

Our ref: St Philip's Christian College, Cessnock campus (SSD-10360337)

Mr Matthew Gray
Chief Financial Officer
St Philip's Christian College
57 High Street
Waratah NSW 2298

21 March 2022

Subject: Response to Submissions

Dear Mr Gray

The exhibition of the development application for the alterations and additions to St Philip's Christian College, Cessnock campus (SSD-10360337) including the Environmental Impact Statement ended on 16 March 2022.

We have placed all submissions on the NSW planning portal at <https://www.planningportal.nsw.gov.au/major-projects/projects/alterations-and-additions-st-philips-christian-college-cessnock-campus>.

We now require a written response to issues raised in the submissions, as required under section 59(2) of the Environmental Planning and Assessment Regulation 2021. The written response must be in the form of a submissions report that has been prepared having regard to the *State Significant Development Guidelines*. The *Preparing a Submissions Report Guideline* forms part of the SSD Guidelines (Appendix C).

We also require a response to the issues raised by agencies in their advice. This response may be incorporated into the submissions report. Please note that advice is yet to be received from Transport for NSW, Heritage NSW (Aboriginal Cultural Heritage Division) and the Biodiversity Conservation Division of the Environment, Energy and Science Group. These will be forwarded to you separately, upon receipt, and a response is required to be provided to their advice in addition to those uploaded on the NSW planning portal.

Please lodge your response by progressing the application on the NSW planning portal at <https://majorprojects.planningportal.nsw.gov.au/>.

Note that the time between the date of this letter and the date the Planning Secretary receives your response are not included in the 'assessment period' under section 94(1) of the Environmental Planning and Assessment Regulation 2021.

Department of Planning and Environment



If you have any questions, please contact Gavin Ho on 9995 5215 or via email at gavin.ho@dpie.nsw.gov.au.

Yours sincerely,

A handwritten signature in black ink that reads "A. Coomar".

Aditi Coomar
Team Leader
School Infrastructure Assessments
as delegate for the Planning Secretary

ATTACHMENT 1

Key Issues

1. Surrendering of previous development consents

The Department requests that any inconsistencies and/or conflicts between the conditions of previous development approvals/consents that apply to the site and the proposed development be addressed as part of the SSD application, including (but not limited to) any inconsistencies with the approved hours of operation, overall student numbers, the community use of school facilities, etc.

You must therefore confirm in the Response to Submission (RtS) report if any of the existing development consents would need to be surrendered as part of the SSD application. If so, all previous consents to be surrendered should be identified and justification provided.

2. Proposed Aquatic Centre – definition

The application was lodged as State Significant Development (SSD) for alterations and additions to an existing school with a capital investment value of more than \$20 million, consistent with clause 15(2) of State Environmental Planning Policy (State and Regional Development) 2011 (SRD SEPP) (as in force at the time of lodgement).

Based on the Scoping Report prepared as part of the Request for SEARs, the Department was informed that the proposed Aquatic Centre formed part of the alterations and additions to the existing school, consistent with the SRD SEPP categorisation. However, section 4.2.2 of the Environmental Impact Statement (EIS) defines the proposed Aquatic Centre as a ‘recreation facility (indoor)’ consistent with the definition in the Cessnock Local Environmental Plan 2011 (CLEP 2011).

This component of the application is, therefore, wholly prohibited as indoor recreation facilities are not a permissible use in the RU2 Rural Landscape zone under the CLEP 2011. The RtS must confirm if the proposed Aquatic Centre forms part of the SSD application as either:

- alterations and additions to the existing school, consistent with SRD SEPP, or
- a recreation facility (indoor) as defined under the CLEP 2011 (i.e. to be assessed as a separate component to the alterations and additions to the existing school).

The Department advises that it is not opposed to the development of a school aquatic centre, including community use of the facility subject to the impact of the proposed development being acceptable. However, the Department must first be satisfied that the development is sufficiently related to the State significant development (SSD) application, is defined accordingly in the application and is ancillary to the ongoing use of the site as an educational establishment.

The Applicant should be aware that the Department would not support the development of a ‘recreation facility (indoor)’ on the basis that it would be a prohibited use in the RU2 zone under the CLEP 2011 and as such is not categorised as SSD (on its own). Cessnock City Council (Council) has also provided comment on this matter, please refer to Council’s submission on the application and address the concerns accordingly.

