

**PROPOSED EXPANSION OF SCHOOL TO
LOT 1 DP 1247459**

118 DRAGONFLY DRIVE, CHISHOLM

STATEMENT OF ENVIRONMENTAL EFFECTS

DECEMBER 2022

VERSION 2



WILSON PLANNING

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Table of Contents

1.0	Introduction	3
1.1	Site Details	3
1.2	Surrounding Development	5
1.3	Proposed Development.....	5
1.4	Exempt Development Not the Subject of This Application.....	5
2.0	The provisions of any environmental planning instruments	6
2.1	Environmental Planning and Assessment Act 1979 (the Act)	6
2.1.1	Section 4.46 'Integrated Development'	6
2.2	State Environmental Planning Policies (SEPPs)	7
2.2.1	State Environmental Planning Policy (Biodiversity and Conservation) 2021	7
2.2.2	State Environmental Planning Policy (Resilience and Hazards) 2021	7
2.2.3	State Environmental Planning Policy (Transport and Infrastructure) 2021	11
2.3	Maitland Local Environmental Plan 2011 (MLEP)	14
2.3.1	Zone and Zone Objectives	14
2.3.2	Permissibility	15
2.3.3	Principal Development Standards	15
3.0	Any proposed instrument that is or has been the subject of public consultation under this Act and that has been notified to the consent authority	16
4.0	The provisions of any development control plans	16
4.1	Maitland Development Control Plan 2011	16
5.0	The likely impacts of the development, including environmental impacts on both the natural and built environment	18
5.1	Environmental impacts on both the natural and built environments	18
5.2	Social impacts	18
5.3	Economic impacts.....	18
6.0	The suitability of the site for the development	19
7.0	The public interest	19
8.0	Conclusion	19

1.0 Introduction

1.1 Site Details

The Catholic Diocese of Maitland-Newcastle (CDMN) is the landowner of Lot 2 DP 1247459, which contains St Aloysius Catholic Primary School, St Bede’s Catholic College, and St Nicholas Early Education Centre. This site has a street address of 24A Heritage Drive, Chisholm. The CDMN recently purchased adjoining Lot 1 in Deposited Plan 1247459, which has a street address of 118 Dragonfly Drive, Chisholm and they would like to expand the two school campuses into Lot 1.

Lot 1 is physically separated from Lot 2 at present by a security fence. It is largely grassland with up to five scattered trees on the site and has fall across the lot from north-west to south-east that steepens closer to the newly constructed Settlers Boulevard to the east.

The combined site has an area of 9.523ha and is shown in Figure 1. Lot 1, the subject site of this Development Application (DA) and shown in Figure 2, has an area of 1.349 ha.



Figure 1 – Site Locality Map

Source: NearMaps, 2022

At present the two catholic school campuses, St Aloysius Primary School to the south and St Bede’s High School to the north, located in Lot 2, have development consents granted by Maitland City Council. The consents granted approval for 1,200 students. The site is zoned R1 General Residential under Maitland Local Environmental Plan, 2011.

Various stages of the two colleges are currently under construction.



Figure 2 – Lot 1 (The subject Site)

1.2 Surrounding Development

The site is located within a relatively new residential subdivision development, with low density residential to the north and west. The land to the east, whilst presently vacant land, is zoned residential and likely to be similar residential development. The land to the immediate south is also vacant and zoned as B1 Neighbourhood Centre.

1.3 Proposed Development

Consent is sought for the following:

1. Change of use of Lot 1 to education establishment so that it forms part of the overall catholic college campuses. Consent is sought for the use only at this time, with future development of Lot 1 (still to be finalised and not the subject of the current DA) is proposed to be sporting fields, landscaping, walking paths, retaining walls, drainage works, and signage, which will be undertaken as either exempt development under the Transport and Infrastructure SEPP or as integrated development under a DA to Council. Figure 3 illustrates the proposed future works (indicative only at this time).
2. Removal of the five trees located on Lot 1 and depicted as red dots in Figure 3.

