



Catherine McAuley Catholic College Modification 2

State Significant Development Modification Assessment
(SSD-8989-Mod-2)



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Title: Catherine McAuley Catholic College Modification 2

Cover image: Entrance to Catherine McAuley Catholic College (Applicant's Modification Report)

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Glossary

Abbreviation	Definition
Applicant	Trustees of the Roman Catholic Church for the Diocese of Maitland-Newcastle
Council	Port Stephens Council
Department	Department of Planning and Environment
EP&A Act	<i>Environmental Planning and Assessment Act 1979</i>
EP&A Regulation	Environmental Planning and Assessment Regulation 2000
Minister	Minister for Planning
SSD	State Significant Development

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1 Introduction

This report provides the NSW Department of Planning and Environment’s (the Department’s) assessment of an application to modify the State significant development (SSD) consent for the approved Catherine McAuley Catholic College (the school) in Medowie (SSD-8989-Mod-2).

The modification application seeks consent to the minor design amendments to the approved high school buildings and to revise the approved construction staging for the development.

The modification application has been lodged by Bernie de Witt Consulting Pty Ltd on behalf of the Trustees of the Roman Catholic Church for the Diocese of Maitland-Newcastle (the Applicant) pursuant to section 4.55(1A) of the *Environmental Planning and Assessment Act 1979* (EP&A Act).

1.1 Background

The site is located at 507 Medowie Road and 2 Kingfisher Close in Medowie. The site is legally described as Lot 412 and Lot 413 in DP 1063902 in the Port Stephens local government area.

The site is located approximately 180 kilometres (km) north of the Sydney central business district, approximately 20 km north of Newcastle and approximately 30 km west of Nelson Bay. The site is located 3 km from Newcastle Airport and RAAF Airbase Williamtown. The site in its regional context is shown in **Figure 1**.

