onsite water detention) and localised flood impacts as part of the design process and on-going management of the conservation lands.
- Exposure to high-risk natural hazards can be managed.

4.2 Greater Newcastle Metropolitan Plan

The Greater Newcastle Metropolitan Plan (GNMP) 2036 helps to achieve the visions of the HRP 2041 which is for the Hunter to be the leading regional economy in Australia with a vibrant new metropolitan city at its heart. The proposed development aligns with the following objectives from the GNMP:

Table 4: Objectives from the GNMP

Objectives of the GNMP	How the Proposal Aligns
<i>Outcome: Create a workforce skilled and ready for the new economy</i>	Through the upgrading of the campus and the construction of a new multi-purpose educational building that will feature new classrooms and sports facilities. Greater educational opportunities lead to a higher level of students attending third-level education, which in turn, leads to greater numbers of skilled workers entering the new economy.
<i>Expand education and innovation clusters</i>	The proposal seeks to expand both education facilities by improving and upgrading the existing facilities to enable the school to provide a high-quality education to the wider community. The existing school is located in a strategic location which is located close to residential employment enabling parents to go back to work.

5 Statutory Assessment

5.1 Environmental Planning and Assessment Act 1979

This report assesses the proposal against the relevant statutory requirements of the EP&A Act, and other legislation, plans and policies as applicable. Section 4.15 of the Act outlines the relevant heads of consideration that must be considered when assessing a development proposal.

The following considerations have been made under section 4.15(1) (a):

- Environmental planning instruments, proposed instruments and development control plans that are relevant to the site or development are considered below.
- There are no known planning agreements applicable to the site.
- The Environmental Planning and Assessment Regulation 2021 (the Regulation) has been considered below.

The remaining matters for consideration under section 4.15(1)(b), (c), (d) and (e) are considered within sections 6, 7, 8 and 9 of this Statement.

5.2 Objects of the Act

The objects of this Act are as follows:

- (a) to promote the social and economic welfare of the community and a better environment by the proper management, development and conservation of the State's natural and other resources,*
- (b) to facilitate ecologically sustainable development by integrating relevant economic, environmental and social considerations in decision-making about environmental planning and assessment,*
- (c) to promote the orderly and economic use and development of land,*
- (d) to promote the delivery and maintenance of affordable housing,*
- (e) to protect the environment, including the conservation of threatened and other species of native animals and plants, ecological communities and their habitats,*
- (f) to promote the sustainable management of built and cultural heritage (including Aboriginal cultural heritage),*
- (g) to promote good design and amenity of the built environment,*
- (h) to promote the proper construction and maintenance of buildings, including the protection of the health and safety of their occupants,*
- (i) to promote the sharing of the responsibility for environmental planning and assessment between the different levels of government in the State,*
- (j) to provide increased opportunity for community participation in environmental planning and assessment.*

The proposed development supports the objects of the EP&A Act, in particular objects (c) and (g).

5.3 Integrated Development

The proposed development is not considered integrated development as it does not require approval of the listed acts prescribed under Section 4.46 of the EP&A Act.

5.4 Environmental Planning and Assessment Regulations

The proposed development application is consistent with the required under Part 3 the Regulations in respect of making a development application for assessment and determination under Part 4.

5.5 State Environmental Planning Policies

State Environmental Planning Policies (SEPPs) are environmental planning instruments administered under the EP&A Act. SEPPs deal with issues considered to be of significance for the State and the people of NSW. In the determination of the development application, the consent authority will consider these matters pursuant to section 4.15(a)(i) of the EP&A Act. The SEPPs relevant to the proposed development, and the land on which the development is situated, are considered below.

5.5.1 State Environmental Planning Policy (Biodiversity and Conservation) 2021

Chapter 2 – Vegetation in Non-Rural Areas

Clause 2.3 from Chapter 2 of this SEPP refers to ‘Land to which this chapter applies’ and states:

- (1) This Chapter applies to the following areas of the State (the non-rural areas of the State)—*
 - b) land within the following zones under an environmental planning instrument—...*
Zone R1 General Residential...and RE2 Private Recreation

The BC SEPP applies to the clearing of native vegetation above the Biodiversity Offset Scheme (BOS) threshold where a proponent will require an approval from the Native Vegetation Panel established under the Local Land Services Amendment Act 2016 and vegetation below the BOS threshold where a proponent will require a permit from Council if that vegetation is identified in the council’s development control plan (DCP).

A tree survey and assessment was completed for the site by Tattersall Lander reviewing twenty-one trees existing onsite. Seventeen trees were identified for removal based on their location within the works area, and their condition with the four trees located outside the works area will be retained.

The Ecological Assessment completed by Wildthing Consulting, completed a five-part test which determined there is no significant impact on threatened species and that the removal of the above

vegetation does not trigger the Biodiversity Offset Scheme threshold in regard to Section 7.2(b) of the Biodiversity Conservation Act, and is consistent with the consent requirements of Council (refer to DCP assessment).

Chapter 4 – Koala Habitat Protection 2021

This Policy 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. It applies to land within Maitland City Council that is not zoned RU1, RU2 or RU3. Maitland City Council does not have a Koala Management Plan.

The site is zoned part RE2 Private Recreation, and R1 General Residential with a site area greater than 1ha. Wildthing Environmental Consulting completed an assessment based on the requirements of this policy. The assessment determined that it is unlikely that the site contains Koala habitat based on the lack of significant vegetation that is highly suitable for Koala habitat, no individuals have been identified on the site, nor are there any scratching or faeces confirming the likely presence of Koalas. No further action is required in relation to this policy.

