

Statement of Environmental Effects

Proposed All Saints' College Multipurpose Centre, Parish Hall Restoration and Sports Facilities

Lot 1 DP 69160, Lot 1 DP 1261532, Lot 1 DP 669283, Lot 2 DP 91268 Hunter Street , Maitland



S H A C


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Thanks

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Statement of Environmental Effects

Proposed All Saints' College Multipurpose Centre, Parish Hall Restoration and Sports Facilities, Hunter Street Maitland

It should be noted that there is some duplication of content within this SEE. This is because of the need to address a number of policies, plans and guidelines that have similar requirements or considerations.

1 Proposal

It is proposed to develop new infrastructure for the use of All Saints' College, and potentially the wider community, by undertaking the following works:

- Restore and refurbish the existing St Paul's Parish Hall continue to be used as General Learning Areas (GLA) facility.
- Construct a new multipurpose centre (MPC) containing a gymnasium/indoor basketball courts, a number of flexible classrooms (general learning area (GLA)) and amenities. This building would be constructed in two stages:
 - Part 1, including lower ground floor foundations, ground floor slab (open court), ground floor classrooms and storage and a full aramax open roof and associated structure
 - Part 2, including first floor classrooms and enclosing the basketball courts.
- Landscaping, entry forecourt, and paved areas to the front, sides and rear of St Paul's Parish Hall.

All Saints' College has two campuses- St Mary's and St Peter's. The multipurpose building will be a central gathering space for the two campuses during sport, assembly, and celebratory events, as well as being used particularly for sporting activities, PE, learning and lunchtimes.

The Architectural Plans are at Attachment 1.

2 Location

The Proposal is located at 24 Hunter Street Maitland, affecting Lot 1 DP 69160, Lot 1 DP 1261532, Lot 1 DP 669283, and Lot 2 DP 91268, as shown in Figure 1.

Figure 1 Location of Subject site

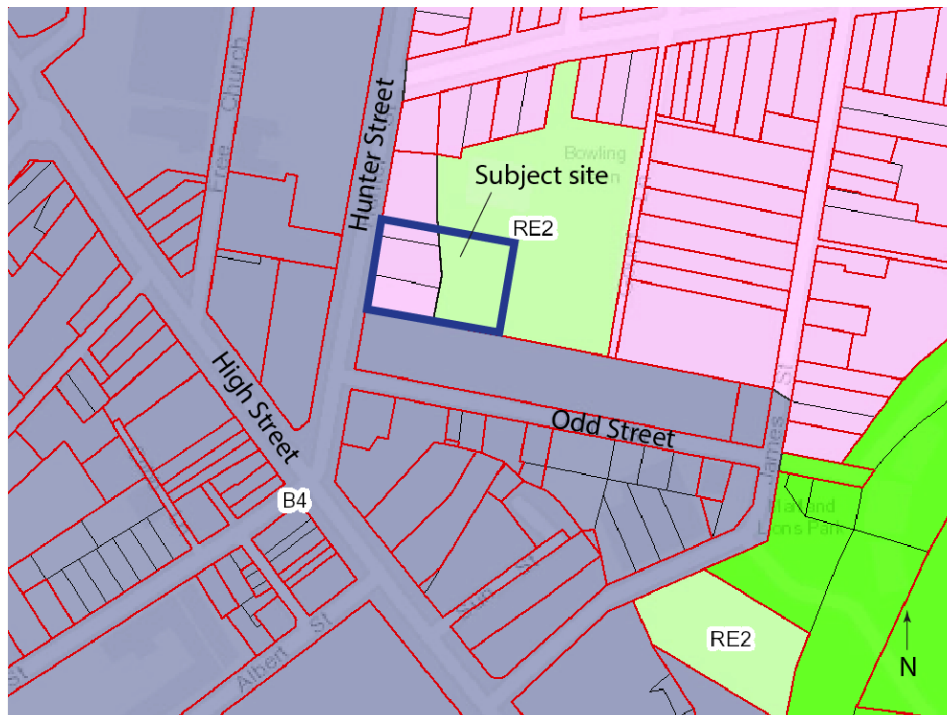


Figure 2: Aerial view



3 Description of the Proposal

The primary aim of the proposal is to provide improved recreational facilities for the students of All Saints' College. Notwithstanding this, the facilities will enable multipurpose use, generally associated with school related activities.

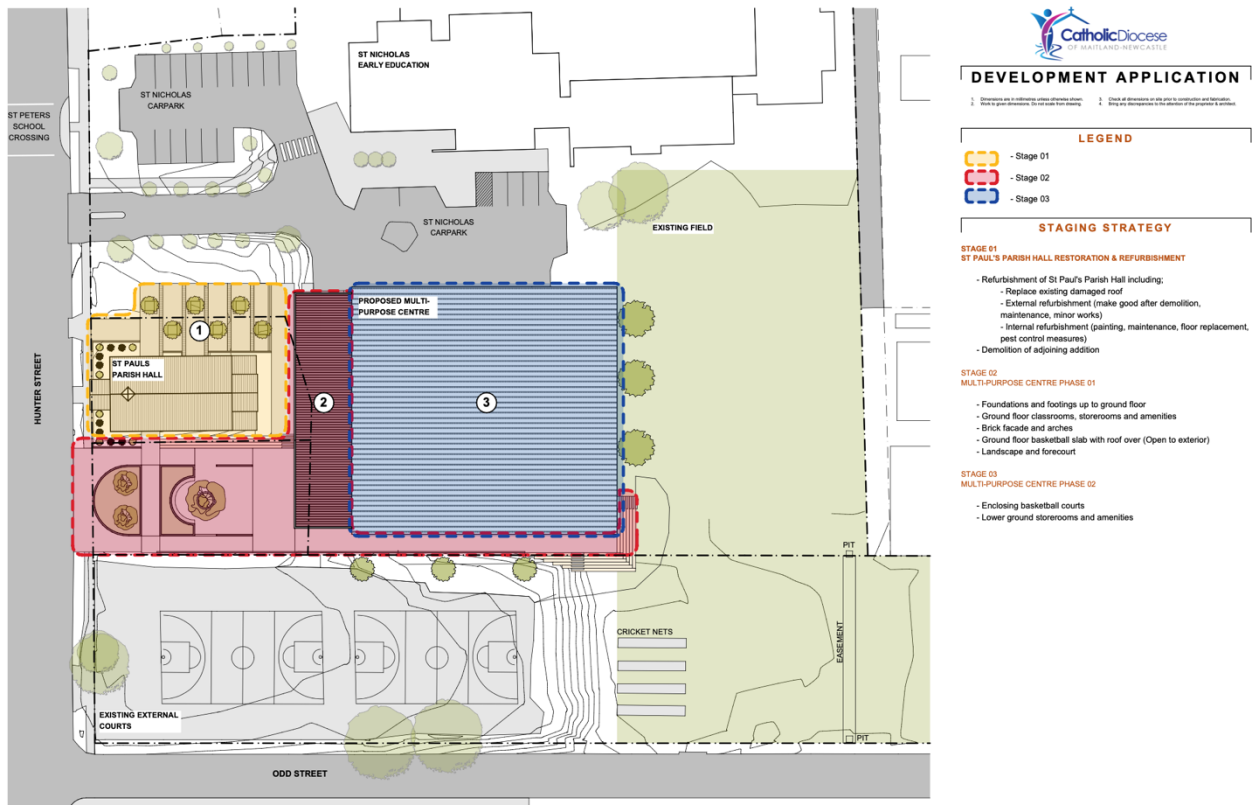
The proposal is in three stages:

1. Restoration and refurbishment of St Paul's Hall
2. Construct a new multipurpose building (MPC) containing a gymnasium/indoor basketball court, a number of flexible classrooms (general learning area (GLA)) and amenities. This building would be constructed in two stages:
 - Part 1, including lower ground floor foundations, ground floor slab (open court), ground floor classrooms and storage and a full aramax open roof and associated structure.
 - Part 2, including first floor classrooms and enclosing the basketball courts.

The addition to the north of St Paul's Parish Hall will be demolished. The external fabric of St Paul's Parish Hall will be restored consistent with heritage advice (see heritage assessment at Attachment 7).

The internal fabric of St Paul's Parish Hall will be restored and refurbished. Some new internal works will be necessary to permit the Hall to be used for the proposed contemporary uses of 2 GLA's in the "audience" area of the building, and a seminar space with two store rooms in the "stage" area of the building, maintaining the internal fabric of the original plans, and undertaken consistent with heritage.

Figure 3: Staging



The curtilage of St Paul's Parish Hall will be paved and landscaped to provide courtyards to the north, south and rear of the Hall. These courtyards will provide an opportunity for improved visibility of the external traditional features of the Hall from the public realm, i.e., Hunter Street. The courtyards also assist in providing separation between the Hall and the new MPC to the rear (east).

The landscaped entry forecourt on the southern side of St Paul's Parish Hall is wider than the northern side, and serves as the main forecourt for the entry to the MPC. The southern courtyard area will include mobility accessible ramps in order to accommodate the slope downwards from the front of the site to the rear, and provide universal (mobility) access to the MPC and St Paul's Parish Hall.

The MPC will be a two storey structure with a flat roof setback to the east (behind) of 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.

The MPC has two components:

- The classrooms and amenities (western component)
- The basketball court area (eastern component)

The western component is a two storey brick veneer section containing flexible general learning areas and store rooms on both levels, with amenities on the ground floor. The facade is located approximately 6 m behind the rear wall of St Paul's Hall. A lower ground level contains additional storage rooms and amenities. All levels are accessible by either stairs or a lift.

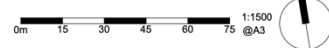
The flat roof of this component is concealed by a brick parapet (17.720m AHD) and will match the ridge line of the St Paul's Parish Hall roof.

