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Scoping Report

Request for Secretary's Environmental
Assessment Requirements

St Philips Christian College
10 Lomas Lane and
210 Wine Country Drive, Nulkaba

Prepared by Barr Property and
Planning for St Philips Christian
College Cessnock
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Executive Summary

This scoping report supports a request for Secretary's Environmental Assessment Requirements (SEARs) to guide preparation of an Environmental Impact Statement (EIS) for a State Significant Development (SSD) application.

The development is for the existing St Philips Christian College (SPCC) Cessnock campus. SPCC Cessnock campus is seeking to deliver independent Christian education to the Hunter Valley in new state-of-the-art facilities that parallel their pedagogical vision.

This proposal is for alterations and additions to SPCC Cessnock site including the following:

- Road upgrades to Lomas Lane including a bus bay;
- Road upgrades and access at Wine Country Drive;
- Extension to the junior school building;
- Two new buildings for middle school;
- Extend existing senior school building to include a new chapel and two new senior school buildings;
- New building for administration and welcome centre;
- Extend staff and hospitality building;
- Extend sports hall and performing arts centre building;
- New Pre School and Early Learning Centre 'Narnia';
- Indoor aquatic centre that will service the school and public; and
- Increase in student numbers to 1,700.

The State Environmental Planning Policy (State and Regional Development) 2011 provides that development for the purpose of alterations and additions to an existing educational establishment that has a capital investment value (CIV) \$20 million, is State Significant Development for the purposes of the Environmental Planning and Assessment Act (EPA Act) 1979. The CIV is approximately \$74 million.

The main impacts and relevant matters of the development to consider are:

- Ancillary use of proposed indoor aquatic centre
- Flooding
- Bushfire
- Aboriginal Heritage
- Access to the site.



1 Introduction

This scoping report has been prepared on behalf of St Philips Christian College (SPCC) to support a request for Secretary's Environmental Assessment Requirements (SEARs) for a State Significant Development (SSD) application seeking consent for the alterations and additions to the existing SPCC Cessnock Campus located at 10 Lomas Lane, Nulkaba and 210 Wine Country Drive, Nulkaba. This scoping report supports a request for Secretary's Environmental Assessment Requirements (SEARs) to guide preparation of an Environmental Impact Statement (EIS) for a State Significant Development (SSD) application.

Schedule 1 of State Environmental Planning Policy (State and Regional Development) 2011 provides that development for the purpose of alterations and additions to an existing educational establishment that has a capital investment value \$20 million, is State Significant Development for the purposes of the Environmental Planning and Assessment Act (EPA Act) 1979. The capital investment value for the proposed development is approximately \$74 million and as such, is identified as State Significant Development.

SPCC Cessnock campus is seeking to deliver independent Christian education to the Hunter Valley in new state-of-the-art facilities that parallel their pedagogical vision. The majority of the school's learning spaces are currently accommodated in modular or temporary facilities. This project seeks to provide the College community with flexible and permanent learning environments that provide an encouraging, supportive and functional school for Cessnock.

The Cessnock campus currently caters to Junior, Middle and Senior students, children aged 0 – 5 years Narnia Early Learning, and student in the Dynamic Alternative Learning Environment (DALE) facility. The proposed alterations and additions at the school will respond to the ever-changing needs of students and teachers, as well as the technologies and educational principles of the school. The result; an inspiring place where young people can grow, collaborate and contribute for the 'whole of their lives.



2 Proponent Details

2.1 Landowner and development proponent

St Philip's Christian Education Foundation Limited

2.2 Background and history

SPCC was founded in 1982 and now has five campuses across Newcastle, Port Stephens, Cessnock and Gosford. SPCC has been owned and operated by St Philip's Christian Education Foundation Limited, a not-for-profit company, since 1985. The Nulkaba Cessnock site has been operating as a school since 2012. Prior to use as a school the site was for passive agricultural purposes.