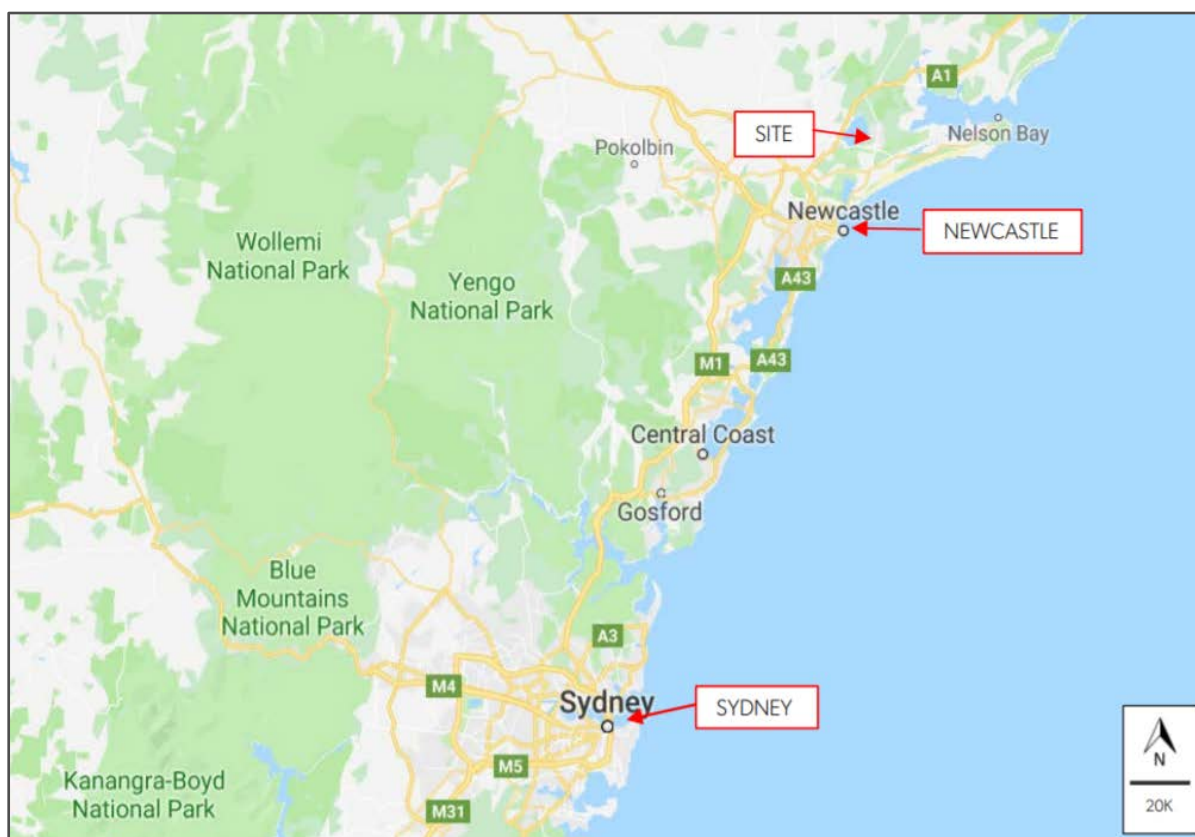


Figure 1 | Regional context (Source: Google Maps 2020)

The site has an area of approximately 26.8 hectares with frontage and access from Medowvie Road. The site topography slopes to the west and south towards the existing watercourses and wetland areas, while parts of the site also slope gently to the north-west. The site contains extensive native vegetation, predominately along the western extent of the site.

Residential development is located to the north and east (opposite Medowvie Road). An early learning centre is also located immediately to the east. The local context of the site and surrounding developments are identified in **Figure 2**.

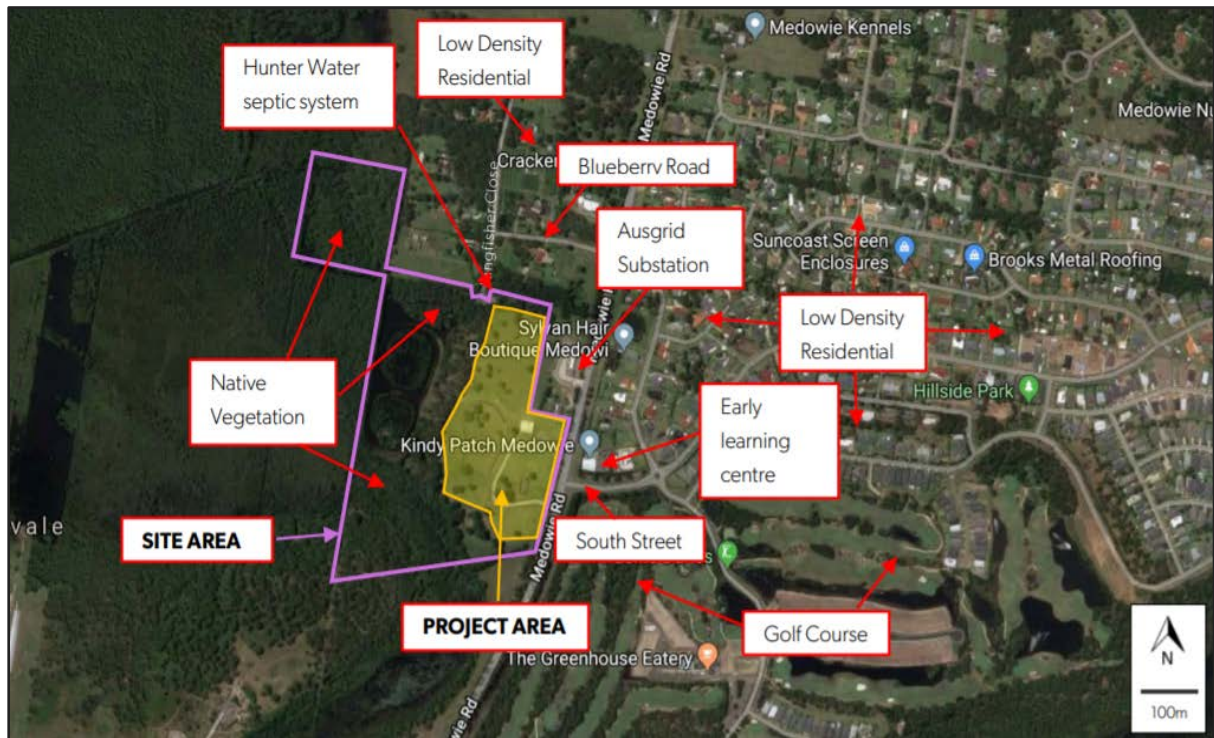


Figure 2 | Local context (Source: Department's Modification 2 Assessment Report 2020)

There has been significant works on site associated with the early stages of the development including the construction of common areas, administration and learning spaces and classrooms. The early stages of the development have been completed in accordance with the approved staging plans and the school commenced operation in January 2021.