5.5.2 State Environmental Planning Policy (Industry and Employment) 2021

Chapter 3 – Advertising and Signage

This SEPP aims to ensure that advertising signage within the State is compatible with the desired amenity and visual character of an area, to provide effective communication in suitable locations and to ensure signage is of high-quality design and finish. Chapter 3 of the State Environmental Planning Policy (Industry and Employment) 2021 (I&E SEPP) provides provisions for all advertising and signage. In accordance with Section 3.4 the chapter applies to all signage that is:

- (1) This Chapter applies to all signage that—
 - (a) can be displayed with or without development consent under another environmental planning instrument that applies to the signage, and*
 - (b) is visible from any public place or public reserve, except as provided by this Chapter.**

- (2) This Chapter does not apply to signage that, or the display of which, is exempt development under an environmental planning instrument that applies to it, or that is exempt development under this Chapter.*

Pursuant to Schedule 3 of the T&I SEPP, identification signage is exempt development provided the following provisions are met:

- *Surface area must not exceed 8m².*
- *Must be located wholly within property boundary or be attached to existing boundary fence and not projecting more than 100mm from fence.*

- *Obtrusive effects of outdoor lighting must be controlled in accordance with AS 4282–1997, Control of the obtrusive effects of outdoor lighting.*
- *Distance between ground level (existing) and bottom edge of sign must not be more than 6m.*
- *Must not involve electronic signage or moving displays.*

The signage associated with the development will be affixed to the façade of the building, as indicated on the elevations and concept perspectives provided. The signage has an area measuring 7.8 m², is not illuminated, is fixed to the building and is located at 2.435 m above the ground level.

Accordingly, the proposed signage is exempt development and is not considered for further assessment in this application.

5.5.3 State Environmental Planning Policy (Planning Systems) 2021

Chapter 2 – State and Regional Development

The SEPP aims to identify development and infrastructure that is State significant and regionally significant. Under Schedule 6 Regionally Significant Development, clause 5 Private infrastructure and community facilities over \$5 million, educational establishments are identified as regionally significant development.

As such the proposal is declared as being regionally significant development under clause 2.19 and the Hunter Central Coast Regional Planning Panel (HCCRPP) being the relevant consent authority.

5.5.4 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 on the Coastal Environment Area and Coastal Environment Mapping.

Consideration of clause 2.10 Development on land within the coastal environment area and clause 2.11 Development of land within the coastal use area was undertaken by Wildthing Environmental Consulting. It was determined that the location of the site within a metropolitan location along with the highly disturbed nature of the site, it is unlikely that coastal vegetation will be adversely impacted by the development and any impacts, are likely to be incremental if at all.

Chapter 4 – Remediation of Land

This provides a State-wide policy to address the remediation of contaminated land for the purpose of reducing risk of harm to humans or the environment. Under clause 7, a consent authority is required to consider the extent to which land, subject to any development application is contaminated, that the land is suitable in its contaminated state, or will be suitable after remediation, prior to granting consent.

Douglas Partners have completed preliminary and detailed site investigations for the subject land noting that elements of the site are affected by contamination and identified that remediation works are required for the site to be suitable for use as part of an educational establishment.

A Remediation Action Plan (RAP) has been completed by Douglas Partners for the area of the site associated with the MPC. The contaminated soil affected by PAH and minor long chain TRH (F3) will be contained and capped onsite within the proposed building slabs.

The RAP provides details remediation work required to ensure the site is suitable for the intended use. The recommended remediation strategy is for capping and containing the PAH and minor long-chain TRH (F3) impacted soils beneath the proposed building slabs and appropriate soil capping or pavement within landscaped areas.

if capping of impacted materials is undertaken, upon the completion of remediation and validation works and construction, a Site Management Plan (SMP) will be drafted for long-term management of capped materials on-site (i.e. measures to reduce the likelihood of future disturbance, and procedures for handling/disposal in the event that identified contaminated materials are disturbed).

The SMP will promote awareness of the contamination management and the requirement of avoiding disturbance to the capping. The report concluded that the site can be made suitable for the proposed development subject to implementation of this RAP.

5.5.5 State Environmental Planning Policy (Sustainable Buildings) 2022

Chapter 3 – Standards for Non-Residential Development

The aims of the State Environmental Planning Policy (Sustainable Buildings) 2022 as identified in clause 1.3 is to encourage the design and delivery of sustainable buildings, reduce greenhouse gas emissions, minimise the consumption of energy and ensure good thermal performance of buildings.

Pursuant to Clause 3.1 (a) from Chapter 3 from this SEPP, this chapter applies to the proposed development as the development has an estimated development cost of over \$5 million. Clause 3.2 from the SEPP refers to 'Development consent for non-residential development' and states:

- (1) In deciding whether to grant development consent to non-residential development, 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.*

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 water 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 prepared and submitted with this application.

5.5.6 State Environmental Planning Policy (Transport and Infrastructure) 2021

Chapter 3 – Educational Establishments and Childcare Facilities

The aim of this policy is to make it easier for child-care providers, schools, TAFE campuses and Universities to build new facilities and improve existing ones by streamlining approval processes and consistency of development requirements throughout the State.

As such, chapter Part 3.36 applies to development associated with an educational establishment. The requirements of this part have been addressed within Table 4.



Table 5 - Clause 3.36 Schools - development permissible with consent.