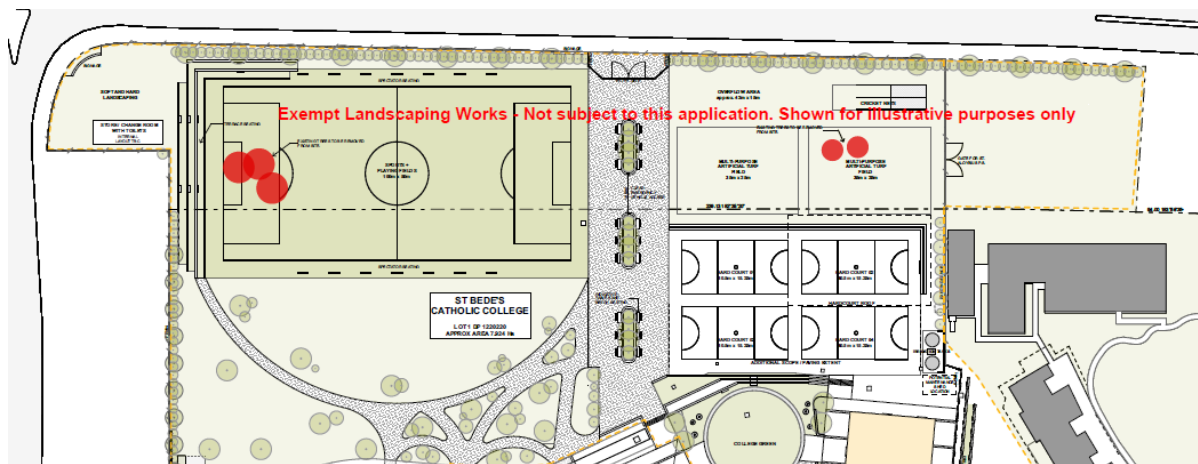


Figure 3 – Proposed Future Development of Lot 1

1.4 Exempt Development Not the Subject of This Application

Consent is **not** sought for the following works as part of this application for Lot 1 and these will likely be exempt development under State Environmental Planning Policy (Transport and Infrastructure) 2021:

- Sporting fields,
- landscaping,
- walking paths,
- retaining walls,
- store/change rooms,
- associated fencing,
- signage, and
- drainage works.

2.0 The provisions of any environmental planning instruments

2.1 Environmental Planning and Assessment Act 1979 (the Act)

2.1.1 Section 4.46 'Integrated Development'

Legislation	Section	Comments
Coal Mine Subsidence Compensation Act 2017	s22	N/A
Fisheries Management Act 1994	s144, s201, s205, s219	N/A
Heritage Act 1977	s58	N/A
Mining Act 1992	ss 63, 64	N/A
National Parks & Wildlife Act 1974	s90	N/A
Petroleum (Onshore) Act 1991	s16	N/A
Protection of the Environmental Operations Act 1997	ss43 (a), 47, 55 ss43 (b), 48, 55 ss43(d), 55,122	N/A
Roads Act 1993	s138	N/A
Rural Fires Act 1997	s100B	<p>Yes – part of Lot 1 is identified as bush fire prone land. As the proposal involves the expansion of an existing school, a special fire protection development, onto Lot 1, the application is integrated and a Bush Fire Safety Authority (BSA) is required from the RFS.</p> <p>A Bush Fire Assessment Report (BFAR) has been prepared by Newcastle Bushfire Consulting and accompanies the application. This states:</p> <p><i>'This report establishes that the development is capable of complying with the acceptable solutions of Planning for Bush Fire Protection (2019)'.</i></p> <p>The BFAR makes various recommendations, and these will form part of the BSA.</p>
Water Management Act 2000 & Water Management Amendment (Controlled Activities) Regulation 2008	s89,90,91	N/A

2.2 State Environmental Planning Policies (SEPPs)

2.2.1 State Environmental Planning Policy (Biodiversity and Conservation) 2021

The subject site does not support “native vegetation”; other than a few standalone trees, and there are no natural ecosystems or habitats on the proposed development site. The site has long been highly modified, and there are no retained or remaining natural or special “biodiversity” values present. Accordingly, Chapter 2 does not apply to the proposed development.