The site was approved for educational use and works on 16 December 2010. The application included a Concept Plan and Stage 1 works for the for Education Establishment under DA 8/2009/677/1 on Lots Lot 2 DP600895 and Lot 518 DP837571. Since the initial approval there have been several subsequent development approvals, complying development certificates and modifications of development consent including the following:

- Application No 44/2011/158/1, 44/2011/188/1, 44/2011/187/1 and 44/2014/126/1. S138 Driveway/Public Road – Lomas Lane access.
- Application No 8/2009/677/2 and 8/2009/677/3. S96 – Amend various Conditions of Consent.
- Application No 8/2012/424/1. Development Application - Stage 2 Facilities of the Educational Establishment and Associated Works etc.
- Application No 9/2015/126/1, 9/2015/48/1, 9/2015/47/1, 9/2014/59/ 1. Complying Development Certificates - Educational Centre –School – New
- Application No 8/2009/677/4 S96 – Withdrawn Application to modify development consent 2009/677.
- Application No 9/2017/183/1 – Complying Development Certificate – Educational Centre School New



Figure 1: Existing welcoming sign on the SPCC Cessnock grounds.



3 Subject Site and Surrounding Context

3.1 Site Details

Lot DP	Lot 518 DP837571, Lot 2 DP600895, Lot 1 DP744377 and Lot 1 DP 126765
Address	10 Lomas Lane and 210 Wine Country Drive, Nulkaba
Size	42 hectares

3.2 Site Context

Nulkaba is located south of Lovedale, west of Abermain and north of Cessnock. The site is located on the corner of Lomas Lane and Wine Country Drive (a classified road). Black Creek bounds the site to the east. The site is currently operating as the school campus of SPCC. Adjacent properties are predominantly agricultural and residential purposes. The site is mostly open fields, curving tree lines and natural and man-made water courses.

Access into the site is currently from Lomas Lane (to the site's north) with an emergency access on to Wine Country Drive (to the west). The school campus buildings are located predominately to the north of the site, only consuming a small portion of the land, with open, vast land extending across the rest of the site.

Currently on the north of the site are multiple one and two storey school buildings catering for K-12 students, an administration building, sports hall, trade training centre, gathering areas, undercover court, outdoor court, and existing outdoor gathering spaces. To the south there are areas of vegetation, wetland lake, a running track, soccer fields, rugby field and the DALE school building. Further south is an irrigation dam, maintenance sheds, storage sheds and the site managers residence. The north and south are connected by an informal gravel road. Throughout the site there are approximately 362 car parking spaces.

3.3 Existing Development

The school contains the following development:

- Junior School
- Middle school
- Senior School
- 'Narnia' Pre School and Early Learning Centre
- Administration and welcome office
- Library
- Trade Training Centre
- Canteen and café hub
- Sports Hall
- DALE Facility



- Maintenance building
- Playgrounds
- Various sports fields and running track



Figure 2: Aerial view of site. Subject lot outlined in white (Sixmaps, 2020).