An aerial image of the site and the surrounding area in July 2021 is shown in **Figure 3**.



Figure 3 | Aerial view of the site (Source: Nearthmap, July 2021)

1.2 Approval history

On 26 July 2019, development consent was granted by the Executive Director, Infrastructure Assessments, for the development of a new primary school, high school, early learning centre and chapel comprising:

- demolition of existing structures.
- construction and operation of a new high school up to 1190 students, primary school for up to 630 students, early learning centre (0-5 years) for up to 124 children and 500 seat chapel.
- associated works including remediation, earthworks, drainage, car parking, road, footpath, access and landscaping.

The development consent has been modified on one occasion (see **Table 1**).

Table 1 | Summary of Modifications

Mod No.	Summary of Modifications	Approval Authority	Type	Approval Date
MOD 1	Short term interim traffic arrangements to facilitate operation of part of the school prior to completion of the main signalised intersection.	Department	4.55(1A)	4 September 2020

2 Proposed modification

The modification application seeks consent for minor design amendments to the approved high school buildings and to revise the approved construction staging for the development. The proposed modifications are described below.

2.1 Design amendments

Minor design amendments are proposed to a number of the high school buildings approved as part of the original application. The proposed amendments are listed in **Table 2** and shown in **Figure 4 to 8**.

Table 2 | Proposed design amendments to approved buildings

Building No.	Proposed amendments
Block G Learning Hub (refer Figure 4 and Figure 5)	<ul style="list-style-type: none"> • Library relocated to the ground floor. • Five General Purpose Learning Areas (GPLAs) relocated to the first floor. • Small office and meeting room included in the first-floor area. • Internal staircase relocated to match the new internal layout. • External windows and door openings reconfigured for the new internal layout. • Two new services cupboards within ground floor library. • External covered walkway and stairs relocated centrally between Blocks G and H.
Block H Classroom Building (refer Figure 4)	<ul style="list-style-type: none"> • The undercroft learning area enclosed to provide a flat floor indoor lecture space. • Internal staircase outside 'flat floor lecture space' reconfigured. • External windows and door openings reconfigured to match the new internal layout.
Block A High School Hall (refer Figure 6)	<ul style="list-style-type: none"> • Internal reconfiguration to create performance space with control room, permanent stage and proscenium curtain. • Sports equipment store and chair storeroom added. • Mezzanine platform added for viewing and lighting control. • External windows and door openings reconfigured to match the new internal layout.
Block E Technology and Applied Sciences (refer Figure 7)	<ul style="list-style-type: none"> • Minor building reconfigurations to suit specific course requirements including workshops, foyer, major works store and dust collector. • External windows and door openings reconfigured. • All toilets removed.

Building No.**Proposed amendments****Block F**

Physical
Education (PE)
and Art

(refer **Figure 7**)

- Male and female toilet block relocated to eastern and western façades, each accommodating three toilets, one accessible toilet and cleaning cupboard.
- Three PE classrooms and storerooms relocated to the northern end of the building.
- The internal storage rooms reconfigured for additional secure storage for major art works.
- External windows, door openings and electrical units reconfigured to match the new internal layout.
- External PE storage shed included.