Clause	Compliance
<i>(1) Development for the purpose of a school may be carried out by any person with development consent on land in a prescribed zone.</i>	The site is zoned RE2 Private Recreation, which is not a prescribed zone under 3.34(1)(d). As described in section 1.2 for an additional permitted use for an educational establishment in Part of Lot 1 DP1261532, is currently being considered.
<i>(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.</i>	The proposed building will be available for use to accommodate community uses of the school facilities outside of school hours for sports and training. Yes
<i>(6) Before determining a development application for development of a kind referred to in subclause (1), (3) or (5), the consent authority must take into consideration— (a) the design quality of the development when evaluated in accordance with the design quality principles set out in Schedule 4, and (b) whether the development enables the use of school facilities (including recreational facilities) to be shared with the community.</i>	The design principles under Schedule 8 School Design Principles have been addressed within Table 5. The proposed MPC development would not preclude the use of school facilities by the community.

Table 6 - Schedule 8 - School Design Quality Principles

Principal	Proposal
Principle 1 – Context, built form and landscape	
<i>Schools should be designed to respond to and enhance the positive qualities of their setting, landscape, and heritage, including Aboriginal cultural heritage. The design and spatial organisation of buildings and the spaces between them should be informed by site conditions such as topography, orientation, and climate.</i>	The proposal is consistent with the urban qualities of the Central Maitland Heritage Conservation Area by providing a contemporary building design that references the details and quality of the surrounding heritage precinct with considered materiality and detailing. The building has been sited to sit sympathetically on site in response to the existing St Paul's Parish Hall, the site topography and character and to suit the intended use by All Saints' College



Principal	Proposal
<p><i>Landscape should be integrated into the design of school developments to enhance on-site amenity, contribute to the streetscape, and mitigate negative impacts on neighbouring sites.</i></p>	<p>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.</p>
<p><i>School buildings and their grounds on land that is identified in or under a local environmental plan as a scenic protection area should be designed to recognise and protect the special visual qualities and natural environment of the area and located and designed to minimise the development’s visual impact on those qualities and that natural environment.</i></p>	<p>The proposal has been sited sympathetically, to avoid dominating the streetscape. The design of the building references the local heritage conservation area with similar details and materials reinterpreted in a modern and simple way, to provide visual interest, while allowing St Pauls Parish Hall to remain the key feature in the street, framed by the new landscaped forecourts.</p>
<p>Principle 2—Sustainable, efficient, and durable</p>	
<p><i>Good design combines positive environmental, social, and economic outcomes. Schools and school buildings should be designed to minimise the consumption of energy, water and natural resources and reduce waste and encourage recycling.</i></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.</p>
<p><i>Schools should be designed to be durable, resilient, and adaptable, enabling them to evolve over time to meet future requirements.</i></p>	<p>The MPC has been designed to provide flexible learning spaces that are able to be used 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.</p>
<p>Principle 3 – Accessible and inclusive</p>	
<p><i>School buildings and their grounds should provide good wayfinding and be welcoming,</i></p>	<p>The landscaping, courtyards and pathways will provide strong visual cues for wayfinding with simple signage to identify buildings and their</p>

Principal	Proposal
<i>accessible and inclusive to people with differing needs and capabilities.</i>	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 in the Access Report prepared by Lindsay Perry Access.
<i>Schools should actively seek opportunities for facilities to be shared with the community and cater for activities outside of school hours.</i>	The opportunity for the use of facilities by the community is an operational consideration by the school. The proposed development does not preclude this opportunity.
Principle 4 – Health and safety	
<i>Good school development optimises health, safety and security within its boundaries and the surrounding public domain, and balances this with the need to create a welcoming and accessible environment.</i>	The provision of new additional fitness and sporting facilities optimises and promotes health and fitness pursuits for students within a welcoming, safe, and accessible environment within the boundaries of the school.
Principle 5 – Amenity	
<i>Schools should provide pleasant and engaging spaces that are accessible for a wide range of educational, informal and community activities, while also considering the amenity of adjacent development and the local neighbourhood.</i>	The development ensures accessibility to all spaces within the site relevant for educational and community activities provided within the MPC within minimal impacts on the amenity of adjacent development and neighbourhood.
<i>Schools located near busy roads or near rail corridors should incorporate appropriate noise mitigation measures to ensure a high level of amenity for occupants.</i>	The acoustic assessment completed undertaken for the site by RAPT Consulting, confirms the location of the site and construction materials used for the MPC are sufficient to enable high level amenity for the users of the site.
<i>Schools should include appropriate, efficient, stage and age appropriate indoor and outdoor learning and play spaces, access to sunlight, natural ventilation, outlook, visual and acoustic privacy, storage, and service areas.</i>	The proposal provides diverse opportunities for indoor and outdoor education and play with a range of spaces that differ in size, character, and outlook. The landscaped spaces provided offer informal outdoor educational opportunities, for teaching, learning and play. The design celebrates outlook, sunlight and ventilation with interior spaces opening to the outside where possible, and through the landscape designs interaction with the building.