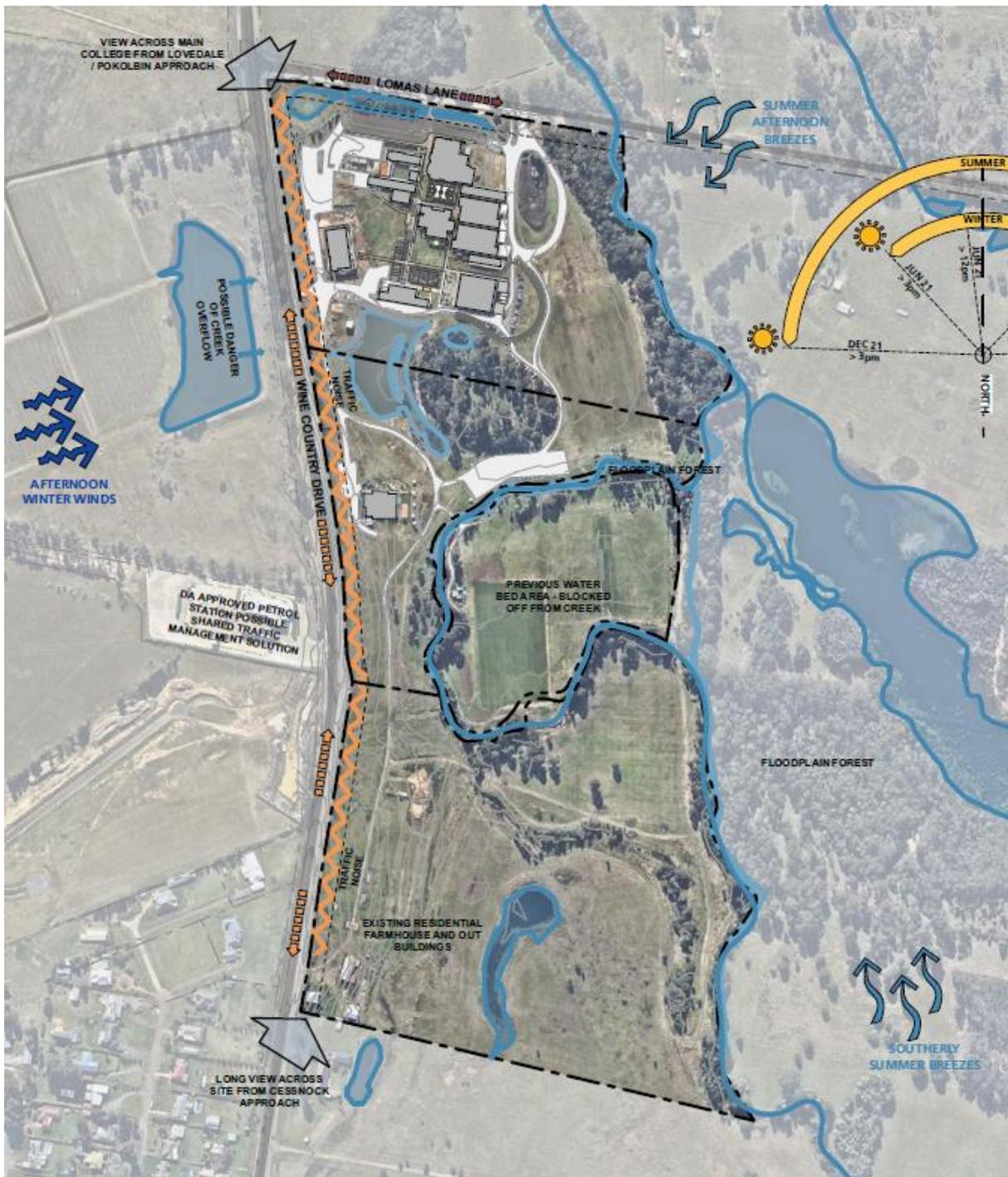


Figure 3: Existing development and site context (SHAC Architects, 2020).



4 Project Details

4.1 Description of Project

The St Philips Christian College (SPCC) proposes to develop the Cessnock Campus further. This includes alterations and additions such as:

- Road upgrades to Lomas Lane including a bus bay;
- Road upgrades and access at Wine Country Drive;
- Extension to the junior school building;
- Two new buildings for middle school;
- Extend existing senior school building to include a new chapel and two new senior school buildings;
- New building for administration and welcome centre;
- Extend staff and hospitality building;
- Extend sports hall and performing arts centre building;
- New Pre School and Early Learning Centre 'Narnia';
- Indoor aquatic centre that will service the school and public; and
- Increase in student numbers to 1,700.

The estimated capital investment value for the proposal is approximately \$74 million.

This development is important as there is an increasing trend in enrolment and demand for quality private education. This development will work toward fulfilling SPCC strategic vision and business objectives and provide a 'Whole of life' education for its students.