3. Proposed Aquatic Centre – community use

The Department encourages the use of school facilities by the local community (where appropriate) including use of the school sporting facilities such as sports ovals and aquatic centres, etc. Notwithstanding, these facilities should be managed by the school, rather than an external or independent operator (as proposed in

section 4.2.2 of the EIS). Further, school facilities should only be made available to the community outside of core school hours.

In this regard, the Department requests that the RtS confirm:

- that the proposed Aquatic Centre would be managed by the Applicant.
- that community use of the Aquatic Centre would only occur outside of the core school hours. The community use operating hours of the facility must be detailed.
- the total number of staff proposed for the Aquatic Centre operation.
- details on how students would access the proposed facility given the distance and disconnect from the main school campus and noting that the current paths of travel are exposed to weather.

4. Lot consolidation and land use

The school is currently approved to operate on Lot 1 DP 126765 and Lot 1 DP 744377 under DA8/2009/677 issued by Council. The SSD application includes two additional land parcels being Lot 2 DP 600895 and Lot 518 DP 837571. The Department considers that all land parcels that make up the development site should be consolidated to ensure the school is located on one Title (i.e. a single Lot and DP). You are requested to advise if there are any matters that would hinder the consolidation of land parcels within the site in the future.

Further, Section 3.4.1 of the EIS states that the application proposes to change the use of the additional land parcels from rural to educational establishment, consistent with the remainder of the site. The Department advises that changing the CLEP 2011 land use definition cannot occur as part of the SSD application, and that a rezoning process would need to be initiated separately under Part 3 of the *Environmental Planning and Assessment Act 1979*. The school would therefore continue to operate in the RU2 Rural Landscape zone for which Educational Establishments are a permitted use.

5. Flooding

The Department requests the RtS address the following matters in relation to flooding:

- confirm if the Flood Impact Assessment (FIA) accounted for the 16,280 cubic metres of fill that is proposed to be imported to the site (and subsequent change in site levels) in the assessment of both on-site and off-site flooding impacts.
- the FIA has identified that a Flood Emergency Response Plan (FERP) is required to be updated at a detailed design stage or prior to construction. The Department requests that this occurs as part of the RtS to enable a comprehensive flood risk assessment. The updated FERP is required to be prepared in consultation with Council and the NSW State Emergency Service.
- the FIA has not undertaken a detailed assessment of the flood planning levels for each of the proposed buildings to ensure that floor levels are above the 1% Annual Exceedance Probability (AEP) flood extent. Further assessment of the proposed finished floor levels across each individual building and the associated flood impacts and risks is required to demonstrate that the buildings are not impacted by the 1% AEP affecting the site.
- a detailed assessment of the vehicular and pedestrian paths of travel from the car parking areas and buildings to the southern Wine Country Drive egress point is required. This should include overlays of the flood risk in the path of travel for a range of flood events up to the probable maximum flood (PMF).
- the 2009 FERP concluded there would be an effective warning time of 1 to 1.5 hours during a Probable Maximum Flood (PMF) event and that flood levels during the PMF would be expected above the 1% AEP

for approximately 6 hours. The strategy of seeking on-site refuge for this period of time is not supported, particularly for vulnerable users of site including minors and young children. The Department requests the updated FERP includes detailed arrangements for the full evacuation of the site.

- the Department requests that the existing arrangements for evacuating school students be analysed and the future evacuation methods be provided in detail and compared to the existing evacuation methods. It should be noted that the school students will not be able to self-evacuate. Consequently, the FERP must include analysis of scenarios where parents would arrive to pick up children prior to a flood event impacting access routes to the site and what impact that would have on the surrounding roads.
- Council's submission raised concern that the Council's mapping of flood prone land differs to that shown in the submitted FIA. The Department requires you to address Council's concerns as part of a revised FIA, including the following matters:
 - no structures are permitted within the floodway.
 - on-site refuge during flood events is not supported.
 - flood free access is not demonstrated for a 1% AEP.
 - flood water is shown to increase by 20-50mm along the eastern boundary of Lot 892 DP 574957.