Figure 3: Site Plan

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Proposed Site Plan - Ground Floor

All Saints College Multi-Purpose Centre
Corner Hunter Street & Odd Street, Horseshoe Bend



The second (eastern) component is a large space containing two basketball courts. The external walls of this component will brickwork to 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 (20.25 m AHD, see elevation plan) to meet basketball court clearance requirements, but lower than St Paul's Parish Hall spire. The second component is located approximately 10 metres behind the façade of the first component, or approximately 16 metres behind the rear wall of St Paul's Hall. The flat roof will be concealed by a parapet.

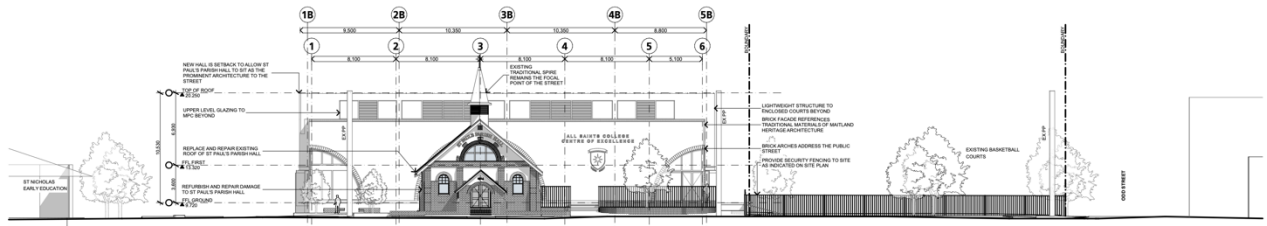
Visual interest will be provided in the vertical and horizontal detailing of the façade, which will also seek to reduce the apparent height and bulk of the building with simple detail and materiality. In addition, the front (western) brick cladding will contain architectural elements evocative of those of the St Paul's Parish Hall façade.

The ground floor level of the MPC will be 9.72 m 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.

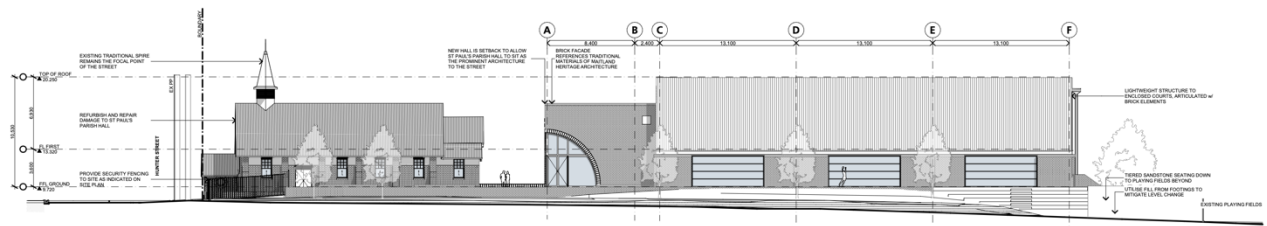
The construction of the MPC will necessitate setting back the southern row of car parking serving the adjacent child care centre. However, this will only involve amending the line marking and the car parking spaces and the car park overall will still comply with Council and Austroads standards.

The plans of the works at Attachment 1.

Figure 4: Elevations and building profiles



Site - Hunter Street Elevation



Site - Odd Street Elevation

4 Plans and Policies

4.1 State Environmental Planning Policies (SEPP)

The following State Environmental Planning Policies (SEPP) apply to the land.

State Environmental Planning Policy No. 21 – Caravan Parks

The SEPP provides for development for caravan parks.

Response: Not applicable

State Environmental Planning Policy No. 33 - Hazardous and Offensive Development

The SEPP provides considerations for consent for hazardous & offensive development.

Response: Not applicable.

State Environmental Planning Policy No. 36 - Manufactured Home Estates

The SEPP makes provision to encourage manufactured homes estates by permitting this use where caravan parks are permitted and allowing related subdivision.

Response: Not applicable.

State Environmental Planning Policy No. 44 - Koala Habitat Protection

This SEPP applies to land across NSW that is greater than 1 hectare and is not a National Park or Forestry Reserve. The SEPP encourages the conservation and management of natural vegetation areas that provide habitat for koalas to ensure permanent free-living populations will be maintained over their present range.

Response: This SEPP has been superseded by SEPP (Koala Habitat Protection). SEPP 44 only continues to apply to development applications made, but not finally determined, before 1 March 2020.

State Environmental Planning Policy No. 50 • Canal Estate Development

The SEPP bans new canal estates from the date of gazettal, to ensure coastal and aquatic environments are not affected by these developments.

Response: Not applicable

State Environmental Planning Policy No.55- Remediation of Land (SEPP 55)

This SEPP addresses the remediation of contaminated land for the purpose of reducing risk of harm to humans or the environment.

Clause 7 of SEPP 55 requires a consent authority to consider whether the land to which a development application relates is contaminated and if the land is contaminated to be satisfied that the land is suitable in its contaminated state, or will be suitable after remediation, prior to granting consent.

Response: A land contamination study of the Site was carried out 2020 by Douglas Partners (Attachment 2). 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., off-site disposal or on-site management of a combination of both)

State Environmental Planning Policy No 64 – Advertising and Signage

The SEPP aims to ensure that advertising signage 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.

Response: The proposed signage is defined as “building identification signage” in accordance with Part 1, Clause 4 of SEPP 64. St Paul’s Hall and the MPC will have building identification signage fixed to their facades, as shown in the elevations and concept perspectives at Attachment 1. Clause 8 of SEPP 64 requires that a consent authority must not grant development consent to a proposal unless it is satisfied it is consistent with the objectives set out in Clause 3(1)(a) and the assessment criteria outlined in Schedule 1 of the Policy.

Response: The proposed signage associated with the development is defined as “building identification signage” and/or “business identification signage” in accordance with Part 1, Clause 4 of SEPP 64. Clause 8 of SEPP 64 requires that a consent authority must not grant development consent to a proposal unless it is satisfied it is consistent with the objectives set out in Clause 3(1)(a) and the assessment criteria outlined in Schedule 1 of the Policy. The following table indicates compliance with the SEPP.

Table 1: Compliance with Schedule 1 of SEPP 64- Advertising and Signage

Consideration	Response
Clause 8(a) Consistent with objectives of the policy as set out in Clause 3(1)(a).	Complies. In particular, the proposed signage will not be excessive, is compatible with the desired character of the area, and is of high quality design and finish.
Schedule 1(1) Character of the area.	The signage will be consistent with the existing and future character of the area. It will be low key and low scale.
Schedule 1(2) Special areas.	The signage will not adversely affect any of the nominated special areas.
Schedule 1(3) Views and vistas.	The signage will not adversely affect views or vistas.
Schedule 1(4) Streetscape, setting or landscape.	The signage will be compatible with the streetscape and landscape of the area. It will be minimal in nature. The signage will be limited to clearly identifying the building/site and its function.
Schedule 1(5) Site and building.	The location and scale of the signage will be appropriate to the function of the site.
Schedule 1(6) Associated devices and logos with advertisements and advertising structures.	N/A
Schedule 1(7) Illumination.	Lighting will comply with AS4282
Schedule 1(8) Safety.	The signage will not have an adverse impact on the safety of cyclists, drivers or pedestrians. By clearly identifying the site and its function, signage will have a positive impact on safety.

It will be consistent with the SEPP as well as with Section C6 Outdoor Advertising of the Maitland DCP 2011.

[State Environmental Planning Policy No 65 - Design Quality of Residential Development](#)

The SEPP relates to residential flat development across the State through the application of a series of design principles. Provides for the establishment of Design Review Panels to provide independent expert advice to councils on the merit of residential flat development.

Response: Not applicable

[State Environmental Planning Policy No. 70 • Affordable Housing \(Revised Schemes\)](#)

The SEPP enables a council to seek to amend its local environmental plan (LEP) to have reference to an affordable rental housing contribution scheme and to levy affordable housing contributions.

Response: Not applicable.

[State Environmental Planning Policy \(Aboriginal Land\) 2019](#)

The SEPP addresses development of land owned by Local Aboriginal Land Councils.

Response: Not applicable.

[State Environmental Planning Policy- Affordable Rental Housing 2009](#)

The SEPP provides incentives for new affordable rental housing, facilitates the retention of existing affordable rentals, and expands the role of not-for-profit providers. It also aims to support local centres by providing housing for workers close to places of work, and facilitate development of housing for the homeless and other disadvantaged people.

Response: Not applicable

[State Environmental Planning Policy Building Sustainability Index: BASIX 2004](#)

The SEPP provides for the implementation of BASIX throughout the State. Applies to residential development.

Response: Not applicable

[State Environmental Planning Policy \(Coastal Management\) 2018](#)

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.

Response: While one of the lots is identified as affected by the Coastal Environment Area map, the part of the lot subject to this development is not on land identified by the map. It is therefore considered that the proposed development should not be subject to the considerations listed in the State Environmental Planning Policy (Coastal Management) 2018. In any case it is not considered that the proposed has an adverse impact on the coastal environment or any of the matters listed in Clause 13(1) of the SEPP.

[State Environmental Planning Policy \(Concurrences and Consents\) 2018.](#)

The SEPP provides for the Planning Secretary to act as concurrence authority under certain circumstances.

Response: Not applicable

[State Environmental Planning Policy \(Educational Establishments and Child Care Facilities\) 2017](#)

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

Response: The Proposal will comply with the SEPP, and the Schools—Design Quality Principles listed in Schedule 3 of the SEPP, as outlined below.

[State Environmental Planning Policy Exempt and Complying Development Codes 2008](#)

The SEPP provides exempt and complying development codes that have State-wide application, identifying, in the General Exempt Development Code, types of development that are of minimal environmental impact that may be carried out without the need for development consent; and, in the General Housing Code, types of complying development that may be carried out in accordance with a complying development certificate.

Response: Noted

[SEPP Housing for Seniors or People with a Disability 2004](#)

The SEPP aims to encourage the development of high quality accommodation for our ageing population and for people who have disabilities - housing that is in keeping with the local neighbourhood, including residential care facilities. The SEPP provides development standards.

Response: Not applicable.