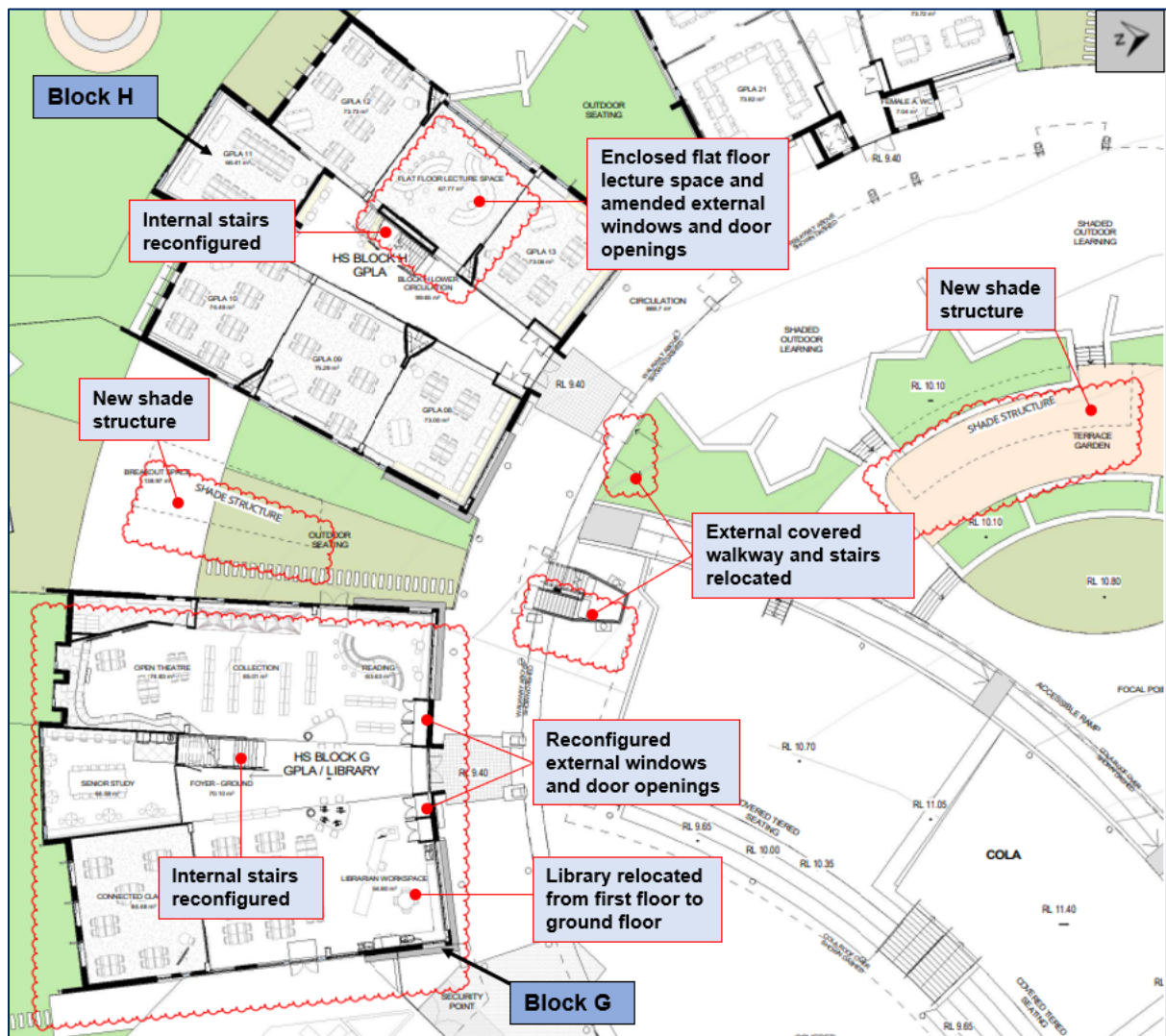


Figure 4 | Proposed amendments to Block G and Block H – ground floor (Source: Applicant's Modification Report)