Figure 4: Architectural render of the Aquatic Centre (SHAC Architects 2019).



4.2 Alternatives Considered

The need for the project is due to student number increases at SPCC Cessnock. Most learning spaces are currently accommodated in modular or temporary facilities onsite. This project seeks to provide the College community with flexible and permanent learning environments that provide an encouraging, supportive and functional school for Cessnock.

Alternatives would be the installation of temporary classrooms as complying development or permanent buildings via a development application. It is considered the best option is to have all the required works approved in one application to ensure the school can meet its student demands and have works approved to build as required to meet demands.

4.3 Aquatic Centre Ancillary Use

An Aquatic Centre and associated parking are proposed to the south of the school, as an ancillary use to the school. The Aquatic Centre will be owned by the school and used primarily for the purpose of swimming instruction, sport and swimming carnivals. The school currently offer an extensive PDHPE curriculum that requires access to a pool facility. The provision of this pool will provide year round access to a pool facility, instead of relying on the local public pool which is not open April to September.

As well as the pool facilities, the Aquatic Centre will incorporate offices, a café for food and drink, amenities, storage areas for equipment and a tiered seating area.

The Aquatic Centre is not able to be approved under complying development under the State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017 (Education SEPP), as the land on which it is proposed is not 'within the boundaries of an existing school', as required by Clause 39(1) of the Education SEPP. The original development application for the school (8/2009/677) approved the use of an educational establishment on Lot 1 DP 126765 and 1 DP 744377 and did not include Lot 518 DP 837571. The school now owns this adjacent site and is proposing to build the Aquatic Centre on this land.

Due to the strong connection of the proposed aquatic centre to the school it is considered to be ancillary. The NSW Planning Circular PS 13-001 issued 21 February 2013 named 'How to characterise development' assists to characterise development that is ancillary. It outlines seven considerations for whether a use is ancillary or independent, as listed below:

1. Is the component going to serve the dominant purpose of the development or is it independent?

It is considered that the Aquatic Centre would support the dominant use of the school, by being provided primarily for the instruction of students in swimming and providing a recreational facility for use in the PDHPE curriculum.



2. *What is the amount of land to be used for a certain component, relative to the amount of land proposed to be used for other purposes? If the amount of land is relatively small, it is more likely to be ancillary.*

The area of land compared to the school owned land is small, expected to be less than 2% for the Aquatic Centre.

3. *Evidence of a purpose that is inconsistent with the dominant purpose is likely to undermine a claim that a component is ancillary.*

The dominant purpose of Aquatic Centre is set out above. A subordinate use of the Aquatic Centre is permit it to be available to the public in a limited capacity, and outside of times when in use by the school

4. *If the component is temporary, it is more likely to be ancillary; if it is regular (that is, will constitute an ongoing use for a long period of time), it is likely to be an independent use.*

The establishment of the Aquatic Centre is not temporary. However, its operation and use by the school is critical to its long term viability. It could not operate as an independent use and is ancillary to the long term operation of the school.

5. *If the component goes beyond what is reasonably required in the circumstances for the development to implement the dominant purpose, it is likely to be an independent use (regardless of whether it has ancillary qualities).*

It is reasonable for a school to have a pool. The Education SEPP pre-empts this in clause 39(1)(a)(ii) which allows under complying development 'a gym, indoor sporting facility or hall' in terms of a use supported by a school.

6. *Related components of a development are likely to have an ancillary relationship, although this is not necessarily determinative of such a relationship.*

The Aquatic Centre is proposed to be constructed on land that is owned by the school, with access proposed for students via the internal vehicle and pedestrian network.

7. *Physical proximity of the component to the rest of the development is likely to be evidence of an ancillary relationship, although again not necessarily determinative.*

The rural setting of the existing school means that it is afforded extensive grounds on a large land footprint. The proposed Aquatic centre will be located on land immediately adjoining the existing school and will form part of the school's enlarged grounds. Consistent landscaping,



signage and building style together with the internal pedestrian and vehicular network will reinforce the physical proximity of the Aquatic Centre and the school.