[State Environmental Planning Policy Infrastructure 2007](#)

The SEPP provides a consistent approach for infrastructure and the provision of services across NSW, and to support greater efficiency in the location of infrastructure and service facilities.

Response: The new building will be serviced from the existing Child Care Centre electricity and water infrastructure located on the site. Capacity has been confirmed by the current electrical network. There is an overhead powerline within 5 metres of the St Paul's Parish Hall and consequently referral to Ausgrid will be necessary pursuant to Clause 45 of the SEPP.

The proposed development is not near a railway line (Clauses 85-87), and does not have frontage to a classified road (Clause 101), or trigger any of the criteria listed in Clauses 102 (road noise or vibration) or Clause 104 (traffic generating development) of the SEPP.

Response: Not applicable

[State Environmental Planning Policy \(Koala Habitat Protection\) 2021](#)

The SEPPs encourage the conservation and management of koala habitat to ensure populations remain in their present range and the trend of population decline is reversed.

The SEPP 2020 largely reinstated the previous State Environmental Planning Policy No 44 - Koala Habitat Protection in RU1, RU2 and RU3 zones in the 74 specified LGAs outside of Blue Mountains, Campbelltown, Hawkesbury, Ku-Ring-Gai, Liverpool, Northern Beaches, Hornsby, Wollondilly and the Central Coast LGAs.

SEPP 2021 largely reinstates the policy framework of SEPP Koala Habitat Protection 2019 to all zones in Blue Mountains, Campbelltown, Hawkesbury, Ku-Ring-Gai, Liverpool, Northern Beaches, Hornsby, Wollondilly) and

the Central Coast LGA, and applies to all zones with the exception of land zoned RU1 Primary Production, RU2 Rural Landscape or RU3 Forestry in 76 other specified LGAs..

Response: In the City of Maitland, SEPP 2020 applies to land in zones RU1, RU2, RU3, and SEPP 2021 applies to the balance of the LGA. The site is not in a RU1, RU2, RU3 zone and therefore the SEPP 2020 does not apply. The affected land is greater than 1 hectare in total. The proposed development is likely to have a low or no impact on koala habitat pursuant to Clause 11(3) of the SEPP. Therefore, the consent authority can grant consent to the application.

[State Environmental Planning Policy Mining, Petroleum Production and Extractive Industries 2007](#)

The SEPP aims to provide proper management of mineral, petroleum and extractive material resources and ESD.

Response: Noted

[State Environmental Planning Policy \(Primary Production and Rural Development\) 2019](#)

Provides for the protection of State significant agricultural land, works relating to farm dams and related waterbodies, the protection of aquaculture and oyster farming and development arrangements for certain livestock practices.

Response: The Proposal does not involve the development referred to in the SEPP, or have an adverse impact on industries to SEPP is seeking to protect.

[State Environmental Planning Policy \(State and Regional Development\)](#)

The SEPP aims to identify development and infrastructure that is State significant and regionally significant. It identifies that all new schools, and/or alterations and additions for a new school with a value of more than \$20 million is State significant development, and that development of child care centres and educational establishments with a value of more than \$5 million is regionally significant development.

Under the Clause 4.5 of the Act a regional planning panel is the consent authority for regionally significant development, and the independent planning commissions is the consent authority for State significant development.

The proposed use is not listed in Schedule 1 of the SEPP. The Site is not included Schedule 2 of the SEPP in the State Significant Development Sites Map .The proposed use is not included in Schedule 3 of the SEPP.

The proposed use or site is not included in Schedule 4 of the SEPP.

The proposed use is not significant state infrastructure listed in Schedule 5 of the SEPP.

Response: The proposed development subject to development applications is greater than \$5million in value and the regional planning panel is the relevant consent authority.

[State Environmental Planning Policy \(Vegetation in Non-Rural Areas\) 2017](#)

The Vegetation SEPP applies to clearing of:

- a) 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
- b) 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).

The Vegetation SEPP applies to the Sydney and Newcastle metropolitan areas, and to all other land in NSW that is zoned for urban purposes or for environmental conservation/ management under the Standard Instrument – Principal Environmental Plan. The Site is zoned for urban purposes.

Response: Any proposed clearing is below the minimum BOS threshold applying to any part of the land (less than 0.25 ha in this case). The land is not identified on the Biodiversity Values Map.

4.2 Local Strategic Planning Statement

The proposal is consistent with, and progresses, the direction of the Maitland Strategic Planning Statement.

The proposal seeks to improve an essential service (education) for the local community in a highly accessible location.

The proposal is located in the Central Precinct, and provides investment that reinforces the important community role of the Precinct by capitalising on its strategic location and rich heritage.

The heritage items on the site and the setting of the Central Maitland Conservation Area will be protected and their setting improved. The proposal protects, conserve and celebrate the city's Indigenous and colonial cultural heritage.

It seeks to upgrade existing facilities to provide quality education to the community.

The proposal reinforces the role of Central Maitland as the core of the Central precinct with its a mix of civic, retail, professional, educational and residential uses.

4.3 Maitland Local Environmental Plan 2011 (LEP)

Aims

The Proposal is consistent with the Aims of the LEP, particularly 1.2.2 (c), (e) (g) and (h) namely:

(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,

(e) to create liveable communities which are well connected, accessible and sustainable,

(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.

Land Use Zone

The site is zoned B4 Mixed Use, R1 General Residential, and RE2 Private Recreation

The Proposal is consistent with the objectives of the B4 zone:

- *To provide a mixture of compatible land uses.*
- *To integrate suitable business, office, residential, retail and other development in accessible locations so as to maximise public transport patronage and encourage walking and cycling*

The Proposal is consistent with the objectives of the R1 zone, particularly the third aim:

- *To enable other land uses that provide facilities or services to meet the day to day needs of residents.*

The Proposal is consistent with the objectives of the RE2 zone, particularly the third aim:

- *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.*

Educational establishments are listed in the Land Use Table for the B4 as a permissible land use with consent, but are not listed in the Land Use Table for the R1 and RE2 zones as a permissible land use with consent.

The proposed use is however permissible in the R1 zone pursuant to Clause 35(1) of the State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017. In that part of the site affected by the RE2 zone, the proposed use can be potentially regarded as permissible with consent in three ways:

- Clause 5.3 of the Maitland Local Environmental Plan 2011, which provides for development near zone boundaries. It is considered that the proposed development would enable a more logical and appropriate development of the site and is compatible with the land use objectives of the adjoining zone.
- The proposed development is a primarily a Recreation Centre (indoor), which is permissible in the RE2 zone.
- Pursuant to Clause 35(3) of the State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017 (development within the boundaries of an existing school)

Maps

Maps for area 004B in the LEP show the Site:

- has part 450 sq m and part no minimum lot size;(Clause 4.1);
- has no maximum building height (Clause 4.3);
- has no maximum floor space ratio (FSR) (Clause 4.4);
- is not affected by a land acquisition reservation (Clause 5.1/5.1A);
- is located in a Heritage Conservation Area but does not contain a Heritage Item (Clause 5.10);
- is not located within the Urban Release Area (Part 6);
- is classified as containing Class 4 Acid Sulfate Soils (Clause 7.1), *“namely Works more than 2 metres below the natural ground surface, and Works by which the watertable is likely to be lowered more than 2 metres below the natural ground surface.”* See later geotechnical section;
- is below the flood planning level (Clause 7.3);
- is not on or near Watercourse land (Clause 7.4);
- is not on land identified as a Mineral Resource Area (Clause 7.5); and
- does not have any additional permitted uses (Schedule 1).

The Proposal is not seeking an exception to a development standard (Clause 4.6)

[Clause 5.10 Heritage Conservation](#)

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

A search of the AHIMS data base with a buffer of 200m has identified no Aboriginal places and no Aboriginal sites in or near the site upon which the proposed development is located.

A Statement of Heritage Impact has been prepared in relation to the restoration of St Paul’s Parish Hall, as well as of the impact of the proposed multipurpose/gymnasium building, as a “precinct”. This matter is discussed below, and the Statement of Heritage Impact is at Attachment 7.

It is considered that the Proposal is consistent with the objective and considerations of Clause 5.10.

[Part 7 Additional Local Provisions](#)

- The Proposal is consistent with the Objectives of this Part;
- Clause 7.1: The Site is classed in relation to Class 5 Acid Sulfate Soil;
- Clause 7.2: The management and impact of any earthworks are addressed in this Development Application;
- Clause 7.3: Not applicable. The Site is above the flood planning level;
- Clause 7.4: Not applicable. The Site is not identified as watercourse land in the LEP or within 40 metres of such land;
- Clause 7.6: Not applicable. Sex services premises are not proposed, nor is the Site on land that adjoins, is directly opposite or is separated only by a local road from such premises;
- Clause 7.7: Not applicable. The Site is not in Rutherford.

4.4 Maitland Development Control Plan 2011 (DCP)

This Section identifies the relevant clauses of the DCP. The relevant items are addressed in sequence later in this SEE.