Principal	Proposal
Principle 6—Whole of life, flexible and adaptive	
<i>School design should consider future needs and take a whole-of-life-cycle approach underpinned by site wide strategic and spatial planning. Good design for schools should deliver high environmental performance, ease of adaptation, and maximise multi-use facilities.</i>	The design of the MPC enables flexibility and ability for multi-use options to encompass the needs and requirements of the school to adapt overtime to suit changing teaching requirements and educational needs.
Principle 7—Aesthetics	
<i>School buildings and their landscape setting should be aesthetically pleasing by achieving a built form that has good proportions and a balanced composition of elements. Schools should respond to positive elements from the site and surrounding neighbourhood and have a positive impact on the quality and character of a neighbourhood.</i>	The proposed MPC provides visual interest within the streetscape and has been specifically designed to balance proportions and materiality to appropriately reference the Central Maitland Heritage Conservation Area, and the immediate context of the streetscape.
<i>The built form should respond to the existing or desired future context, particularly, positive elements from the site and surrounding neighbourhood, and have a positive impact on the quality and sense of identity of the neighbourhood.</i>	The MPC and St. Paul’s Parish Hall are consistent with the desired urban context whilst being complimentary to the existing urban landscape and character within the Central Maitland Heritage Conservation Area.

5.6 Maitland Local Environmental Plan 2011 (MLEP)

5.6.1 Aims

Clause 1.2 details the aims of the MLEP, the proposed development is consistent with the following aims of the plan:

- (c) to properly plan and protect human-made resources of Maitland including buildings, structures and sites of recognised significance which are part of the heritage of Maitland,*
- (g) to concentrate intensive urban land uses and trip-generating activities in locations most accessible to transport and centres, strengthening activity centre and precinct hierarchies and employment opportunities,*
- (h) to encourage orderly, feasible and equitable development whilst safeguarding the community’s interests, environmentally sensitive areas, and residential amenity.*

The proposed development is proposed to complete the restoration of the existing hall building, (St. Pauls Parish Hall) which is of historic significance, being located within the Central Maitland Heritage

Conservation Area and part of the Maitland City Centre Heritage conservation Area. The proposed design of the MPC will interpret the architectural characteristics of the hall in a simple modern interpretation. The proposal will allow St Paul's Parish Hall to stand proudly as the detailed feature of the street, and the MPC to be a simplified modern future focussed education facility in the background. The proposed development will be a positive contribution to the social infrastructure, amenities, and community interests in the area through the enhancement of facilities at a centrally located school.

5.6.2 Zone objectives and Land Use Table

The site is zoned R1 General Residential, and RE2 Private Recreation. The proposed development will be located on land partly zoned R1 General Residential and part RE2 Private recreation. Educational establishments are permissible with consent under the R1 zone, and a gateway determination for an additional permitted use for an educational establishment has been issued for the remaining part of the site zoned RE2 enabling the use permissible on the site.

The zoning objectives for R1 General Residential and RE2 Private Recreation from the MLEP are:

R1 General Residential

- *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.*

RE2 – Private Recreation

- *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 is consistent with these zoning objectives by enhancing the facilities of a centrally located school, which provides a daily educational service available to nearby residents, and is an important piece of social infrastructure. The proposed MPC will be used for recreational purposes for students and the wider community.

5.6.3 Minimum Lot Size

The part of the site zoned R1 General Residential is mapped with a minimum lot size of 450m², the RE2 Private Recreation land is not subject to a minimum lot size.

The development proposes to subdivide the land into two lots, being 5,299m² and 5,578.9m² respectively. This satisfies the minimum lot size requirements of the MELP.

5.6.4 Acid Sulfate Soils

The site is identified as Class 4 Acid Sulfate Soils (ASS). Clause 7.1 applies to the development works more than 2 metres below the natural ground surface, and works likely to impact water table by lowering it by more than 2 metres below the natural ground surface, requires an Acid Sulfate Soils Management Plan.

A geotechnical investigation for the site by Douglas Partners did not encounter water until 6.1m below ground level at the time of testing. The proposed works are not likely to exceed two metres below the ground surface. Accordingly, an Acid Sulfate Soils Management Plan is not required.

5.6.5 Earthworks

In respect of 7.2 the proposed earthworks associated with the development have been described within the supporting documentation and indicated on the plans. The existing fill of unknown origin will be removed and replaced to confirm the source and quality of the material and the standard of compaction.

The impacts have been adequately considered with minimal impacts on adjoining properties, stability of soils, water catchments and drainage patterns.

5.6.6 Heritage Conservation

Clause 5.10 Clause 2 requires development consent for the altering of the exterior of buildings within a heritage conservation area. Before granting consent in respect of a heritage conservation area, the effect of the proposed development on the heritage significance of area concerned, is to be considered.

Previous restoration works were assessed in a Statement of Heritage Impact (SOHI) was prepared by John Carr Heritage addressing the adaptive reuse of St Paul's Parish Hall, the demolition of the previous addition, the subject of this application, and impacts of the proposed MPC, within the Central Maitland Conservation Area. In respect to the works and use of St. Paul's Parish Hall, the SOHI supports the reuse of an '*an Ecclesiastical building*' for educational purposes as being aligned with intentions and objectives of the Maitland DCP.

Regarding the MPC design, the assessment found:

'...the overall development has minimal impact on the heritage significance of the surrounding heritage conservation area'.

The development is considered consistent with the objectives of this clause in that no impacts are likely in respect to Aboriginal Cultural heritage, the reuse of an existing St Paul's Parish Hall and design of new MPC are compatible in conserving the heritage significance within the Maitland Central conservation Area.