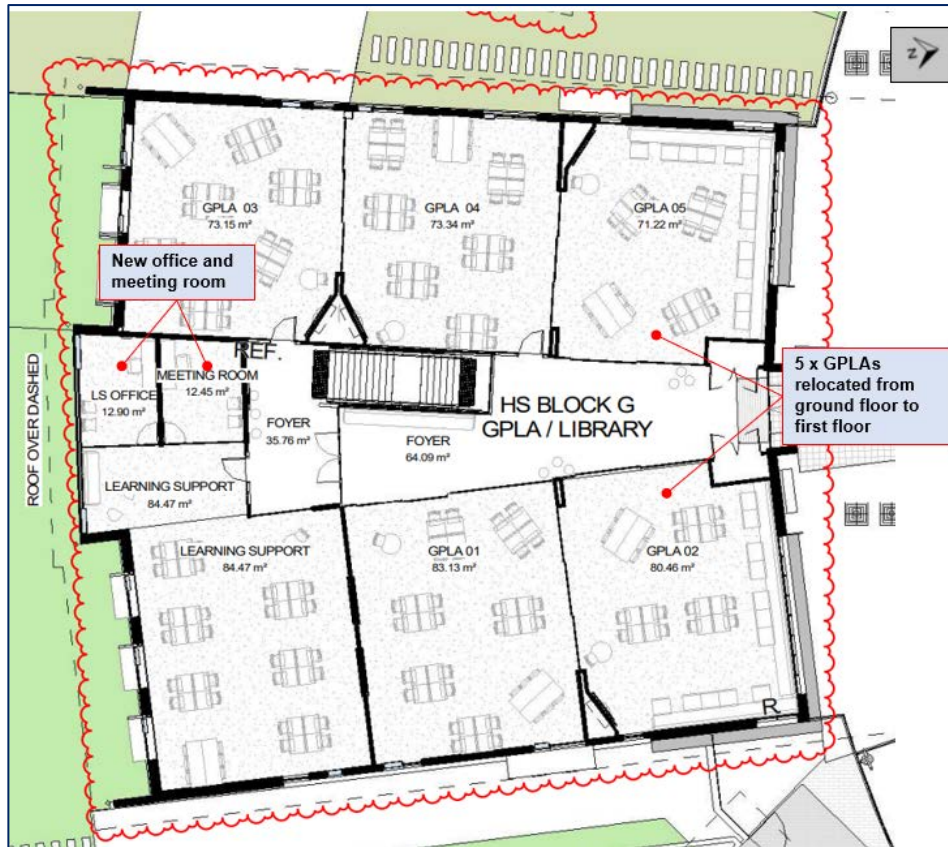


Figure 5 | Proposed amendments to Block G – Level 1 (Source: Applicant’s Modification Report)