Part A Administration

A.1 Introduction	Noted
A.2 Preparing an Application	Noted
A.3 Lodging an Application	Noted
A.4 Notification	Noted
A.5 Post-Determination Matters	Noted
A.6 Dictionary	Noted

Part B Environmental Guidelines

B.1 Introduction	Noted
B.2 Domestic Stormwater Management	Not applicable (N/A) - Not domestic development
B.3 Hunter River Floodplain Management	Applicable- see response below
B.4 On-Site Sewage Management Systems	N/A
B.5 Tree Management	Applicable- see response below
B.6 Waste Not – Site Waste Minimisation & Management	Applicable- see response below
B.7 Riparian Land and Waterways	N/A

Part C Design Guidelines

C.1 Accessible Living	Applicable- See response below
C.2 Child Care Centres	N/A
C.3 Exhibition Homes & Villages	N/A
C.4 Heritage Conservation	N/A
C.5 Industrial Land	N/A
C.6 Outdoor Advertising	Applicable- see response below
C.7 Outdoor Dining	N/A
C.8 Residential Design	N/A
C.9 Sex Services Premises & Restricted Premises	N/A
C.10 Subdivision	N/A
C.11 Vehicular Access & Parking	Applicable- see response below
C.12 Crime Prevention through Environmental Design	Applicable

Part D Locality Plans

D.1 Introduction	Noted
D.2 Ashtonfield South	N/A
D.3 Bolwarra Heights	N/A
D.4 Greta (Orient Street)	N/A
D.5 Lochinvar (St Helena Village)	N/A
D.6 Louth Park (Waterford Estate)	N/A
D.7 Tenambit	N/A
D.8 Thornton (Woodlands Estate)	N/A

D.9 West Bolwarra Heights	N/A
D.10 West Rutherford	N/A
D.11 Glebe Paddock	N/A
Part E Special Precincts	
E.1 Centres	N/A
Central Maitland	Applicable- see response below
E.2 Employment Areas	N/A
Thornton East Employment Area	N/A
E.3 Heritage Conservation Areas	
Bolwarra HCA	N/A
Central Maitland HCA	Applicable- see response below
East Maitland HCA	N/A
Lorn HCA	N/A
Morpeth HCA	N/A

Part F Urban Release Areas

General Requirements	N/A
F.1 Residential Urban Release Areas	Noted. Mainly guidance for Area/Precinct Plans
F.2 Aberglasslyn	N/A
F.3 Anambah Employment Area	N/A
F.4 Gillieston Heights	N/A
F.5 Largs	N/A
F.6 Thornton North	N/A
F.7 Anambah Road	N/A
F.8 Lochinvar	N/A
F.9 Louth Park	N/A
F.10 Farley	N/A

4.4 Development 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. This Proposal is not for subdivision or residential development. Therefore, it does not apply 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.

However, the 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*”.

All Saints' College is owned and operated by a not for profit/NGO organisation, and consequently the Section 94A contribution should not apply to the proposed development.

A justification for exemption to the Development Contributions is at Attachment 13.

5 General Considerations

5.1 Site Description and Analysis

The proposed development is located on Hunter Street, on the fringe of the Maitland City Centre near the Maitland City Hall, City Administration, and the Maitland Regional Art Gallery. It is located within the Central Maitland Heritage Conservation Area.

To the south and southwest of the proposal, south of Odd Street, are one and two commercial and community uses reflecting a range of development intensities.

Open air sealed basketball courts, cricket practice nets and playing fields separate the development site from Odd Street.

To the west (across Hunter Street) is All Saints' College- St Peter's Campus, with the land immediately to the west (across Hunter Street) occupied by a car park. Further to the west and northwest are the school buildings.

The proposal is mainly located on part of the former Maitland Bowling Club site. The Bowling Club vacated the site a number of years ago, and part of the site is now occupied by a single storey St Nicholas Child Care Centre.

The child care centre is located to the north of the proposal, separated by the child care centre car park. The car park is accessed from Hunter Street with its access point located to the north of the St Paul's Hall. To the north of the car park are single detached residential dwellings.

The street frontage of the development site is occupied by St Paul's Parish Hall. The Hall is in need of restoration and maintenance as it is in fair to poor aesthetic condition. The Hall has a 1950's addition located to the north. While the Hall is not identified in the Maitland Local Environmental Plan as a heritage item, it is one of the many buildings that contribute to the heritage character of the Maitland City Centre and is considered contributory to the Central Maitland Heritage Conservation Area. Its distinctive arched windows, entrance and copper spire make it a local landmark, and can be seen from High Street. The Spire increases the visibility of the building beyond its immediate surroundings.

The Hall has an area of mown grass on either side.

To the rear of the Hall is an informal gravel car park. This car park is accessed from Hunter Street. The access point is located south of the Hall between the Hall and the basketball courts.

To the east is private open space and playing fields used by All Saints' College- St Peter's Campus for PD HPE, lunch time recreation, and sport. Detached residential dwellings are located further to the east.

Also to the east of the development site is the former Remembrance Garden, decommissioned several years ago.

The intersection of Hunter Street with High Street is signalised. Hunter Street largely serves the school, the child care centre and the Horseshoe Bend residential area beyond. To the north of the child care centre car park, Hunter Street has a school pedestrian crossing. Both sides of the street have paved footpaths.

Hunter Street has a school speed zone operating for its entire length north of Odd Street .

Hunter Street generally has a single travel lane each way with a car parking lane. However, due to the existence of driveways, the pedestrian crossing and street intersections, the car parking is not continuous.

Hunter Street contains a mix of architectural styles. On the northeastern corner of its intersection with High Street is the heritage listed Maitland Mercury Buildings. However, on its northwestern corner is a generally architecturally unsympathetic single story building. Further north, Hunter Street "opens up" due to the presence of a car park on its western side and the open basketball courts on its eastern side. A greater sense of enclosure resumes further to

It is not anticipated that significant or regular deliveries of goods will be made to the proposed development. 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.

5.4 Access and Traffic

A Traffic and Parking Assessment has been undertaken by Intersect Traffic, and is at Attachment 3.

The proposed development will not lead to an increase in student or staff numbers. On occasion special events or non school activities may lead to traffic movements, which will be managed in accordance with the traffic assessment.

Intersect conclude:

- 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. Because 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 child care 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 car parking.
- Alternative overflow parking, and construction vehicle parking, could be provided on the grassed area to the rear of the development site or the adjoining sealed sports courts near Odd Street.
- Suitable on-site car parking already exists on the site and within close proximity to the site to cater for any small additional parking demand generated by the development "out of hours" 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 child care centre car park. However, no car parking spaces will be lost, and the car parking spaces as well as the car park overall will comply with Council and Austroads standards.

5.5 Utility Services

Reticulated sewer, water and electricity are available to the Site and are believed to have sufficient capacity to cater for the Proposal.

Telecommunications, including broadband internet, are available.

5.6 Privacy, Views and Overshadowing

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.

In relation to views from Hunter Street, Odd Street, or from the St Nicholas Child Care Centre car park, the restoration of 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.

5.7 Flooding and Drainage

The Site is located below Council's Flood Planning Level. The Site also has a mild slope downward from Hunter Street towards the east.

The flood level for this location is 9.72m AHD. Council requires residential habitable floors to be 500mm above the flood standard, so the residential finished flood level would be 10.22m AHD. However, this is not required for 'commercial' developments. The flood velocity for the site varies from 0.03m/s to 0.56 m/s depending on the location within the site.

The proposed new building will be constructed above Council's flood planning level.

Lyndsay Dynan Engineers (civil), in consultation Torren Consulting (flood modelling and flood risk management specialists), have advised that the project will not require flood modelling and the development will not have any impact on the existing flood levels of the area. The flooding at the site has been identified to be due to backwater inundation rather than riverine flooding. Velocities are low and any impact on surrounding properties is considered to be minimal, if not non-existent. On the basis of this initial advice, it is considered that the proposal will have minimal impact on the post development characteristics of the area and additional flood modelling is unnecessary.

In relation to flood events, the School's evacuation and emergency management policy will be amended to include the proposed development. Notwithstanding this, it is anticipated that the school's existing procedures will be applied.

A concept stormwater plan is at Attachment 4. It will utilise the existing system with discharges on Hunter and Odd Streets.

Rainwater tanks will capture roof water for reuse in non critical applications by the Centre, such as the flush toilet system and for tending to site landscaping.

5.8 Geotechnical

A Geotechnical Investigation of the Site was undertaken by Douglas Partners and is at Attachment 5.

The investigation involved a review of existing material, site inspection and exploratory testing. In summary the geotechnical study found (selected excerpts follow):

"A former alignment of the Hunter River (a horseshoe bend), dating back to the 19th century, which passed through the Maitland Sportsground site and in the vicinity of the subject site. This partly explains the complex and variably alluvial profiles found in this area.

The site includes uncontrolled fill to recorded depths of up to 2.6 m and hence is classified Class P with reference to the residential slabs and footings code (AS 2870, 2011). This requires specific footing design to engineering principles, which at this site leads to the following options and considerations:

- 1. Shallow footings (raft slab, strip footings, pad footings) founded in uncontrolled fill and likely subject to unpredictable settlement (with acceptance by the owner of potential distress to structures);*
- 2. Ground treatment to render the uncontrolled fill suitable for support of shallow footings; or*
- 3. Deep footings (piles) founded in a suitable foundation stratum at depth.*

Ground treatment would involve excavation of the fill material and replacement with selected engineered fill compacted to 100% Standard. If this option is adopted, an earthworks procedure should be developed and may also need to consider potential disturbance of acid sulfate soils if dewatering or disturbance of the natural soils is required. This would improve the performance of lightly loaded shallow footings and provide an allowable bearing pressure of up to 150 kPa (strip or pad footings only), but would not reduce deeper settlement in the alluvial soils due to spread loads (slabs) or higher localised loads (columns).

If deep piles are proposed, it is recommended that deeper investigation be undertaken prior to detailed design and construction, in the form of boreholes to rock, with coring of the rock to provide design parameters. This would be expected to provide improved capacities and potentially reduce the number of piles required to support the structure.

A further option which could be considered would be a piled raft foundation system. This may allow the use of piles founded at shallower depth, supporting a stiffened raft slab, subject to meeting the settlement tolerances of the structure. The assessment of this option would require a finite-element analysis and the input of the structural engineer to provide exact pile locations, pile loads and concrete raft thickness and stiffness.”

Further geotechnical investigations have been undertaken, particularly in relation to Option 3 above. This report is at Attachment 6.

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.

5.9 Mine subsidence

It is understood that the Site is not within a Mine Subsidence District under the meaning of section 15 of the Mine Subsidence Compensation Act 1961.

5.10 Bushfire

The Site is not bushfire prone.

5.11 Heritage Conservation

As discussed previously, the proposed development is located within the Central Maitland Heritage Conservation Area.

As a result, John Carr has undertaken a Statement of Heritage Impact. (SOHI) for the restoration and refurbishment of St Paul’s Hall and of the impact of the proposed MPC building, and is at Attachment 7. A previous Heritage Assessment of St Paul’s Hall by EJE Architects is at Attachment 8.