It is considered that the Aquatic Centre satisfies these considerations for characterisation and is ancillary to the school. A more detailed explanation and justification will be provided in the EIS.



5 Statutory and Strategic Context

5.1 Statutory Context

The following legislation is relevant to the proposal and will need consideration as part of the future EIS.

5.1.1 Environmental Planning and Assessment Act 1979

This is the overarching legislation governing development assessment in NSW.

5.1.2 State Environmental Planning Policy (State and Regional Development) 2011

This policy provides that development for the purpose of alterations and additions to an existing educational establishment that has a capital investment value \$20 million, is State Significant Development for the purposes of the EPA Act.

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

The aim of this Policy is to facilitate the effective delivery of educational establishments and early education and care facilities across the State by—

- (a) improving regulatory certainty and efficiency through a consistent planning regime for educational establishments and early education and care facilities, and*
- (b) simplifying and standardising planning approval pathways for educational establishments and early education and care facilities (including identifying certain development of minimal environmental impact as exempt development), and*
- (c) establishing consistent State-wide assessment requirements and design considerations for educational establishments and early education and care facilities to improve the quality of infrastructure delivered and to minimise impacts on surrounding areas, and*
- (d) allowing for the efficient development, redevelopment or use of surplus government-owned land (including providing for consultation with communities regarding educational establishments in their local area), and*
- (e) providing for consultation with relevant public authorities about certain development during the assessment process or prior to development commencing, and*
- (f) aligning the NSW planning framework with the National Quality Framework that regulates early education and care services, and*
- (g) ensuring that proponents of new developments or modified premises meet the applicable requirements of the National Quality Framework for early education and care services, and of the corresponding regime for State regulated education and care services, as part of the planning approval and development process, and*
- (h) encouraging proponents of new developments or modified premises and consent authorities to facilitate the joint and shared use of the facilities of educational establishments with the community through appropriate design.*



5.1.4 State Environmental Planning Policy (Koala Habitat Protection) 2019

The aim of this policy is to encourage the conservation and management of areas of natural vegetation that provide habitat for koalas to support a permanent free-living population over their present range and reverse the current trend of koala population decline.

5.1.5 State Environmental Planning Policy (Infrastructure) 2007

The aim of this Policy is to facilitate the effective delivery of infrastructure across the State by—

- (a) improving regulatory certainty and efficiency through a consistent planning regime for infrastructure and the provision of services, and*
- (b) providing greater flexibility in the location of infrastructure and service facilities, and*
- (c) allowing for the efficient development, redevelopment or disposal of surplus government owned land, and*
- (d) identifying the environmental assessment category into which different types of infrastructure and services development fall (including identifying certain development of minimal environmental impact as exempt development), and*
- (e) identifying matters to be considered in the assessment of development adjacent to particular types of infrastructure development, and*
- (f) providing for consultation with relevant public authorities about certain development during the assessment process or prior to development commencing, and*
- (g) providing opportunities for infrastructure to demonstrate good design outcomes.*

Clause 101 sets out objectives for development with frontages to a classified road. The proposed development has frontage to Wine Country Drive which is a classified road and proposes a new access from this road.

5.1.6 Cessnock Local Environmental Plan

This is the Environmental Planning Instrument (EPI) governing land use within the Cessnock Local Government Area. Its stated aims are:

- (a) to strengthen and protect a high quality, sustainable lifestyle for Cessnock's residents and visitors,*
- (b) to conserve and enhance, for current and future generations, the ecological integrity, environmental heritage and environmental significance of Cessnock,*
- (c) to encourage development for employment purposes in appropriate locations having regard to proximity to appropriate infrastructure, to ensure the efficient use of land and services, to provide walkable urban environments and to reduce dependency on the use of private vehicles,*
- (d) to provide opportunities for a range of new housing and housing choice in locations that have good access to public transport, community facilities and services, retail and commercial services and employment opportunities, including opportunities for the provision of adaptable and affordable housing,*
- (e) to recognise and protect the historical, cultural and economic values of the vineyards district in relation to agricultural production and associated flow on effects, including tourism*



Land Zoning

The site is zoned RU2 Rural Landscape under CLEP 2011 according to Land Zoning Map – Sheet LZN_006C.