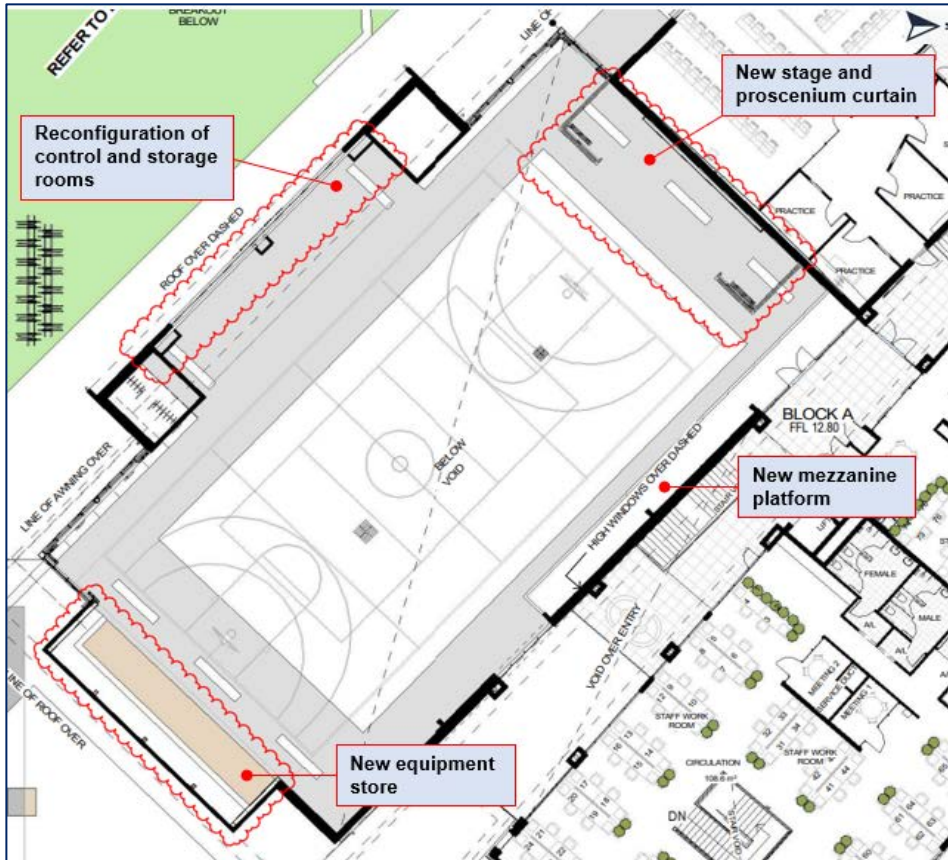


Figure 6 | Proposed Block A amendments (Source: Applicant’s Modification Report)