The summary SOHI states:

“The proposed adaptive re-use of the former St Paul’s Parish Hall as additional General Learning Spaces and the construction of a new Multi Purpose Centre building will have minimal impact on the heritage significance of the surrounding heritage conservation area for the following reasons:

- 1. The project preserves and restores the St Paul’s Parish Hall, a contributory item to the Central Maitland heritage Conservation Area;*
- 2. The design and siting of the new MPC building and its siting behind the Hall and landscaping provides a reasonable separation and screening from the HCA;*
- 3. The use of a contemporary design for the MPC building ties it to the nearby All Saints’ College St Peter’s campus and the St Nicholas Early Childhood Centre;*
- 4. The adaptive re-use of the St Paul’s Parish Hall for educational purposes provides a good example of adaptive reuse to the Maitland community;*
- 5. The proposal provides a long term re-use of the Hall building and provides for the growth of education facilities in Central Maitland.”*

The SOHI concluded:

“The need for a new Multi Purpose Centre to serve the various All Saints’ Colleges in Maitland has resulted in both an adaptive reuse of the former St Paul’s Parish Hall and the land behind it acquired over time by the Diocese of Maitland/Newcastle for educational purposes.

This SOHI has assessed the proposed design and found that the overall development has minimal impact on the heritage significance of the surrounding heritage conservation area to the benefit of the Catholic education facilities in central Maitland”.

A 2021 search of the AHIMS data base with a buffer of 200m has identified no Aboriginal places and no Aboriginal sites in or near the proposed development site.

5.12 Landscape

A landscape plan is at Attachment 9. The key landscaped areas will be the courtyards to the north and south of St Paul’s Parish Hall. The landscaping aims to define the property, provide a sense of place and entry, include

circulation spaces, and in particular, provide a backdrop to the contributory heritage building- St Paul's Hall.

5.13 Acoustic assessment

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. The acoustic assessment is at Attachment 10.

To establish background and ambient noise levels, noise monitoring was undertaken at the eastern end of The All Saints' College 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. Modelling was then undertaken to determine potential acoustic impacts of the proposed development.

In relation to construction noise:

"The results of the construction assessment indicate exceedances of noise management levels (NML's) has the potential to be exceeded particularly during excavation. However, the highly affected noise level is expected to be complied with in all cases. Assuming standard façade and glazing treatments would attenuate at least 20 dB(A), internal noise levels have the potential to be exceeded at St Nicholas Early Education during excavation activities. Internal noise levels are expected to be met during building activities. NML's for offices and retail outlets and other commercial receivers is expected to be complied with. While it is expected NML's can be achieved in most cases, there is a risk for NML's to be exceeded depending on work activities and locations. With this in mind it is recommended a construction noise management plan be implemented as part of the proposal to minimise the risk of adverse noise emanating upon the community."

In relation to operational noise:

"The multi-purpose centre (MPC) may be used for sports, presentations and performances. The MPC will have doors opening to the outside. Often these doors will be closed, however for conservative purposes calculations have assumed doors are open. Noise emissions to the surrounding properties was calculated based on an MPC sound power level of 90 dB(A) Leq,15min representing the sound level during a music performance or gymnasium ball sports activity."

"The results of the operational assessment indicate operational noise from the MPC will comply with project noise trigger levels at all receptors during day, evening, and night time."

Amenity noise levels are determined based on the overall acoustic characteristics of the receiver area and the existing level of noise excluding other noises such as traffic and insects. Project amenity noise levels are the recommended amenity noise level (Table 2.1 of the NPfI) minus 5 dB(A) and plus 3 dB(A) to convert from a period level to a 15-minute level. The project noise trigger level is the lower value between the intrusive and the amenity noise levels."

The acoustic assessment concluded:

"Based on the monitoring results and the information provided regarding the development, it is expected compliance with all operational environmental noise goals can be achieved."

While construction noise is expected to comply in most cases, a series of mitigation strategies have been provided in the assessment."

Internal noise goals are expected to comply provided design measures similar to what has been outlined in this report are investigated and implemented. However further analysis and design reviews will be required over the course of the design period. This includes:

- 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."

5.14 Contamination

Within the meaning of the Contaminated Land Management Act 1997, the Site is not:

- Significantly contaminated land;
- Subject to a preliminary investigation order;
- Subject to a management order;
- The subject of an approved voluntary management proposal;
- Subject to an ongoing maintenance order; or
- Been provided with a site audit statement.

A Contamination Study was carried out by Douglas Partners, and is at Attachment 2. It found:

“The results of site history and site observations conducted as part of the previous and the current assessments indicated potential contaminant sources including fill materials of unknown origin, demolition of former structures, possible vehicle storage and service/maintenance, hardware business and possible chemical use/storage associated with the bowling club and green.

Subsurface investigation and chemical laboratory testing conducted to target the above potential contaminant sources indicated the presence of some contamination in filling at selected borehole locations and depths.

The proposed development area (high school playground area) includes the area of the current basketball courts and the playing fields area in the south-eastern portion of the site.

A fill platform was encountered in the south eastern and north western portions of the site (i.e., current basketball court area and recently placed fill pad). Elevated PAH concentrations were encountered at several locations within this fill platforms exceeding the adopted health investigation levels for recreational sites, including high schools. Similar materials and criteria exceedances were encountered in fill materials within the south-eastern portion of the site (i.e., proposed playing field area).

Due to the extensive fill across the site and elevated contamination concentration, remediation across the site are will be required.

Off-site disposal or on-site management of impacted filling (or a combination of both) could be considered. Options for the remediation/management of the identified contamination include the following:

Off-site Disposal of Impacted Soils.

On-site Management of Impacted Soils

On-site management of the identified contamination could be considered for the site, based on the following:

- *The minor propensity for leaching of the identified PAH and lead contamination;*
- *The presence of underlying low permeability clayey soils;*
- *The absence of shallow free groundwater within majority of the depths investigated (groundwater greater than 2.9 m) and free ground water greater than 6 m within the existing basketball courts.*

On-site management of identified contaminated soil would require capping in situ, or within a purpose-built containment cell on site.

A combination of localised off-site disposal and on-site management could also be considered for the site.

Although asbestos containing materials were not observed at the current test locations investigated for the assessment, previous asbestos testing indicated the presences of asbestos containing material (ACM) fragments within the recently placed north eastern fill pad, which was sourced from stormwater excavation conducted on the subject site. There is also a risk that further ACM are present due to the former site activities (i.e., demolition of former site structures), historical filling and possible association with anthropogenic materials within filling. The presence of ACM within filling therefore cannot be precluded.

The subsurface investigation targeted areas of potential contamination at the site based on the results of site history review and field observations. Additional areas of contamination may be encountered during site clearing or earthworks. The RAP for the site should therefore include a contingency for the remediation of additional contamination if identified during earthworks and construction (i.e., unexpected finds protocol).

A site-specific Remediation Action Plan (RAP) is recommended to provide remediation strategies, procedures and validation criteria for remediation of the site for the ongoing high school landuse.

On the basis of the investigation, the site can be made suitable for the proposed development subject to remediation/management of the identified contamination.

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.”

A copy of the Study is at Attachment 3. The RAP will be provided with the Construction Certificate documentation.

5.15 Access Report

The Proposal will comply with the provisions of this Section, including but not limited to:

- Section objectives
- Planning Principles
- AS1428.1 General Requirements.
- Car parking provision and dimensions
- Ramps and Walkways
- Building design, e.g., doorway widths, disabled toilet
- Building fitout, handrails
- Signage

A Disabilities Access Report has been undertaken by Lindsay Perry Access, and is at Attachment 11.

The conclusions of the Access Report are the development application documentation generally complies with current statutory requirements provided the compliance information recommended in the report is achieved in construction.

Crime Prevention/ Safer by 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 child care centre is secured, both operationally and out of hours.

The entire development is to be enclosed by a 1.8 m high black palisade security fence, of the type used on most school grounds.

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 present at all times 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. In addition, the site will be secured by black palisade open fencing, of the type typically used in schools.

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.

5.16 Energy

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.

5.17 Responses to applicable sections of the DCP

B. Environmental Guidelines

B.5 Tree Management

The site is largely cleared . Several trees will be removed, many of which are considered in poor condition. Supplementary trees of suitable species will be planted.

The proposed development will be landscaped with paving, a mixture of low growing shrubs and canopy trees, and details are shown in the DA documentation.

B.6 Waste Not – Site Waste Minimisation & Management

The School has a policy to minimise resource usage and waste, and maximise recycling .

During the Construction Phase, demolition and construction waste management measures will be carried out and carefully monitored. Construction related liquid trade waste and chemical storage measures will be carried out to best practice and carefully monitored.

Waste will be removed from the site as part of the schools normal waste management arrangements.

The Site is connected to Hunter Water’s reticulated sewerage system, and suitable liquid wastes will be disposed to the sewer, consistent with Hunter Water’s requirements.

A completed Site Waste Management and Minimisation Plan will accompany the Construction Certificate.

C.1 Accessible Living

The Proposal will comply with the provisions of this Section, including but not limited to:

- Section objectives
- Planning Principles
- AS1428.1 General Requirements.
- Car parking provision and dimensions
- Ramps and Walkways
- Building design, e.g., doorway widths, disabled toilet
- Building fitout, handrails
- Signage

Response: A Disabilities Access Report has been undertaken by Lindsay Perry Access and the proposal will comply with relevant access requirements. The Report is at Attachment 11.

C.6 Outdoor Advertising

It is proposed to place business identification signage at several locations on the Proposal, as shown in the architectural plans and perspectives at Attachment 1.

1.1 Preamble

Noted

1.2 Application

Applies to the Site.

1.3 Purpose

Noted

1.4 Objectives

The signage proposed in association with the Proposal will be designed to be consistent with the objectives, and in particular is complementary in scale and form with the built environment and the streetscape as a whole. It also provides a user friendly sign to assist in locating an important facility.