5.6.7 Flood Planning

Clause 5.21 applies as the whole site is located within the flood planning area. Clause 5.21(2) specifies that

Development consent must not be granted to development on land the consent authority considers to be within the flood planning area unless the consent authority is satisfied the development—

- (a) is compatible with the flood function and behaviour on the land, and*
- (b) will not adversely affect flood behaviour in a way that results in detrimental increases in the potential flood affectation of other development or properties, and*
- (c) will not adversely affect the safe occupation and efficient evacuation of people or exceed the capacity of existing evacuation routes for the surrounding area in the event of a flood, and*
- (d) incorporates appropriate measures to manage risk to life in the event of a flood, and*
- (e) will not adversely affect the environment or cause avoidable erosion, siltation, destruction of riparian vegetation or a reduction in the stability of river banks or watercourses.*

A Flood Impact Assessment (FIA) (April 2022) and Local Catchment Addendum (February 2023) was undertaken by Torrent Consulting to determine the extent of affectation and mitigation measures, including the potential impacts on flooding from the local catchment. The FIA identified that the site has a high-risk hazard and at peak flood conditions comprise of tailwater with low velocity flows.

The Flood Planning Level (FPL) for the site is 10.22m AHD comprising of 9.72m being the 1% AEP flood level plus 0.5m freeboard. This is consistent with the 1%AEP flood level adopted by Council as per the Pre-lodgement meeting minutes.

The FIA found that the proposed development will have a negligible impact to the modelled peak flood levels but a minor impact to the peak flood velocities. The assessment confirmed that the development will have minor impacts upstream and minimal impacts downstream of the site. Minor impacts occur in peak velocity as localised redistribution mostly contained on the site for a short period of time within a flood event.

The management of risk to life from flooding is consistent with that of the existing area, with the SES evacuating Maitland in advance of a Hunter River flood event. The School's existing Emergency Management Plan will be updated to reflect the new development. Given the location of the proposed development in relation to the Hunter River, it is unlikely that the proposed development will have an adverse impact the environment or cause erosion, siltation, destruction of riparian vegetation or a reduction in the stability of river banks or watercourses.

5.7 Proposed Environmental Planning Instruments

A planning proposal to amend the MLEP as it applies to this site is currently being exhibited. The amendment will seek to provide additional permitted uses for the site under the provision of clause 2.5 Additional permitted uses and Schedule 1 Additional permitted uses.

5.8 Maitland Development Control Plan 2011 (DCP)

The Maitland DCP 2011 is the relevant development control plan applying to development within Maitland City Council. The relevant controls have been considered in the table below. However, it is to be recognised that section 3.36(9) of the T&I SEPP states [emphasis added]:

A provision of a development control plan that specifies a requirement, standard or control in relation to development of a kind referred to in subsection (1), (2), (3) or (5) is of no effect, regardless of when the development control plan was made.

Whilst an assessment against the relevant controls has been provided, a merit based assessment where non-compliances exist must carefully considered.

Table 7: Assessment of development against Maitland DCP

Clause	Controls	Comment
Part B Environmental Guidelines		
<i>B.3 Hunter River Floodplain Management</i>	<i>2.1 Development below the Flood Planning Level (FPL)</i>	The development controls have been addressed within the Flood Impact Assessment completed by Torrent Consulting and under Section 5.6.7. The engineering design of the development will withstand flood inundation.
<i>B.6 Waste Not – Site Waste Minimisation & Management</i>	<p><i>1. A waste management plan for the construction and/or occupation of the development is provided that:</i></p> <p><i>Recycles and reuses demolished materials where possible.</i></p> <ul style="list-style-type: none"> ▪ <i>Integrates waste management processes into all stages of the project.</i> 	The MPC site will operate within the existing waste management plan currently utilised by All-Saints’ College. These controls have been considered by the architect and owner of the land with a detailed waste management and minimisation plan to be provided by the contractor to form part of the Construction Environmental Management Plan. Waste where able will be disposed of at the Central Waste Station in Kurri



Clause	Controls	Comment
	<ul style="list-style-type: none"> ▪ <i>Specifies building materials that can be reused and recycled at the end of their life.</i> ▪ <i>Uses standard components and sizes to reduce waste and facilitate update in the future.</i> <p><i>2. Separate storage bins for collection of organic waste and recyclable waste are provided within the development.</i></p> <p><i>3. Bulk waste facilities shall be stored in a designated area that is physically and visually integrated into the development at ground or subbasement level that:</i></p> <ul style="list-style-type: none"> ▪ <i>Is not visible from the street or public domain</i> ▪ <i>Is easily accessible to business</i> ▪ <i>May be serviced by collection vehicles</i> ▪ <i>Has water and drainage facilities for cleaning and maintenance</i> ▪ <i>Does not immediately adjoin onsite employee recreation area</i> ▪ <i>Be maintained to be free of pests</i> <p><i>4. Cardboard compactors shall be provided for large retail and commercial developments</i></p>	<p>Kurri as detailed within the CDMN Sustainability Plan 2022-2025.</p>



Clause	Controls	Comment
	<p>5. where waste facilities cannot be collected at the street, evidence that the site can be serviced by a waste collection service shall be provided.</p>	
Part C Design Guidelines		
C.1 Accessible Living	<p>1. An access report completed by an accredited access consultant is required to be submitted with a development application for new building for and educational establishment.</p>	<p>The Access Report undertaken by Lindsay Perry Access that addresses the requirements of these controls and general requirements under AS1428.1.</p>
C.4 Heritage Conservation	<p>This chapter applies as the site is located within the Central Maitland Conservation Area.</p>	<p>A Statement of Heritage Impact completed by John Carr confirms consistency with these controls. The development enables the restoration and adaptive reuse of the St. Paul's Parish Hall and a new MPC for educational purposes. It was deemed that the overall development has a minimal impact on the heritage significance within the Maitland Conservation Area.</p>
C.6 Outdoor Advertising		<p>Refer to assessment under Section 5.5.2 SEPP (Industry and Employment).</p>
C.11 Vehicular Access & Parking	<p>1.1 General Requirements. Appendix A:</p> <p>1 space for every employee or staff member plus 1 space for every 30 student 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</p>	<p>The traffic and parking assessment completed by Intersect Traffic confirms that the proposed development will not result in any increase in school enrolments or employment of additional staff.</p> <p>The proposal is for the development to have shared use of the adjoining car park constructed to service the adjoining child care centre and vocational training facility.</p>