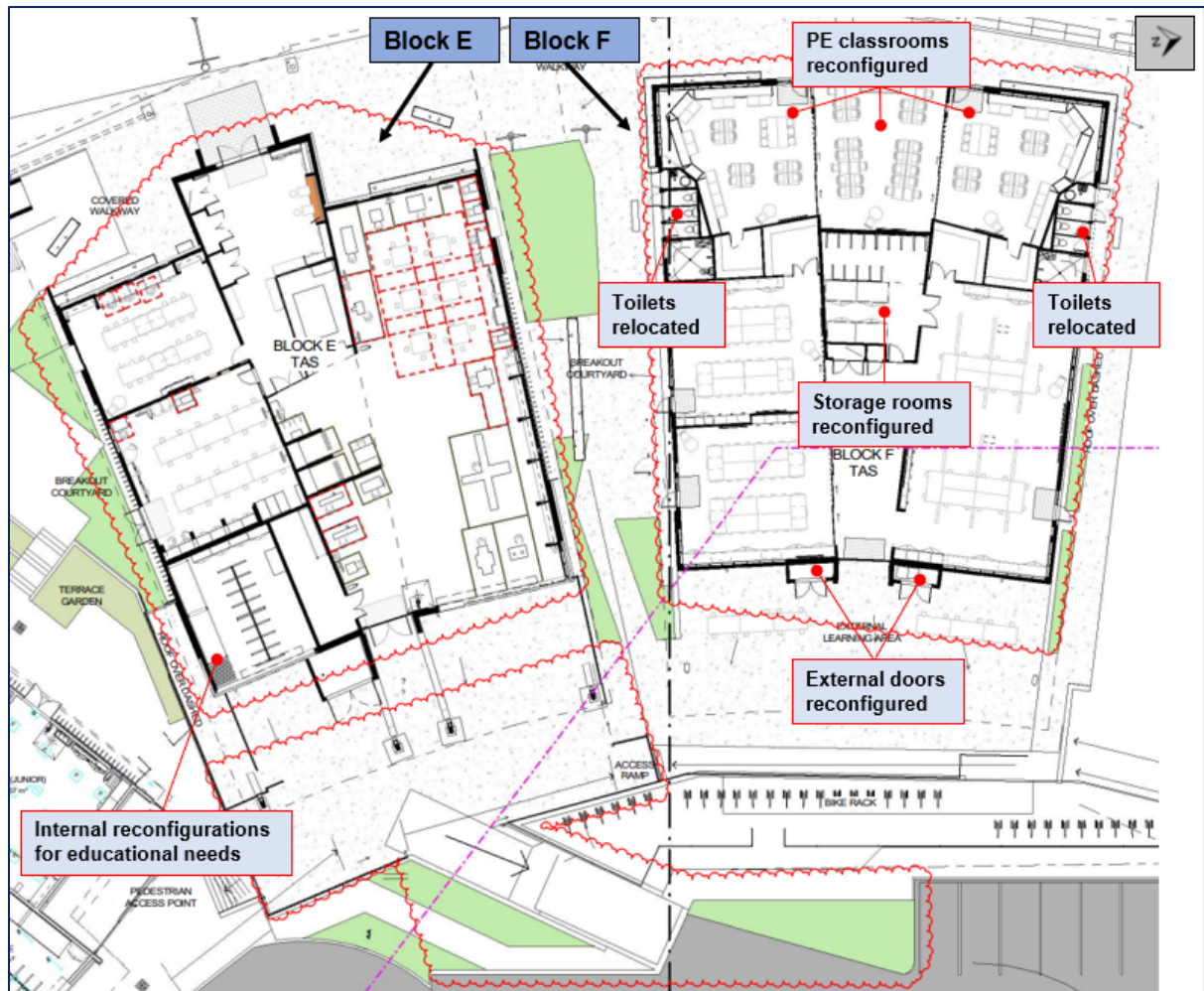


Figure 7 | Proposed Block E and Block F amendments – ground floor (Source: Applicant’s Modification Report)

Other design amendments

A number of other minor design amendments are proposed as part of the modification application, including:

- Provision of new shade structures located in the Block G internal courtyard and adjacent to the shaded outdoor learning areas (refer **Figure 4**).
- A new high school maintenance shed that would be constructed in Stage 3A and would enable better grounds management.
- Reconfiguration of Carpark 4 including the removal of two car parking spaces to enable delivery vehicles access to Block E.

The location of the high school maintenance shed and carpark reconfiguration are shown in **Figure 8**.

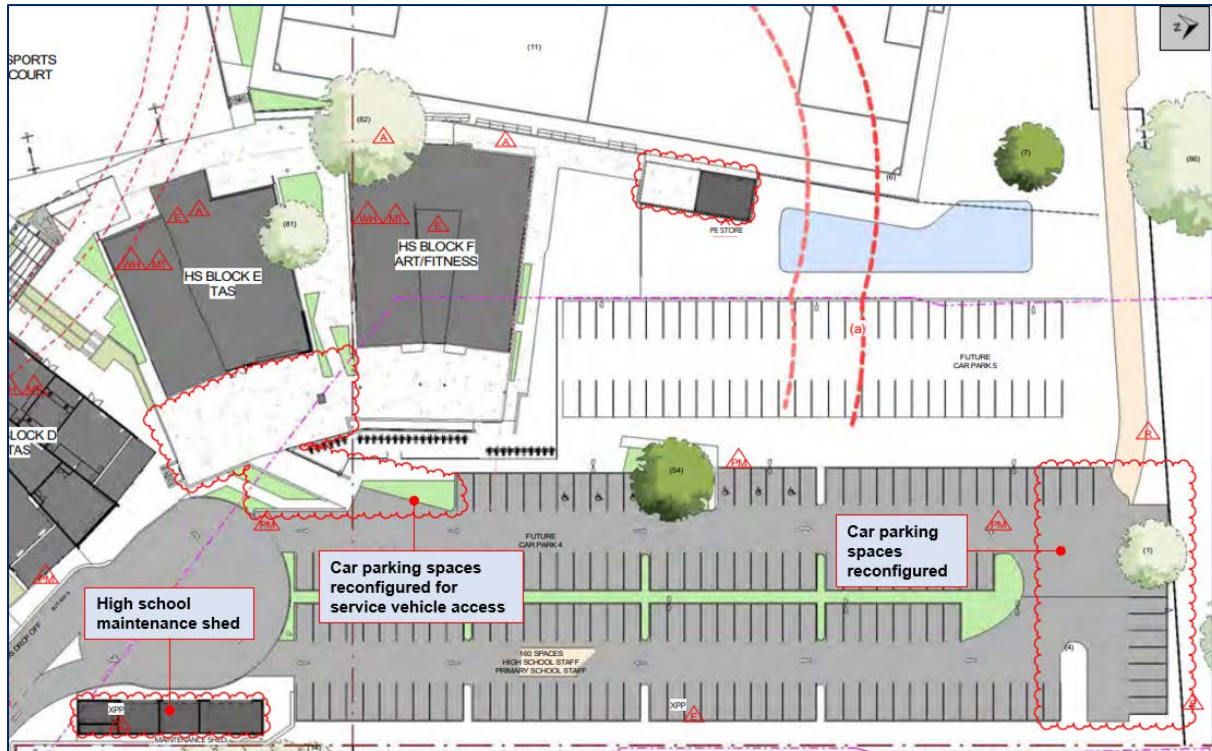


Figure 8 | Location of maintenance shed and Carpark 4 reconfiguration (Source: Applicant's Modification Report)

2.2 Development staging

The modification application proposes to amend the approved development staging by constructing the following buildings and associated external works in Stage 3A:

- Technology and Applied Sciences building (Block E) and PE and Art building (Block F) – currently approved for construction in Stage 4A.
- High School Hall (Block A) – currently approved for construction in Stage 5A.