2.2.2 State Environmental Planning Policy (Resilience and Hazards) 2021

Chapter 2 Coastal Management

The site is not within the ‘coastal environment area’ or ‘coastal use area’.

Chapter 3 Hazardous and Offensive Development

The proposed use is not classified as potentially hazardous or offensive.

Chapter 4 Remediation of Land

Lot 1 has never been developed and contains a grassed area a small number of remnant trees, with no evidence of it being contaminated.

Historical air photography shows that the site has remained vacant between 1954 and 1984), apart from an informal, unsealed track (see Figure 4). In 1984, there was an unsealed road running through the site and most of the vegetation has been removed – see Figure 5. Figures 6 and 7 show that there has been no development of the land or contaminating land uses up to 2001 and beyond.

The site was partly filled to enable construction of Settlers Boulevard and is suitable for use as a school.



Figure 4 – The vacant site in 1954.

Source: NSW Historical Imager, 2022



Figure 5 – The site in 1984, containing an unsealed road and predominantly cleared.

Source: NSW Historical Imager, 2022



Figure 6 – The site in 1998, still containing an unsealed road and predominantly cleared.
Source: NSW Historical Imager, 2022



Figure 7 – The site in 2001, still containing an unsealed road and predominantly cleared.

Source: NSW Historical Imager, 2022

2.2.3 State Environmental Planning Policy (Transport and Infrastructure) 2021

Chapter 2 Infrastructure – Division 5 Subdivision 2 Development likely to affect an electricity transmission or distribution network

The site has no overhead powerlines along its frontage, and there are no physical works proposed under the current DA, therefore no referral to Ausgrid is required.

Chapter 2 Infrastructure – Division 17 Subdivision 2 Development in or adjacent to road corridors and road reservations

Clause 2.118 Development with frontage to classified road - The site has a frontage to Settlers Boulevard and Dragonfly Drive, neither of which are classified roads.

Clause 2.121 Traffic-generating development - Pursuant to column 3 of the Table to Schedule 3, the proposal is not classified as traffic generating development.

Chapter 3 Education Establishments and Child Care Facilities

Part 3.36 Schools—development permitted with consent

The proposal is defined as a school, which is permitted with consent in the R1 zone.

(6) Before determining a development application for development of a kind referred to in subsection (1), (3) or (5), the consent authority must take into consideration—

- (a) the design quality of the development when evaluated in accordance with the design quality principles set out in Schedule 8, and*
- (b) whether the development enables the use of school facilities (including recreational facilities) to be shared with the community.*

Comments

The following table provides an assessment of the proposed works against Schedule 8 Design quality principles in schools.

Schedule 8 Design quality principles in schools—Chapter 3		
Principle	Requirements	Comment
Principle 1—context, built form and landscape	<p>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.</p> <p>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.</p> <p>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.</p>	<p>The proposed extension of the existing school will not involve any new buildings; rather it will provide additional sporting facilities and landscaped areas for students. The inclusion of Lot 1 into the existing catholic school campuses is focused on student and staff wellbeing and amenity. There will be no increase in student or staff numbers.</p> <p>The proposed landscaping will be designed overseen by qualified and experienced landscape specialists. The landscaping and associated works will be carried out as exempt development under the Transport and Infrastructure SEPP, however, the concept plans for these works are provided with this application to show Council how the expansion of the school will be treated.</p>
Principle 2—sustainable,	Good design combines positive environmental, social and economic outcomes. Schools and school buildings should be designed to	The inclusion of Lot 1 into the school campus is focused on student and staff wellbeing and amenity. It will allow students to utilise the outdoors and learn in