Clause	Controls	Comment
		This is considered satisfactory as during school hours the proposed development does not generate any additional traffic loading or parking demand as it is only used by the existing school population and therefore no additional car parking is required for school hours use of the multi-purpose centre.
<i>C.12 Crime Prevention through environmental Design</i>	<i>General Requirements – Community uses, sport and recreation areas are identified as requiring detailed assessment.</i>	The proposal consistent with these controls. Refer to Section 6.2.1 of this report for a detailed assessment.
Part E – Special Precincts		
<i>E.1 Central Maitland</i>	<i>3.4 Building Design</i>	The Traffic and Car Parking Assessment completed by Intersect Traffic confirms the proposal is consistent with the objectives and development controls of this section. The design compliments the streetscape and is visually compatible with the existing development and elements within the public domain. The design elements identified have been accounted for within the design.
	<i>3.6 Pedestrian Entries, and Access.</i>	Traffic and Car Parking Assessment completed by Intersect Traffic confirms the development is consistent with these controls.
	<i>3.7 Parking, Loading, and servicing</i>	Traffic and Car Parking Assessment completed by Intersect Traffic confirms the development is consistent with these controls.
	<i>3.8 Public Art, Landscaping, and public domain works.</i>	The architectural and landscape design has been developed to create an attractive feature in Central Maitland that can contribute to the



Clause	Controls	Comment
		streetscape and inner city as a destination.
	<i>3.9 Setbacks</i>	<p>The height, scale, and proportion of the proposed MPC has been designed to respond to St Pauls Parish Hall, as well as the broader historical context in terms of bulk and scale.</p> <p>The MPC has been intentionally setback to reduce its scale within the streetscape. The overall height allows the copper spire of St Paul's Parish Hall to be the tallest focal point in the street. This proposal is considered consistent with the future expansion of functions within the city centre.</p>
	<i>3.10 Waste Management</i>	The proposed development is consistent with these development controls. A Waste Management Plan will form part of the Construction Environmental Management Plan detailing construction waste management. The MPC will utilise the current operational waste management system associated with ASC.
	<i>3.11 Vehicular Access</i>	Traffic and Car Parking Assessment completed by Intersect Traffic confirms the development is consistent with the objectives of this section.
	<i>3.12 Development Adjoining Sensitive Land Uses</i>	The design is consistent with these controls providing landscaping and considerable spatial separation between the MPC and adjoining residential development.
<i>3.16 Central Maitland</i>	<i>Objectives</i>	The proposed development is consistent with the objectives of this Section.



Clause	Controls	Comment
	<p><i>General Principals</i></p> <p>1. <i>The development will not increase the flood hazard or flood damage to other properties. Or adversely affect them in any way during the times of flood.</i></p>	<p>The development is consistent with this control and does not increase the flood hazard associated with the site (Refer to Flood Impact Assessments completed by Torrent).</p>
	<p>2. <i>Development should be designed in such a manner that the risks of structural failure of damage in a flood event, including damage to property are minimised.</i></p>	<p>The development is consistent with this control and has been considered in the structural design currently underway. This will be further developed through the building works application (Construction Certificate) following approval.</p>
	<p>3. <i>Development should be designed to withstand the effects of inundation flood waters including the incorporation of measures to raise floor levels, to prevent the entry of flood water by way of levees or the like, to seal or floodproof buildings, to avoid activities or fittings susceptible to flood damage, or to store the contents of buildings above the floor standard.</i></p>	<p>The results and recommendations made by Torrent Consulting within the flood impact assessments confirm the development is consistent with this control.</p>
	<p>4. <i>Permanent, fail safe, maintenance free measures are incorporated in the development to ensure the timely, orderly, and safe evacuation of people from the area, should flood occur. In addition, it must be also demonstrated that the displacement of these people during times of flood will not significantly add</i></p>	<p>The results and recommendations made by Torrent Consulting within the flood impact assessments confirm the development is consistent with this control.</p>



Clause	Controls	Comment
	<i>the overall cost and community disruption caused by the flood.</i>	
	<i>5. Applications for development on land below the flood standard should be accompanied by information describing the intended method of evacuation or removal of people, material, plan equipment or livestock, in event of a flood.</i>	The results and recommendations made by Torrent Consulting within the flood impact assessments confirm the development is consistent with this control.
	<i>6. Land above the flood standard should be carefully managed to enable it to be used for high intensity development that is less able to locate in flood prone areas.</i>	The results and recommendations made by Torrent Consulting within the flood impact assessments confirm the development is consistent with this control.
	<i>7. Development should not have the affect of increasing the exposure of people to risk or life or health in the event of a flood, and wherever possible should contribute to a reduction of such risk.</i>	The results and recommendations made by Torrent Consulting within the flood impact assessments confirm the development is consistent with this control.
	<i>8. Development should as far as possible, contribute to the functioning of Central Maitland as a commercial, historical, tourist, recreation, and entertainment centre.</i>	The architectural and landscape design has been developed to create an attractive feature in Central Maitland that can contribute to the streetscape and inner city as a destination.
	<i>9. Development should be of a type, height and scale that is compatible with the existing urban and historic fabric and to the maximum extent, consistent with the</i>	The architectural and landscape design has been developed to create an attractive feature in Central Maitland that can contribute to the streetscape and inner city as a destination.