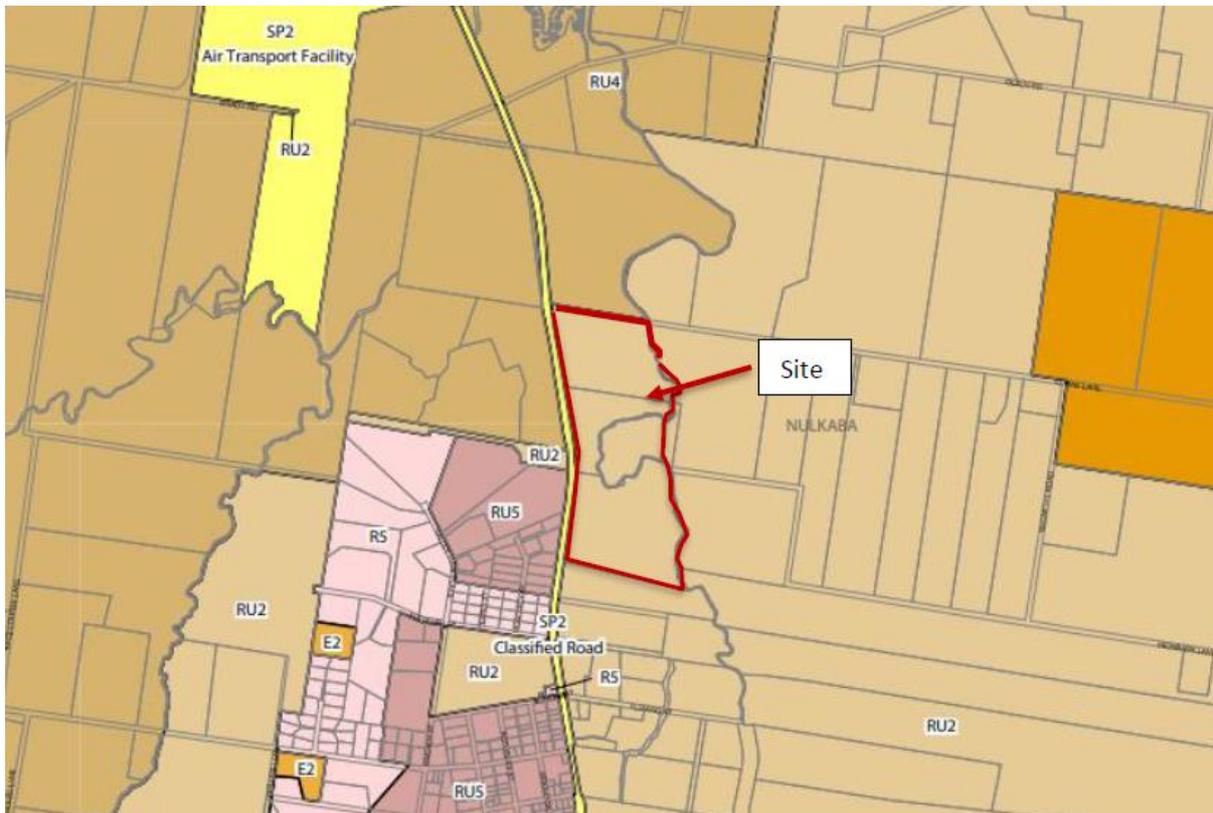


Figure 5 Land Zoning Map Sheet (Source Cessnock LEP 2011)