6. Traffic and car parking

The Department requests the RtS address the following discrepancies in the Transport and Accessibility Impact Assessment (TAIA) and matters associated with traffic and car parking:

- section 2.3 outlines the circumstances of a previous transport study. This study is considered to be inaccurate as it forecasts a population of 1500 students, as opposed to the 1732 students proposed as part of the SSD. Consequently, a revised traffic analysis with the correct forecast is required to be undertaken.
- section 2.5 identifies that the school currently provides private bus services with 11 bus movements in the morning and 13 bus movements in the afternoon. The TAIA should confirm if additional bus movements are required to support the proposed increase in student numbers.
- section 2.8 and section 6.1 incorrectly identify the existing number of students. The table must be amended to reflect the true number of existing enrolments.
- section 3.5 states the proposal would provide a total of 335 on-site car parking spaces, however the EIS (Table 5) identifies up to 350 on-site car parking spaces. Please provide clarification on the total number of car parking spaces across the site.
- given that the proposed Aquatic Centre should be assessed as alterations and additions to the existing school, the assessment of car parking rates should be based on a school development, rather than an indoor recreation centre. The car parking rates must be revised to reflect this factor.
- section 6.5.3 identifies that under scenario 3 (concurrent operation of the Aquatic Centre and two rugby matches) on a Saturday, the intersection of Wine Country Drive and the new southern access point would experience of Level of Service (LoS) E. Further consideration should be given to improved road network design or alternative site access arrangements (i.e. from Lomas Lane) to improve the LoS at this intersection.

- a comprehensive assessment of the community use facilities and their car parking generation and traffic impacts must be provided.

7. Road upgrades

The Department requests the RtS confirm whether there would be any increase in the existing student population prior to the completion of the Stage 1a road network upgrades. Further, the RtS must confirm that the proposed maximum school population of 1732 students would not be achieved until the road network upgrades associated with Stage 2 are complete and operational.

The Department also requests the RtS address the following matters:

- a number of surrounding landowners have raised concern regarding existing vehicular (driveway) access on the western side of Wine Country Drive. The TAIA should be revised accordingly (including diagrams) to address these concerns and to ensure that all landowners have continued safe vehicular access to their property.
- further information must be provided to confirm that the road widening works proposed along Lomas Lane to accommodate bus bays are contained entirely within the development site and/or road reserve and are not located on any adjoining land not in ownership of the Applicant.

8. Endangered Ecological Communities (EECs)

The proposal includes the removal of 0.16 hectares of Plant Community Type (PCT 1594) – River-Flat Eucalypt Forest on Coastal Floodplains to construct a pedestrian pathway through an area of remnant forest. PCT 1594 is listed as critically endangered under the Commonwealth *Environment Protection and Biodiversity Conservation Act 1999* and is endangered under the NSW *Biodiversity Conservation Act 2016*.

The Department considers that the removal of existing vegetation, and particular areas of EEC, should be avoided where possible. Further, biodiversity offsets must only be utilised where direct impacts are unavoidable. Options to avoid impacts on the existing EEC must be considered as part of the RtS, including either the removal or redesign of the pathway so that its alignment avoids impacting the remnant forest area.

9. Vegetation removal

The Department requests the RtS address the following matters in relation to the proposed vegetation removal:

- the Arboricultural Impact Assessment (AIA) identifies that nine trees in the location of the proposed bus turning area are required for removal. However, no assessment is provided on the proposed tree removal within the Black Creek remnant forest area.
- the AIA and Landscaped Strategy must be updated to include a tree removal location plan for the entire site.
- the Bushfire Assessment Report identifies the required asset protection zones which encroach into the Black Creek remnant forest area. Further information is needed to identify which trees (if any) within this area would require removal or pruning.

10. Bulk earthworks

The Department requests the RtS address the following matters in relation to bulk earthworks:

- the Concept Civil earthwork plans prepared by Northrop do not clearly depict the cut and fill across the site. The single colour scheme used to identify the sliding scale of cut vs fill needs to be clearly

identifiable. This plan should also include references to the existing natural ground levels. Section plans should also be provided to identify the extend of fill in certain locations.