Clause	Controls	Comment
	<i>expansion of the functions of the centre.</i>	
	<i>10. Construction methods and materials used at levels below the flood standard shall conform with Part 8-Flood Proofing Guidelines.</i>	The results and recommendations made by Torrent Consulting within the flood impact assessments confirm the development is consistent with this control.
	<i>11. The design and materials of buildings and signage shall be as to enhance the historic character of Central Maitland.</i>	The design of the MPC directly references the features of character masonry buildings within the immediate area, as part of the Central Maitland Heritage Conservation Area. The proposed design is supported by John Carr Heritage Design in the Statement of Heritage Impact, which notes the building as being complimentary within the area.
<i>E.3 Central Maitland HCA</i>	<i>Heritage Significance.</i>	The proposal is consistent with the objectives of this section. This is confirmed within the Statement of Heritage Impact prepared by John Carr. Overall, the proposed development creates a positive impact within the Central Maitland Heritage Conservation Area.

5.9 Developer Contributions

The following Development Contribution (Section 7.11/7.12 formerly Section 94/94A) Plans apply to the land:

- Maitland Section 94A (s7.12) Levy Contributions Plan 2013, and
- Maitland City Wide Section 94 (s7.11) Contributions Plan 2016.

Maitland City Wide Section 94 Contributions Plan 2016 applies only to subdivision and residential development. As this proposal includes subdivision, it therefore applies to this Proposal.

The Maitland Section 94A (s7.12) Contributions Plan Part B applies to other than residential development, and accordingly applies to this Proposal. The Proposal has a value of greater than

\$200,000. Under the provisions of the Section 94A Plan a levy of 1% of the development cost applies to developments of this value.

Section 94A (7.12) Plan states that “Crown development and development by not-for-profit organisations where they are carried out with an underlying philosophy of community service in accordance with the Development Contributions Guidelines will not be levied contributions under Section 94A”. On this basis, as site is owned and operated by a not for profit/NGO organisation, and consequently the Sections 94 and 94A contribution should not apply to the proposed development on the following basis:

- The applicant is the Trustees of the Roman Catholic Church for the Diocese of Maitland-Newcastle trading as the Diocese of Maitland-Newcastle Catholic Schools Office, which is a registered Charity (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. ASC provides a unified service comprising St Mary’s and St Peter’s campuses- St Mary’s being for senior students.
- All Saints’ College and the Catholic Schools Office Maitland-Newcastle provide activities and facilities for the benefit of the community, in the form of education services for children and young people.
- The development satisfies a broader planning objective, the achievement of which is considered by Council to be of greater importance or priority within the community than paying the contribution fee outlined within the plans that would otherwise be applicable to the development.

In summary, the proposed development meets the “broader planning objective” criterion of the Section 94 Plan in the context of community services and being a not-for-profit organisation. It is requested that Councils provide an exemption from development contributions for the proposed development.

6 Likely Impacts of the Development

6.1 Environmental Impacts

This section addresses all the likely impacts of the development in the locality, including impacts arising from the development, and impacts on the development in accordance with Section 4.15(1)(b) of the EP&A Act.

6.1.1 Access, Traffic Pedestrian links and public transport

A Traffic and Parking Assessment has been undertaken by Intersect Traffic which has determined that as the proposed development will not lead to an increase in student or staff numbers, there will be no additional traffic generated by the development or additional parking demand during operation. The Assessment concluded that:

- Current traffic volumes on the local and state road network are below the technical mid-block capacities of the roads and the existing road network is currently operating satisfactorily.
- Post development no additional traffic is generated by the development during the road network peak periods i.e., school peaks
- Construction traffic generated by the development will be significantly less than the school traffic generation as the peaks do not coincide, construction traffic associated with the development will not adversely impact on the adjoining local road network.
- Construction traffic impacts can be mitigated through preparation and implementation of a Construction Traffic Management Plan.
- The existing childcare centre / vocational training facility car park, for which the proposal involves shared use (outside of their operational hours), has a driveway access that complies with Maitland City Council and Australian Standard AS2890.1-2004 Parking facilities – Part 1 - Off-street parking.
- The proposed development provides for existing on site car parking to cater for any 'out of hours' demand generated by the development without increasing the on-street parking.
- 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.
- 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.
- The proposed development will not generate increased demand for alternative transport modes.

It should be noted that the proposal includes adjustments to the line marking of the southern car parking spaces in the St Nicholas childcare centre car park. However, no car parking spaces will be removed, and the car parking spaces as well as the car park overall will comply with Council and Austroads standards.

6.1.2 Visual Impact

The Proposal does not impede important views and is unlikely to create privacy issues. The Proposal does not overlook any existing or future dwellings. Landscaping will provide a visual buffer between residential lots and the Proposal. Views from Hunter Street, Odd Street, or from the St Nicholas Child Care Centre car park, the exterior of St Paul's Parish Hall, the development of landscaped courtyards to the north and south of the Hall, and other site landscaping, will provide an improved visual environment commensurate with the Maitland City Centre Heritage Conservation Area, and as shown in the concept perspectives at Attachment 1. The proposed new building will not create overshadowing of adjacent development.