The objectives of RU2 zone are:

- *To encourage sustainable primary industry production by maintaining and enhancing the natural resource base.*
- *To maintain the rural landscape character of the land.*
- *To provide for a range of compatible land uses, including extensive agriculture.*
- *To enable other forms of development that are associated with rural activity and require an isolated location or support tourism and recreation.*
- *To ensure that the type and intensity of development is appropriate in relation to the rural capability and suitability of the land, the preservation of the agricultural, mineral and extractive production potential of the land, the rural environment (including scenic resources) and the costs of providing services and amenities.*
- *To maintain and enhance the scenic character of the land.*
- *To ensure that development does not create unreasonable or uneconomic demands for the provision or extension of services.*



- *To minimise the visual impact of vegetation clearing in order to be consistent with the rural character of the locality.*
- *To minimise disturbance to the landscape from development through clearing, earthworks, access roads and construction of buildings.*
- *To ensure development does not intrude into the skyline when viewed from a road or other public place.*

An educational establishment (and therefore its associated alterations and additions) are permissible with consent in the RU2 zone under the CLEP 2011.

5.2 Strategic Context

The relevant regional plan is the Hunter Regional Plan (HRP) 2036 and the relevant sub-regional plan is the Greater Newcastle Metropolitan Plan (HRP) 2036.

The relevant local plan is the Cessnock Local Strategic Planning Statement (LSPS) 2036. The LSPS sets a vision for land use planning across the Cessnock Local Government Area (LGA) for the next 20 years. The LSPS is closely aligned with the Hunter Regional Plan 2036, Greater Newcastle Metropolitan Plan 2036 and the Cessnock Community Strategic Plan.

The development of a school based recreational facility that can be utilised by the school community and the general public is consistent and meets the objectives of the LSPS, in particular Planning Priority 4 and Planning Priority 5. Planning Priority 4 is that the community is safe, healthy and active. The aquatic centre supports opportunities to live an active lifestyle and the increased school numbers provides increased access to options for education and as such improving health.

Planning Priority 5 is that infrastructure and services meet the needs of the community and are appropriately funded. The aquatic centre provides infrastructure and a service that will meet the recreation needs of the Cessnock community. The LSPS outlines that there is a forecasted increase of population for the area, the increase of school numbers at St Phillips Christian College are providing options and services for the growing demand.



6 Matters and Impacts

6.1 Traffic and Access

6.1.1 Lomas Lane

The development proposes a bus bay area along Lomas Lane for queuing and the formalisation of an internal bus loop. The bus loop is sealed and exits onto Lomas as a left out only into a proposed bus bay for up to seven buses. Along the southern bus bay are proposed new bus shelters and a new footpath.

For private vehicles there is a larger internal loop extending further around then the bus loop, these vehicles have two options for exit onto Lomas Lane, one at the loop entry and one further to the west through the carpark. This arrangement provides more separation between the private vehicles and buses keeping the flow of traffic moving.

6.1.2 Wine Country Drive

The access off Wine Country Drive will service both the proposed aquatic centre and the future increase in school student numbers. The proposal includes a 120 metre de-acceleration turning lane along Wine Country Drive that is left in travelling south. The entry can be used as right in travelling north.

The proposal includes formalisation of internal roads to connect the south and north of the site. The exit is left out only onto Wine Country Drive to travel south during school hours at all other times it is right out and left out onto Wine Country Drive.

6.2 Demolition

No demolition is required. A small greenhouse is to be relocated on site as it is within the footprint of the aquatic centre.

6.3 Student Numbers

This DA seeks to nominate a total student population of 1,700 including children accommodated at Narnia Early Learning Centre. The improvements and upgrades to Lomas Lane and Wine Country Drive support the proposed student numbers to ensure the increase does not impact traffic and access. This student capacity will better service the demand for private education in the region.