Schedule 8 Design quality principles in schools—Chapter 3

Principle	Requirements	Comment
efficient and durable	minimise the consumption of energy, water and natural resources and reduce waste and encourage recycling. Schools should be designed to be durable, resilient and adaptable, enabling them to evolve over time to meet future requirements.	different environments and meet future learning requirements of students.
Principle 3—accessible and inclusive	<p>School buildings and their grounds should provide good wayfinding and be welcoming, accessible and inclusive to people with differing needs and capabilities.</p> <p>Note— Wayfinding refers to information systems that guide people through a physical environment and enhance their understanding and experience of the space.</p> <p>Schools should actively seek opportunities for their facilities to be shared with the community and cater for activities outside of school hours.</p>	<p>The proposed grounds will be accessible and provide improved facilities to the current school grounds/access.</p> <p>The grounds will cater for students who learn better in different/outdoor environments and meet future learning requirements of students.</p> <p>The school is available for use by the school community and broader parish community.</p>
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 school campus is already fenced to reduce incidence of theft and damage. The fencing will ultimately include Lot 1, which allows views to and through the new landscaped grounds, providing a visual improvement to the area.
Principle 5—amenity	<p>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.</p> <p>Schools located near busy roads or near rail corridors should incorporate appropriate noise mitigation measures to ensure a high level of amenity for occupants.</p> <p>Schools should include appropriate, efficient, stage and age appropriate indoor and outdoor learning and play spaces, access to sunlight, natural ventilation, outlook, visual and</p>	<p>The new grounds provide additional landscaped areas and gathering spaces for students. The inclusion of Lot 1 into the school campuses is focused on student and staff wellbeing and amenity.</p> <p>Privacy fencing is already established along the northern boundaries where the land adjoining residences, for privacy and amenity retention.</p>

Schedule 8 Design quality principles in schools—Chapter 3		
Principle	Requirements	Comment
	acoustic privacy, storage and service areas.	
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.	These principles have been the driving force for expanding the school grounds into Lot 1 and incorporating better access, environmental performance, student amenity, and multi-purposes spaces.
Principle 7— aesthetics	<p>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.</p> <p>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.</p>	See all previous comments in this table, which address this principle.

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

Comment

Only relevant sections of DCP have been considered in this report.

2.3 Maitland Local Environmental Plan 2011 (MLEP)

2.3.1 Zone and Zone Objectives

The site is zoned R1 General Residential under MLEP. The objectives of the R1 zone are:

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

The first two objectives are not relevant to the proposal. The third objective is met in that the school will provide for education facilities to meet the needs of local residents. The proposed future works will have had regard to scenic, aesthetic, and cultural heritage qualities of the area and would be considered to be sympathetic.

2.3.2 Permissibility

The proposed use of Lot 1 is defined as an ‘education establishment’, which is permissible in the R1 zone with consent.

2.3.3 Principal Development Standards

The following table provides an assessment of the proposal against other relevant clauses of MLEP, including consideration of Principal Development Standards.

Maitland Local Environmental Plan 2011		
Clause	Provision	Comment
4.3	Height of Buildings	Not adopted.
4.4	Floor space ratio	Not adopted.
5.10	Heritage conservation	The site does not contain any listed items of heritage significance, nor is it located within a heritage conservation area. The site is also not located in proximity of any locally listed heritage item. An AHIMS search undertaken as part of the Bushfire Assessment reveals no Aboriginal sites or places recorded within or near the site. No further assessment or studies required.
5.21	Flood planning	The subject site (Lot 1) is not identified as flood prone land.
7.1	Acid sulfate soils Class 5 - Works within 500 metres of adjacent Class 1, 2, 3 or 4 land that is below 5 metres Australian Height Datum and by which the watertable is likely to be lowered below 1 metre Australian Height Datum on adjacent Class 1, 2, 3 or 4 land.	The subject site is identified as Class 5 acid sulphate soils. The proposed development is over 500m from nearby Class 2 and 3 land. No physical works are proposed under the current DA and the proposal will not impact on the watertable.
7.2	Earthworks	No physical works are proposed under the current DA.

3.0 Any proposed instrument that is or has been the subject of public consultation under this Act and that has been notified to the consent authority

There are no current draft or proposed instruments applicable to the proposal.

4.0 The provisions of any development control plans

4.1 Maitland Development Control Plan 2011

The following table provides an assessment of the future proposed works against relevant sections of MDCP.