2. Sign Types

Details to be provided in the DA documentation

3. Guidelines for Outdoor Advertising Signs

The signs will be consistent with the “acceptable” design characteristics described in the Guidelines. They:

- are simple, clear and concise
- fit with the structure of the building and complementary to the building
- are less than 25% of the visible wall space
- will be properly maintained
- do not require substantial supporting structures
- are consistent with the examples of “desirable” signage for a residential zone as shown in the DCP.

4. Licencing Strategy, Fee Structure and Enforcement

Noted.

5. Definitions

Noted

E1 Centres

3. All Centres

3.1 Active Frontages Not applicable

3.2 Arcades Not applicable

3.3 Awnings Not applicable

3.4 Building Design

Objectives:

1. In existing centres, the design of the building shall complement the streetscape and minimise overbearing.	Complies
2. Visually interesting, harmonious roof scapes and skylines are provided..	Complies

3. Roofs are used for recreation where practical and desirable.	Not applicable
4. A positive sense of space, safety and openness is created in the public domain.	Complies
5. Building security is achieved without compromising the streetscape.	Complies

Development Controls

1. An application for a new building or building works shall:	
Adopt elements reflected in the dominant era and style of buildings in the centre.	Complies
Avoid intrusion of incompatible elements.	Complies
2. Have a façade height within 20% of the average height of the buildings on either side.	Not applicable
3. Where more than 2-storeys are proposed, the third and higher storeys are setback further by a minimum of 3.0m.	Not applicable
4. In an established street, roof form and roof materials shall be consistent or complementary to those developments in that street.	Complies
5. Variations in roof form including the use of skillions, gables and hips are to be provided in the development or between developments.	Complies
6. Flat roofs shall be avoided unless they are behind a parapet.	Complies
7. Lift over-runs and service plant shall be concealed within roof structures.	Complies
8. All roof plant is to be represented on plans and elevations.	Complies
9. Outdoor recreation areas on flat roofs shall be landscaped and incorporate shade structures and wind screens to encourage use.	Complies
10. Security grills (for e.g., roll-up doors) shall be avoided.	Complies
11. If installed, security grilles shall be provided within the building, behind the glazing and be constructed of material that allows the interior to be visible.	Complies

3.5 Gateway, Corner and Landmark sites Not Applicable

3.6 Pedestrian Entries and Access

Objectives

1. Equity for all street users is provided.	Complies
2. Pedestrian and vehicle access ways are separated where possible and visually distinguishable.	Complies
3. Conflict between pedestrians and vehicles is minimised during the day and at night.	Complies

4. The design of buildings and spaces shall promote legibility to help users find their way.	Complies
5. Walking and cycling is encouraged.	Complies
6. Secure and convenient parking is provided for bicycles. Complies (school)	Complies (school)

Development controls

1. The development complies with AS1428 - Design for Access and Mobility. Complies	Complies
2. Pedestrian and vehicle movement areas are separated and defined by changes in pavement material, levels, lining or tactile treatments. Complies	Complies
3. Parking areas are illuminated (naturally and/or artificially) during the time period the centre is open. Complies	Complies
4. Signage is provided at the entries to the development detailing the services available within the centre and where they are located. Complies	Complies
5. Signage to key public spaces accessible from the centre such as car parks, food courts shall be provided within the centre. Complies	Complies
6. Signage to key facilities such as rest rooms, centre management, baby change rooms shall be provided within the centre. Complies	Complies
7. Secure and convenient parking/storing for bicycles is provided close to the entrance of the development and with good surveillance. Complies (within existing school grounds)	Complies (within existing school grounds)

3.7 Parking, loading and servicing

1. External service areas (for e.g., areas for rubbish storage, cardboard compacting etc) shall not be visible from roadways or public open space areas.	Complies
2. External storage and service areas shall be suitably screened from view from both roads and parking areas and pedestrian areas.	Complies

3.8 Public art, landscaping and public domain works

Objectives

1. Planting shall be provided to shade, soften the built form and enhance its appearance from public viewpoints. Complies	Complies
2. Planting is used to soften hardstand and reduce heat retention and reflection. Complies	Complies
3. Medium and large trees are retained or planted to improve the amenity of the site. Complies	Complies
4. Undeveloped areas of the site do not cause nuisance in terms of dust or erosion. Complies	Complies
5. Undeveloped areas of the site positively	Complies

contribute to the quality of the development.	
6. Plant species that minimises Council's maintenance and liability responsibility are used in landscaping	Complies
7. Water sensitive urban design is used where appropriate to assist with stormwater management and water quality.	Complies
8. Fencing does not detract from the streetscape.	Complies
9. The privatisation of public places is avoided.	Complies
10. Rear and side fencing does not detract from the streetscape or from internal areas.	Complies
11. Street furniture is coordinated with existing street furniture	Complies
12. Street furniture does not create clutter and obstacles in the public realm.	Complies
13. Public art is consistent with Council's Public Art Strategy.	Complies

Development controls

1. A landscape plan shall be submitted with the development application that shows:	
Existing vegetation;	
Vegetation proposed to be removed;	
Proposed general planting landscape treatment;	
Design details of hard landscaping elements;	
Major earth cuts, fills and any mounding;	
Street trees; and	
Existing and proposed street furniture including proposed signage.	The landscape plan is at Attachment 9.
The landscape plan for the site achieves the following minimum standards, as appropriate for the location and application:	
Large trees and spreading ground covers are provided in all landscape areas within the site.	Complies
Where screening is required, large screening shrubs of an appropriate density and size to complement the scale and bulk of the subject building are provided.	Complies
All areas less than 1.0 metre in width shall be paved.	Complies
Any portion of the site that remains undeveloped or vacant after development shall be landscaped.	Complies
All street plantings are to be selected from	Complies

Council's landscaping policy or with the agreement of Council's Coordinator Recreation and Tree Services.	
Water sensitive urban design facilities (such as swales, bio-detention ponds and rain gardens) are used to treat stormwater for at-grade car parking areas.	Complies
Water sensitive urban design facilities are designed in accordance with Council's Manual of Engineering Standards.	Complies
Fencing for security or privacy shall not be erected between the building line and the front boundary of a site.	Complies
Where fences are erected, landscaping of an appropriate height and scale shall be provided to screen the fence and achieve an attractive appearance to the development when viewed from the street or other public place.	Complies
Street furniture (including seats, bollards, signage, grates, grills, screens and fences, bicycle racks, flag poles, banners, litter bins, telephone booths and drinking fountains) and streetscape treatments are provided in accordance with Council's Public Domain Design Manual or with agreement of the Executive Manager Appearance and Infrastructure.	Complies
Any public art is provided in accordance with Council's Public Art Strategy.	Complies

3.9 Setbacks

Objectives

1. The established character of the street is reinforced.	Complies
2. The existing rhythm of the street and its built form is maintained.	Complies
3. The development provides adequate pedestrian areas and integrates into the adjoining sites.	Complies
4. A consistent streetscape or a streetscape consistent with Council's public domain design plan is achieved	Complies
5. Structures and queues do not impede pedestrian movement. Complies	Complies
6. Any ramps are to be integrated into the overall building and landscape design.	Complies

Development controls

1. Development along identified active streets must be built-to-boundary.	Not applicable
2. In all other cases, building shall be setback within	Not applicable

20% of the average of the adjoining buildings.	
3. All pedestrian paved areas along an active street are to have a minimum paved width of 3.5m.	Not applicable
4. The 3.5m paved setback characteristic.	Not applicable
5. Pavements, furniture and landscaping are to be designed with in accordance the applicable Public Domain Design Manual or in consultation with Council's Executive Manager Appearance and Infrastructure. Noted	Complies
6. Steps, escalators, ramps or lifts are not located within the 3.5m paved, pedestrian area. Not applicable	Complies
7. Any automatic teller machine.	Not applicable
8. Ramps are constructed and finished with materials that are similar or complimentary to those used on the building or in the street.	Noted

3.10 Waste Management

Objectives

1. Waste generation is minimised through design, material selection and building practices.	Complies
2. Waste management minimisation is encouraged by including source separation, reuse and recycling facilities.	Complies
3. Efficient storage and collection of waste and quality design of facilities.	Complies

Development controls

1. A waste management plan for the construction and/or occupation of the development is provided that:	
Recycles and reuses demolished materials where possible.	Complies
Integrates waste management processes into all stages of the project.	Complies
Specifies building materials that can be reused and recycled at the end of their life.	Complies
Uses standard components and sizes to reduce waste and facilitate update in the future.	Complies
2. Separate storage bins for collection of organic waste and recyclable waste are provided within the development.	Complies
3. Bulk waste facilities shall be stored in a designated area that is physically and visually integrated into the development at ground or sub-basement level that:	Complies
is not visible from the street or public domain.	Complies

is easily accessible to businesses.	Complies
may be serviced by collection vehicles.	Complies
has water and drainage facilities for cleaning and maintenance.	Complies
does not immediately adjoin onsite employee recreation area; Complies.	Complies
be maintained to be free of pests.	Complies
4. Cardboard compactors shall be provided for large retail and commercial developments.	Not applicable
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.	Complies. The existing waste management arrangement of the school will be used.

3.11 Vehicular access

Objectives

1. In centres, pedestrians are prioritised over vehicles.	Complies
2. Conflict points between pedestrians and vehicles are minimised.	Complies
3. Car parking does not deactivate public space, including streets, laneways and share ways.	Complies
4. Underground car parking is integrated into the building design and streetscape.	Not applicable

Development controls. Not applicable

3.12 Development adjoining sensitive land uses

Objectives

1. Commercial and retail development does not unreasonably affect the amenity of adjoining sensitive uses.	Not applicable
2. The interface between business and commercial development and adjoining residential areas is of a high quality and achieves adequate visual and acoustic privacy.	Complies

Development provisions

1. The development is designed so that all vehicle movement areas and servicing areas are located away from adjoining residential areas.	Complies. Considerable spatial separation and landscaping
2. Where this cannot be achieved, visual and acoustic treatment of the interface is required.	Not applicable
3. The building elevation adjoining the residential area shall be:	
Articulated, with changes in setback at intervals no greater than 10m, significant spatial separation and intervening landscaping	Complies. Considerable spatial separation and landscaping.
Use a variety of materials and treatments;	Complies. Considerable spatial separation and

Significant spatial separation and intervening landscaping	landscaping.
Be setback a minimum of half the height of the wall or a minimum of 3.0 metres Significant spatial separation and intervening landscaping whichever is greater. Significant spatial separation and intervening landscaping.	Complies. Considerable spatial separation and landscaping.