- confirm if disturbed soils would be re-used on the site (i.e. for landscaping) or if soil would be required to be disposed of off-site.
- confirm when the bulk earthworks are proposed to be undertaken in the staged development timeline.

11. Community use of school facilities

The EIS does not provide adequate information regarding the management of school facilities that are proposed to be shared with the community. The Department requests the RtS to address the following:

- identify each school facility that is proposed to be made accessible to the community, including timing for when these facilities would be made available.
- describe how access to the site and individual facilities would be achieved (noting that security boom gates are detailed on the architectural plans).
- detail the community use of on-site car parking (i.e. confirm if the community would have access to the school's car parking areas during core school hours).
- describe how the school would manage student safety at times when the community has access to the school grounds.
- describe any security measures that would be implemented after core school hours.

12. School buildings

The Department requests the RtS address the following matters in relation to the proposed school buildings:

- confirm the total number of new buildings proposed (noting that Table 5 and Table 6 in the EIS identify 8 and 7 new buildings, respectively). The associated documents including the Site Plan should be updated accordingly to identify the new buildings and those buildings that would be subject to alteration or addition.
- section 3.1 of the EIS and the Site Plan at the south-western corner of the site are inconsistent in 'letter labelling' the facilities. Please ensure that the labelling in the EIS and on the Site Plan (including legend) are correct.
- the new buildings and buildings subject to alterations and additions must detail the proposed RLs on the floor plans.
- for Building B and C, reference in the EIS is made to the middle school, senior school and library/chapel being connected by an elevated covered walkway. The covered walkway and paths of travel are not shown on the site plans, individual floor plans or building elevations. The proposed structure must be detailed appropriately in plans.
- the Trade Training Centre is proposed to increase its gross floor area (GFA) by 3710m², as stated in Table 6 of the EIS. However, page 53 of the EIS states that the Trade Training Centre building will have an overall GFA of 3710m². The Department requests you to confirm the new GFA and the total GFA for this building.

- the Hub Building is proposed to increase by 1190m² as stated in Table 6 of the EIS. However page 53 of the EIS states that the Hub building will have an overall GFA of 1190m². The Department requests you to confirm the new GFA and the total GFA for this building.

13. Hours of Operation

The hours of operation for certain school facilities are inconsistently referenced in the EIS. The inconsistent hours are in bold underline in the below table. The proposed hours of operation must be confirmed in the RtS.

School facility	Proposed hours (EIS Table 5)	Proposed hours (EIS Table 8)
Junior, Middle and Senior School Dale Special School	08:00 – <u>15:00</u>	08:00 – <u>15:30</u>
Performing Arts Centre	<u>15:00</u> – 22:00	<u>15:30</u> – 22:00
Sports Fields	<u>15:00</u> – 22:00 Monday to Friday 07:00 – 18:00 Saturday 08:00 – 17:00 Sunday	<u>15:30</u> – 22:00 Monday to Friday 07:00 – 18:00 Saturday 08:00 – 17:00 Sunday

- the EIS proposes hours of operation of the Sports Fields until 10pm Monday to Friday, 6pm Saturdays and 5pm Sundays. However, the EIS identifies that the sports fields are not flood-lit and that the facilities will only be used during daylight hours. Please confirm if the sports fields would be flood-lit and if so, consideration must be given to potential lighting impacts on the surrounding landowners.
- the EIS must clearly identify for the possible community use facilities, the hours of operation allocated to the school use and the hours of operation allocated to community use.

14. Signage

The Department requests the RtS address the following matters in relation to signage:

- the two proposed pylon signs along Wine Country Drive must be capable of adjusting illumination levels, not involve any moveable images or displays and that the illumination of the signs be turned off outside of the school hours.
- the proposed building identification signs must be clearly delineated on the architectural plans. The EIS and architectural plans as submitted are inconsistent in delineating if the school crest sign or building identification sign are proposed.

15. Staff numbers

The Department requests the RtS confirm the total number of proposed staff, noting that Table 7 in the EIS has incorrectly calculated the proposed number of staff.

16. Complying Development Certificates (CDCs)

Clarification is sought on the following CDCs previously issued for the site:

- the date on which CDC Application No. 9/2015/126/1 was issued.
- the application number for the CDC that was issued on 8 August 2019 (senior school building).