Maitland Development Control Plan 2011		
Clause	Provision	Comment
Part B – Environmental Guidelines		
B.5 Tree Management		
Part 2	An individual lot or total site area is greater than 1000m ² within an Urban Release Area requires a Council permit to clear vegetation.	A tree clearance permit will be required to remove the 5 trees currently within the site. A condition requiring replacement planting will be welcomed and this will occur when the future works are carried out.
Part C – Residential Design		
2.1 - Site Analysis and Site Context	Various Controls	There are no physical works proposed under the current DA. Consideration has been given to the proposed future works with regards to the outcomes and prescriptive requirements of the DCP.
8 - Building Height, Bulk and Scale	Various Controls	There are no physical works proposed under the current DA. The proposed future development, including the proposed cut and fill, would be relate well to the local context and overall site constraints.
9 - External Appearance	Various Controls	There are no physical works proposed under the current DA.

Maitland Development Control Plan 2011		
Clause	Provision	Comment
		The proposed future development would provide continuity of character between existing building forms, new development and surrounding landscape by using a selection and/or combination of characteristic elements.
13 – Fencing and Walls	Various Controls	<p>There are no physical works proposed under the current DA.</p> <p>The proposed future development would be in accordance with DCP objectives to provide privacy and security, where appropriate.</p>
16 – Views and Visual and Acoustic Privacy	Various controls	<p>There are no physical works proposed under the current DA.</p> <p>The proposed future development would not interfere with existing view sharing in the immediate surrounds. Further, privacy fencing is already established along the northern boundaries where the land adjoining residences, for privacy and amenity retention.</p> <p>There would be some additional noise generated over the current situation, however, this will be very minor relative to the overall school operation as the expanded site will not allow an increase in student enrolments or buildings. The noise generated would be considered acceptable for an existing educational facility.</p> <p>A noise impact assessment is not considered to be necessary for this small-scale development. There will be some minor noise impacts during construction of the structures/works; however, these will be controlled by standard construction hours to minimise any potential acoustic impacts. Construction noise can also be control through the Protection of the Environment Operations Act 1997.</p>

Maitland Development Control Plan 2011		
Clause	Provision	Comment
18 - Stormwater Management	Various Controls	There are no physical works proposed under the current DA. The existing Stormwater Management System would be amended to accommodate the proposed future works.
19 – Security, Site Facilities and Services	Various Controls	The expanded school site would be fenced according to CPTED principles. All essential services are already on place for the overall school campus site.
Part F Urban Release Areas		
F7 – Thornton North Urban Release Area		
2.1 Thornton North – Waterford County Precinct	Various controls	The proposed land use change is not inconsistent with the Precinct Plan.

5.0 The likely impacts of the development, including environmental impacts on both the natural and built environment

5.1 Environmental impacts on both the natural and built environments

There are no other environmental impacts resulting from the proposal, other than those addressed in previous sections of this report.

5.2 Social impacts

The proposal will have positive social impacts by improving the amenity and learning environment for students at the schools.

5.3 Economic impacts

The proposal will have a positive economic impact in that it will create short term construction jobs. It will also improve the long-term viability and function of the schools.

6.0 The suitability of the site for the development

The site is considered to be suitable for the proposed use. The additional land will provide flexibility in the provision of outdoor, passive and active recreation space and will provide an additional road frontage for the school campuses.

The proposal complies with MLEP and relevant sections of MDCP. The proposed change of use and removal of trees will not have significant impacts on the natural or built environments and will not unreasonably impact on the amenity of nearby residents.

There are no significant physical, ecological, technological or social constraints on the proposed development.

7.0 The public interest

The proposed development is considered to be in the public interest as it meets the objectives of the R1 zone, complies with the provisions of MLEP, and the relevant provisions of MDCP.

The proposed future works would provide flexibility in learning, recreational activities and breakout space for students. This will provide stronger student wellbeing and community improvements.

There are no broader public interest concerns relating to the proposed use.

8.0 Conclusion

This Statement of Environmental Effects has considered all natural and built constraints and hazards and found the site to be suitable for the proposed school expansion into Lot 1.

Additionally, it has been found that the proposal will have acceptable impacts on the natural and built environment, with the adoption of amelioration measures outlined in this report, on landscape plans, and in consultant reports submitted with the application.

The proposed development is permissible and meets the objectives of the R1 zone and complies with the relevant provisions of MLEP and MDCP.

Council's favourable consideration of the application is requested.



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