3.13 Mixed use development Not applicable

3.16 Central Maitland

Objectives

1. To minimise the public and private costs of flood damage and the risk to life of floods by encouraging construction and development which is compatible with the flood risk of the area.	Complies
2. To ensure that any new development incorporates flood precaution and protection measures.	Complies
3. To contain the spread of new urban development in flood-prone areas.	Not applicable
4. To promote the development of Central Maitland as a regional commercial entertainment and recreation centre and to ensure it functions effectively as a centre.	Complies
5. To ensure the preservation of the existing historical character of Central Maitland, and of individual historic buildings and precincts.	Complies
6. To generally promote development as a means of achieving urban improvement.	Complies
7. To maintain the viability of Central Maitland by encouraging shoptop housing through the use of a flexible, performance/merits based approach to such development.	Complies

Development Applications – General Principles

In making or determining a development application on land the subject of this plan, the applicant and the Council respectively shall have regard to a number of planning principles.

A statement, which adequately addresses these principles, shall be prepared and accompany the development application. These principles are as follows:-

1. The development will not increase the flood hazard or flood damage to other properties, or adversely affect them in any way during times of floods.	Complies
2. Development should be designed in such a manner that the risks of structural failure or damage in the event of flood, including damage to other property, are minimised.	Complies
3. Development should be designed to withstand the effects of inundation of floodwaters, including the incorporation of measures to raise floor levels,	Complies

to prevent the entry of floodwater 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 Flood Standard.	
4. Permanent, fail safe, maintenance free measures are incorporated in the development to ensure the timely, orderly and safe evacuation of people from that area, should a flood occur. In addition, it must be also demonstrated that the displacement of these people during times of flood will not significantly add to the overall cost and community disruption caused by the flood.	Complies
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, goods, material, plant equipment or livestock, in the event of a flood.	Complies. School has an existing evacuation plan.
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.	Complies
7. Development should not have the effect 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.	Complies. School has an existing evacuation plan.
8. Development should, as far as possible, contribute to the functioning of Central Maitland as a commercial, historical, tourist, recreation and entertainment centre.	Complies
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 expansion of the functions of the centre.	Complies
10. Construction methods and materials used at levels below the flood standard shall conform with Part 8 – Flood Proofing Guidelines.	Complies
11. The design and materials of buildings and signage shall be such as to enhance the historic character of Central Maitland.	Complies

Flooding Proofing Guidelines

c) Commercial and Industrial – New and Existing

i) Applicants should refer to the requirements a) (i) to (viii) above.	Noted.
ii) Where applications for development in flood liable areas are considered, Council requires that a survey plan, prepared by a registered practicing surveyor and showing relative levels to A.H.D. of the flood standard and design floor level be submitted.	Noted.
iii) All applications should be accompanied by a certificate from a qualified practicing structural or civil engineer stating that the building is capable of withstanding the effects of immersion in time of flood, having due regard to the characteristics of flooding in the locality.	Noted.
iv) Any development consent in relation to applications for new buildings, alterations to existing buildings or change of use will be endorsed with advice on matters affecting the land including flood damage.	Noted.

E.3 - Heritage Conservation Areas

Central Maitland Heritage Conservation Area

The Statement of Heritage Impact (SOHI) is at Attachment 7.

In summary:

The Maitland City Council DCP Part E Special Precincts (Conservation Areas) lists the following guidelines:

What to Keep:

- *Historical pattern of development, lot frontages, depths and sizes, and setbacks to streets. There are no proposed changes to the existing current lot arrangements fronting Hunter Street.*
- *Defined edges, to rural/floodplain areas and to commercial precincts. The proposal seeks to construct a new Multi-Purpose Centre at the rear of the existing St Paul's Parish Hall and leaving an open grassed area at the rear of the building while also maintaining the existing open playing courts to the south and the existing car park to the north.*
- *Significant vegetation, particularly where it is part of original gardens. Removal of a number of trees and small garden areas is required to provide the site for the new MPC building. Refer to the Statement of Environmental Effects regarding this issue.*
- *The original character and status of streets, side streets of laneways in particular to keep residential streets for residential purposes. The proximity of the site to Odd and High Streets and the All Saints' St Peter's College campus opposite the site makes this requirement almost null and void. There are no proposed changes to the streets associated with this site development.*
- *Retain and enhance the original scale and form of existing buildings. The existing St Paul's Parish Hall is being retained and adapted for educational use as part of this overall development.*
- *Front garden areas with minimal hard surface treatment. There is a small area in front of the Hall building that will be landscaped together with landscaping on either side of the building.*

What to Encourage:

- Alterations and additions to dwellings that do not necessitate changes to roof form, or
- are at the rear of the dwelling and not visible from the street. The project incorporates removal of unsympathetic additions to the building and reconstruction of missing elements where the demolition work is undertaken.
- Re-instatement of appropriate/original verandahs in accordance with the guidelines in this DCP. The Hall building did not have any verandahs but had a main entry Porch off Hunter Street which is retained and repaired.

What to Avoid:

- Garages and carports becoming a prominent part of the streetscape. Not applicable to this project.
- Intrusion into original fabric of buildings of significance. While the Hall building is not currently listed it is recognised as contributing to the heritage character of the HCA. Only minor alterations are required for egress from the building and this will be done using existing detailing.
- Second storey additions which are visually prominent from the street frontage or other public viewing places. This does not apply to the Hall building. The new MPC does require height equivalent to the ridge of the Hall building's roof, however this is mitigated by the location of the building behind the Hall and screened to some extent by new landscaping. Views from public places such as roads will see the new MPC however other nearby buildings also help screen the site from a distance.
- Raising of dwellings above flood levels where there would be a significant impact on the streetscape. Not applicable to this project.

The SOHI concluded:

“The proposed adaptive re-use of the former St Paul’s Parish Hall as additional General Learning Spaces and the construction of a new Multi Purpose Centre building will have minimal impact on the heritage significance of the surrounding heritage conservation area for the following reasons:

- 1. The project preserves and restores the St Paul’s Parish Hall, a contributory item to the Central Maitland heritage Conservation Area;*
- 2. The design and siting of the new MPC building and its siting behind the Hall and landscaping provides a reasonable separation and screening from the HCA;*
- 3. The use of a contemporary design for the MPC building ties it to the nearby All Saints’ College St Peter’s campus and the St Nicholas Early Childhood Centre;*
- 4. The adaptive re-use of the St Paul’s Parish Hall for educational purposes provides a good example of adaptive reuse to the Maitland community;*
- 5. The proposal provides a long term re-use of the Hall building and provides for the growth of education facilities in central Maitland.”*

6 State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017

Part 1 Preliminary

1 Name of Policy	Noted
2 Commencement	Noted
3 Aims of Policy	Consistent
4 Land to which Policy applies	Consistent
5 Interpretation	Noted
6 Giving written notice	Noted
7 Preconditions to carrying out certain development	Noted
8 Relationship to other environmental planning instruments	Noted
9 Review of Policy	Noted

Part 2 General

Division 1 Consultation and notification

10 Consultation with councils—development with impacts on council-related infrastructure or services	Applicable
11 Consultation with councils—development with impacts on local heritage	Applicable
12 Notification of councils and SES-development on flood liable land	Not applicable
13 Consultation with public authorities other than councils	Applicable

14 Exceptions

Division 2 Site compatibility certificates

15 Site compatibility certificates	Noted
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Division 3 Additional uses of State land

16 Additional uses of certain State land permitted	Noted
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Division 4 Exempt development

17 General requirements for exempt development	Noted
18 Exempt development for Schedule 1 purposes carried out by public authorities in connection with educational establishments	

Division 5 Complying development

19 General requirements for complying development	Noted
20 Development affecting certain trees or vegetation	Noted
21 General conditions of complying development certificates	Noted

Part 3 Early education and care facilities—specific development controls

22 Centre-based child care facility—concurrence of Regulatory Authority required for certain development	Not applicable
23 Centre-based child care facility—matters for consideration by consent authorities and to be addressed in the DA documentation	Not applicable
24 Centre-based child care facility—non-discretionary development standards	Not applicable
25 26 Centre-based child care facility—development control plans	Not applicable

27 Mobile child care—exempt development	Not applicable
28 Temporary emergency relocation of early education and child care facility—exempt development	
Not applicable	
29 Home-based child care—exempt development	Not applicable
30 Home-based child care—complying development	Not applicable
31 Out-of-school hours care at existing universities—complying development	Not applicable
32 Out-of-school hours care at existing TAFE establishments—complying development	Not applicable
Part 4 Schools—specific development controls	
33 Definition of “prescribed zone”- proposal is within a prescribed zone	Applicable. The
34 Development for the purpose of student accommodation	Not applicable
35 Schools—development permitted with consent	Applicable
36 Schools—development permitted without consent	Not applicable
37 37 Notification of carrying out of certain development without consent	Not applicable
38 38 Existing schools—exempt development	Not applicable
39 Existing schools—complying development	Not applicable
40 School-based child care—complying development	Not applicable
39 Complying development certificates—additional conditions	Not applicable
40 State significant development for the purpose of schools—application of development standards in environmental planning instruments	Not applicable
Part 5 Universities—specific development controls	Not applicable
Part 6 TAFE establishments—specific development controls	Not applicable
Part 7 General development controls	Not applicable
57 Traffic-generating development	Not applicable
Schedule 1 Exempt development—general	
Schedule 2 Schools—complying development	Noted
Schedule 3 Universities and TAFE establishments—complying development	Not applicable
Schedule 4 Schools—design quality principles will address these, as shown in Attachment 12.	Applicable. The Proposal
Schedule 5 Savings and transitional provisions	Noted
Schedule 6 Amendment of environmental planning instruments	