6.4 Biodiversity

Part of the site is mapped on the Department of Planning, Industry and Environments (DPIE) Biodiversity Values Map. This biodiversity value is associated with the riparian corridor of Black Creek.

The site is predominantly cleared and there is not a significant amount of vegetation proposed to be removed.



6.5 Aboriginal Cultural Heritage

An Aboriginal Heritage Assessment was prepared for the original development application for the educational establishment. The assessment concluded that the significance of the Aboriginal sites based on archaeological (scientific) values is considered low due to the artefacts being subjected to disturbance. The subject site contains isolated finds of Aboriginal Artefacts the impact of the development on these sites will be addressed in the EIS.

6.6 Amenity

6.6.1 Visual

The buildings are all contained within the existing school grounds and will be compatible with the existing built form. Visual Impact along Wine Country Drive will be addressed in the EIS.

6.6.2 Noise and vibration

Considering the relatively constant traffic on nearby roads, noise generated by the proposed development may be audible at times but not intrusive at any nearby residence. It is expected an acoustic assessment may be required to consider the aquatic centre.

6.7 Risks

6.7.1 Bushfire

The development will be required to meet the Planning for Bushfire Protection 2019 as it is classified as a special bushfire protection purpose. Asset Protection Zones (APZs) will need to be established between school buildings and the hazard (i.e. bushfire-prone vegetation). A bushfire assessment will form part of the EIS.

The school would also require an emergency management and evacuation plan and a bush fire management plan.

6.7.2 Flooding

The development site is located on flood prone land according to Cessnock City Council flood data. It is important to note in the occurrence of severe flooding the school would close, and such minimise the risk to life. A flood a flood impact assessment will form part of the EIS.

6.8 Social Impact

The social impact of the proposed development is generally considered positive. The proposed development is providing needed services to the community, nominate a total number of students and providing an all year round aquatic centre for the community to utilise. The LSPS outlines that there is a forecasted increase of population for the Cessnock LGA. Currently there is only one all year round aquatic centre in Kurri Kurri, the proposed development offers a needed facility for the Cessnock Community. Currently SPCC is the only provider of private Christian education in the



Cessnock LGA, and will provide choice in education opportunities which is a positive social impact for the Cessnock community.

The improved access off Lomas Lane and the proposed access of Wine Country Drive has a positive social impact because it is addressing the current traffic and queuing issues, the current access is failing, and improved access is a positive social impact. The proposed development is generally considered to have a positive social impact.

6.9 Economic Impact

The proposed development has a positive economic impact in that it will provide short term constructions jobs, and long term jobs for teachers with increased student numbers and employment in pool staffing. Offering an aquatic facility and providing better transport access to the school will enhance the attractiveness of the school and assist to retain economic benefits within the Cessnock LGA, rather than benefits being lost to Newcastle or Maitland LGAs where other private education institutes are located.



7 Community and Stakeholder Engagement

The following community groups and stakeholders will be engaged as part of the preparation of the EIS:

- Transport for NSW;
- Cessnock Council;
- Regional NSW;
- Local member; and
- Adjoining neighbours.

Both Transport for NSW and Cessnock Council have been engaged previously on this project.

Specifically for the aquatic centre stakeholders who could be included in community consultation and engagement are as follows:

- Cessnock Amateur Swimming Club;
- Cessnock Masters Swimming Inc;
- Coalfields United Amateur Swimming Club; and
- Branxton Greta Swimming Club.



8 Conclusion

The proposed development at SPCC Cessnock campus is seeking to deliver independent Christian education to the Hunter Valley in new state-of-the-art facilities that parallel their pedagogical vision. The school will be able to meet the growing demand for private education in the locality in the grounds of an existing school.

This report has identified the key issues that will assist the NSW Department of Planning, Industry and Environments preparation of the SEARs that will enable the preparation of an Environmental Impact Assessment.



9 Appendices

9.1 Architectural Plans prepared by SHAC Architects