6.1.3 Geotechnical Considerations

A Geotechnical Investigation of the Site was undertaken by Douglas Partners, the investigation involved a review of existing material, site inspection and exploratory testing. The matters considered in the Geotechnical Report and its recommendations have been incorporated into the design of the building, surrounding paving and drainage system, and full design documentation including engineering detail will be provided at the Construction Certificate stage.

6.1.4 Noise and Vibrations

The important potential noise receptors are nearby residences and the St Nicholas Child Care Centre. An acoustic assessment has been undertaken by RAPT Consulting to determine the extent of any likely impact, and to recommend measures to manage any adverse acoustic impacts.

To establish background and ambient noise levels, noise monitoring was undertaken at the eastern end of ASC in the vicinity of the nearest potentially affected residential receptor located at 2 Carrington Street from 29 March to 1 April 2021. Site observations noted the location is considered indicative of the local ambient noise environment. The modelling undertaken determined the acoustic impacts of the proposed development.

Construction noise

There is potential for noise management levels to exceed during the excavation phase of construction, however, the noise level is expected to be complied with throughout the construction process. A Construction Noise Management Plan is recommended to minimise the potential for adverse noise impacts affecting the community.

Operational noise

An assessment was made with the assumption that the doors within the MPC being open to emanate impacts on adjoining properties during a music performance or sports activity. The assessment determined that the operational noise level is likely to be within the acceptable levels associated with the existing amenity of the locality. The report provided additional recommendations that would further benefit the development and the locality if implemented this include:

- Detailed review and specification of doors and glazing systems.
- Detailed review and specification of partitions, floors, and ceilings.
- Detailed review and specification of surface finishes.
- Detailed review of the mechanical services design.
- Noise breakout from external HVAC plant.

Noise reducing panels are proposed on walls and ceilings to reduce noise emanating from the buildings.

6.2 Social Impacts

The school has now been well established within the immediate locality and already provides a significant positive social impact for the local and wider community, increasing social capital, providing educational opportunities and an alternative to government schooling. The proposed development will provide additional learning and recreational spaces for students. It is noted that there no objections to the development when it was previously submitted for consideration.

6.2.1 Crime Prevention through Environmental Design

Construction sites often suffer from opportunistic thieves in pursuit of building materials and the like. It is important that security measures during construction reflect this heightened risk, e.g., secure lockable compounds, ensuring all equipment and material are secure and/or locked away, using “just in time” delivery of materials, security lighting, CCTV, etc. Traffic along Hunter Street to the residential areas to the north will assist in providing passive /casual surveillance of the Site.

The school is generally active only during school hours, and outside school hours can attract unwanted activity, which may affect security. In addition, school children can commit opportunistic crime, such as spontaneous vandalism. These attributes will increase risk levels and are best managed by school culture and security measures being undertaken by the school.

- The Proposal will lead to an increase in activity in the area. In turn, this will assist in deterring crime due to an increase in informal surveillance and street life. It will have a positive impact. The adjacent childcare centre is secured, both operationally and out of hours.
- To ensure unauthorised people are unable to enter the premises, the proposed development will be access controlled using entry control (locks/keypads etc). Staff will be always present when the Centre is operating.
- All those working within the proposed development will be required to have working with children checks.
- The school undergoes periodic security risk assessments.
- The entry will receive passive surveillance from Hunter Street. Site landscaping has been designed with relatively unrestricted sightlines across all landscaped areas.

- The building will be secured with deadlocks and secured windows to contemporary standards. A multipoint alarm system will be activated after hours.
- The perimeter of the building will be fitted with perimeter security lighting and CCTV. All lighting will be designed to not only provide security but to ensure people feel safe and secure.
- The street has a reasonable level of contemporary street lighting.
- The exterior facades of the building will be largely visible to passers-by because of the setbacks between the buildings. There are minimal places of concealment that are not visible from the public domain or pathways/courtyards. The main entry is visible from the street.

6.3 Economic Impacts

The proposed development will generate temporary jobs during of construction of the development. The proposed development will have an ongoing economic benefit by providing additional school facilities for ASC to provide educational services. The proposed development will support positive educational and health outcomes for students and will assist in improving their long-term employment prospects.

The development will also have multiplier effect in terms of economic benefits though its strategic location close to residential employment, enabling parents to go back to work. 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.

7 Suitability of the Site

This section addresses the development in accordance with section 4.15(1)(c) of the Act. The site is considered suitable for the development for the following reasons:

- The proposed development is permissible with consent following a gateway determination for an additional permitted use for an educational establishment in Part of Lot 1 DP1261532.
- The proposed development provides new school facilities as part of All-Saints' College, thereby leveraging existing services and infrastructure.
- The social, economic, and environmental impacts of the development have been assessed and are considered suitable to permit the proposed development.

8 Submissions

This section addresses the development in accordance with section 4.15(1)(d) of the Act. It is understood this development application will be notified.

9 Public Interest

This section addresses the development in accordance with Section 4.15(1)(e) of the Act. There are no aspects of the proposed development which are considered incompatible with the public interest. The proposed development will provide new social infrastructure for an existing educational establishment in an identified growth area and is considered in the public interest.

10 Conclusion

This Statement has assessed the development against the requirements of Clause 4.15 of the EP&A Act and found that the development is consistent with the applicable policies and plans and is permissible with consent. The proposed development is recommended for approval.