Attachment 1: Architectural Plans and Perspectives

Full Plan Suite under separate cover

Attachment 2: Contamination Report

Under separate cover

Attachment 3: Traffic and Parking Report

Under separate cover

Attachment 4: Stormwater Concept Plan

Under separate cover

Attachment 5: Geotechnical Investigation

Under separate cover

Attachment 6: Additional Geotechnical Report

Under separate cover

Attachment 7: Statement of Heritage Impact

Under separate cover

Attachment 8: Heritage Assessment of St Paul's Hall

Under separate cover

Attachment 9: Landscape Plan

Under separate cover

Attachment 10: Acoustic Assessment

Under separate cover

Attachment 11: Access Report

Under separate cover

Attachment 12: Schools-design quality principles

PRINCIPLE	RESPONSE
Principle 1—context, built form and landscape	
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.	The proposal is consistent with the urban qualities of the Central Maitland Heritage Conservation Area. It provides for contemporary reuse of a contributing building as well as a sympathetic contemporary structure.
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.	The landscaping of the courtyards and curtilage of the buildings provides functional circulation space, a sense of entry as well as enhancing the public realm.
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.	The proposal is consistent with the urban qualities of the Central Maitland Heritage Conservation Area. It improves the streetscape and amenity of Hunter Street.
Principle 2—sustainable, efficient and durable	
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.	The proposal uses energy efficient materials and devices wherever possible to meet or exceed Australian standards. The school already has waste minimisation and recycling strategies in place, which will be applied at an operational level in the completed development.
Schools should be designed to be durable, resilient and adaptable, enabling them to evolve over time to meet future requirements.	The proposal represents a repurposing of a contributing heritage building to a contemporary use. The MPC has been designed to provide flexible spaces that can evolve with new uses and requirements.
Principle 3—accessible and inclusive	Principle 3—accessible and inclusive
School buildings and their grounds should provide good wayfinding and be welcoming, accessible and inclusive to people with differing needs and capabilities. Note— Wayfinding refers to information systems that guide people through a physical environment and enhance their understanding and experience of the space.	The landscaping, courtyards and pathways will provide strong visual cues for wayfinding. The buildings will include simple signage to identify their function. The proposal includes works to improve the accessibility of St Paul’s Parish Hall, as well as ensure mobility accessibility throughout the MPC.
Schools should actively seek opportunities for their facilities to be shared with the community and cater for activities outside of school hours.	There will be some out of hours usage by school related users. The facilities will be available for out of hours use by others, consistent with the school’s existing policies.

Principle 4—health and safety	
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.	The proposals is designed to be welcoming, and provide a pleasant and positive sense of place. The aim of the development is to provide improve classrooms, PE HDE, and fitness/sporting facilities to complement the students’ academic pursuits.
Principle 5—amenity	
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.	The proposal has been designed to provided highly accessible spaces. These spaces can be readily adapted to meet a range of needs. Studies undertaken to inform the development demonstrate that it will not adversely affect the acoustic or visual amenity of the neighbourhood, or contribute to traffic or parking congestion.
Schools located near busy roads or near rail corridors should incorporate appropriate noise mitigation measures to ensure a high level of amenity for occupants.	The acoustic assessment indicates that road noise does not have an impact on the amenity experienced by the users of the development.
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.	The aim of the development is to provide a greater diversity of learning and recreational spaces for students, to complete those already provided by All Saints’ College.
Principle 6—whole of life, flexible and adaptive	
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.	The restored St Paul’s Hall and the MPC have been designed to provide high amenity quality flexible spaces that can evolve with new uses and requirements.
Principle 7—aesthetics	
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.	The proposal is consistent with the urban qualities of the Central Maitland Heritage Conservation Area. It improves the streetscape and amenity of Hunter Street.
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.	The proposal is consistent with the urban qualities of the Central Maitland Heritage Conservation Area. It improves the streetscape and amenity of Hunter Street.

Attachment 13: Justification of Development Contribution Exemption

Background

Proposed Development

Proposed All Saints' College Multipurpose Centre, Parish Hall Restoration and Sports Facilities

Applicant

Trustees of the Roman Catholic Church for the Diocese of Maitland-Newcastle, 841 Hunter St, Newcastle West NSW 2300 (PO Box 756 Newcastle 2300)

Location

Lot 1 DP 69160, Lot 1 DP 1261532, Lot 1 DP 669283, Lot 2 DP 91268

Hunter Street , Maitland

DA documentation:

Section 4.4 of the DA Statement of Environmental Effects states:

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. This Proposal is not for subdivision or residential development. Therefore, it does not apply 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.

However, the 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".

All Saints' College is owned and operated by a not for profit/NGO organisation, and consequently the Section 94A contribution should not to apply to the proposed development."

Justification:

Maitland City Council Section 94A Levy Development Contributions Plan Clause 7 of the Section 94A Plan states as follows:

7. Development by the public sector and not for profit organisations

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.

Criteria for consideration

The effect of Clause 7 is that Council will not levy Section 94A contributions on developments which meet the following 2 criteria:

1. Is the development Crown development or by not for profit organisation?, and
2. Is the development being carried out with an underlying philosophy of community service?

Response:

Criterion 1: Is the applicant a not for profit organisation?

To be a registered charity, an organisation must be not for profit. The following extract from the Australian Charities and Not for Profits Commission

(http://www.acnc.gov.au/ACNC/Register_my_charity/Who_can_register/Step1/ACNC/Reg/Step1.aspx?hkey=8fa614f3-05ba-42f6-88d0-bf834289935b) states:

To be registered, your organisation must show the ACNC that it operates on a not-for-profit basis. For many organisations, this can be done by showing that:

- *their governing documents include suitable not-for-profit clauses, and*
- *they act consistently with these clauses.*

It can still be a not-for-profit if it simply provides a benefit to a member while genuinely carrying out its charitable purpose, or pays a member a reasonable amount for services they have provided or reasonable reimbursements.

A not-for-profit can make a profit, but any profit made must be used for its charitable purpose(s).

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. All Saints' College provides a unified service comprising St Mary's and St Peter's campuses- St Mary's being for senior students.

In conclusion, the applicant and the operator of All Saints' College meet the first exemption criterion of Clause 7 of the Section 94A Plan, i.e., they are not for profit.

Criterion 2: Is the development being carried out with an underlying philosophy of community service?

The Section 94A Plan refers to the exemption criteria applying to organisations with an "underlying philosophy of community service in accordance with the Development Contributions Guidelines".

In the absence of development contributions guidelines published by Council, and the absence of a definition in the NSW Government's Development Contributions Practice Notes, the following definition has been used, drawing on case law.

In the 1997 case of *Douglas v Commissioner of Taxation* ((1997) FCR 112), the Federal Court considered the meaning of "community service purposes". Although that case considered the meaning of "community service purposes" in the context of the Income Tax Assessment Act, the meaning is applicable to other revenue collection contexts which do not provide their own definition, such as the subject circumstance. In that case, it was held that community service purposes "are to be given a wide interpretation. These words are not limited to those purposes beneficial to the community which are also charitable. They extend to a range of altruistic purposes. The words would extend to promoting, providing or carrying out activities, facilities or projects for the benefit or welfare of the community, or any members of the community who have particular need of those activities, facilities or projects by reason of their youth, age, infirmity or disablement, poverty or social or economic circumstances".

All Saints' College/ the Catholic Schools Office Maitland-Newcastle meets the above definition by providing activities and facilities for the benefit of the community, in the form of education services for children and young people.

In conclusion, the proposed development meets the second exemption criteria of Clause 7 of the Section 94A Plan, i.e., the services will be carried out with an underlying philosophy of community service.

Additional considerations

The Maitland City Wide Section 94 Contributions Plan 2016 (v1), while not applying to the subject development, provides another perspective on community services in the context of Council policy and strategy. Clause 3.9 of the Section 94 Plan includes the following as one of the criteria for determining the merits of providing an exemption for contributions under that Plan:

"The development satisfies a broader planning objective, the achievement of which is considered by Council to be of greater importance or priority than making a contribution"

The proposed development progresses a number of the objectives and strategies of the Maitland 10+ Community Strategic Plan. This document outlines the City of Maitland's key broader planning objectives.

Under the theme of “Proud People Great Lifestyle”, these include:

- The objective that “Our community and recreation services and facilities meet the needs of our growing and active communities”, and
- The Strategy that “Health, education and community services will meet our identified and anticipated needs”.

All Saints’ College provides an essential service to meet the growing needs of a rapidly expanding community. Its catchment includes much of Maitland LGA, and provides schooling for Years 7-12.

The Maitland Local Strategic Planning Statement 2040 (LSPS) has the following relevant local planning priorities:

Priority 15. Align Local Infrastructure delivery to support planned growth and community needs

Action: d. Work with relevant stakeholders to ensure the timely delivery of enabling infrastructure and services

Priority 18. Work collaboratively to deliver infrastructure and services to support planned growth.

Action: a. Continue to work with the NSW Government agencies, developers and other stakeholders to ensure that our residents will have appropriate levels of infrastructure and services to meet their needs.

The Proposal progresses the timely delivery of infrastructure to the community, consistent with the LSPS.

In conclusion, the proposed development meets the “broader planning objective” criterion of the Section 94 Plan in the context of community services. This reinforces the proposed Centre’s “community service” credentials.

It is noted that it is common for Councils to provide exemptions from development contributions for not for profit community facilities.

Summary

All Saints’ College is a not for profit service operated by a registered charity. The charity delivers community services in the form of education to children and young people .

Furthermore, the proposed development progresses a number of Council’s community services polices, particularly those expressed in Maitland 10+ Community Strategy and the Maitland Social Plan 209- 2019.

As a result, it is considered that the proposed development readily meets the criteria for exemption from a contribution under the Maitland Section 94A Contributions Plan.

Accordingly, the applicant seeks an exemption from Section 94A contributions in relation to the proposed development.

Attachment 14: Photographs of site