The construction and operation staging are proposed to be in accordance with the revised Staging Report submitted as part of the modification application.

The revised staging plan (as proposed to be modified and shown in comparison to the approved staging plan) is shown in **Figure 9** and **Figure 10**.



Figure 9 | Staging Plan – as approved (Source: Applicant's Modification Report)

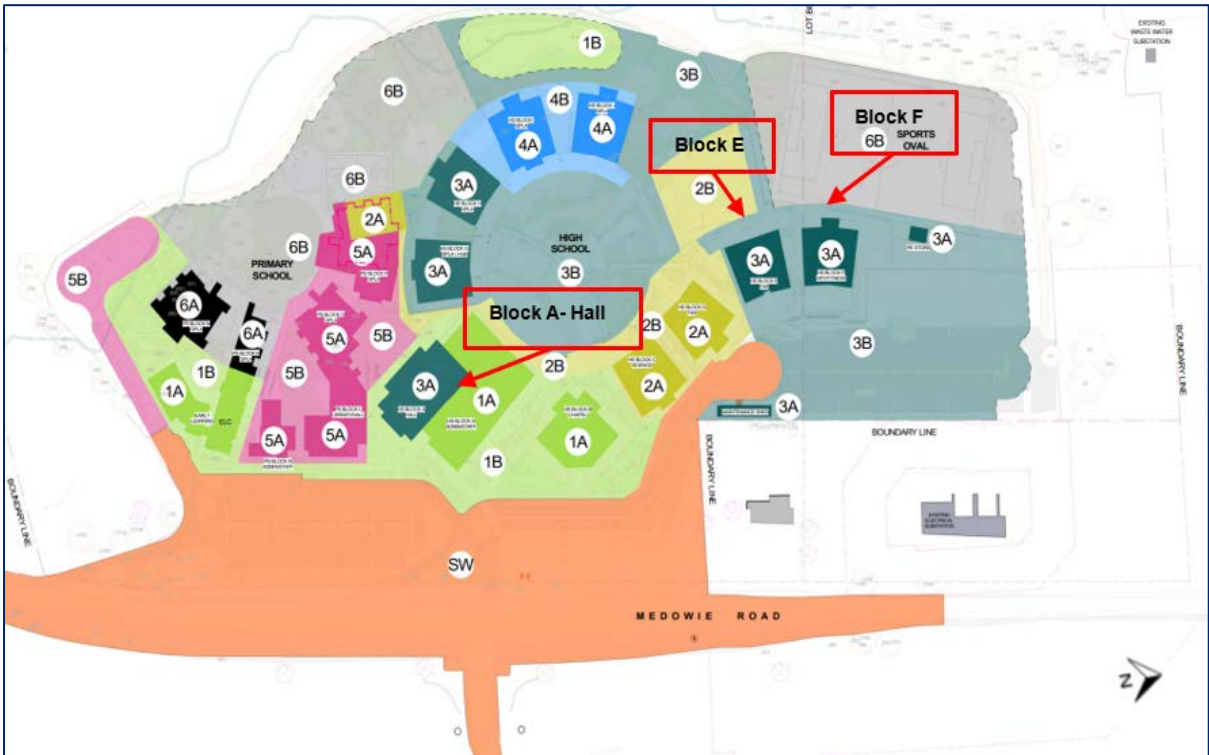


Figure 10 | Staging Plan – as proposed to be modified (Source: Applicant's Modification Report)

3 Strategic context

The development, as modified, remains consistent with the assessment of the strategic context in the original application and would not alter the key components or outcomes of the proposal.

The Department considers the development, as modified, would remain consistent with the relevant provisions of the:

- NSW State Priorities, as it would provide a new education facility through the provision of new and improved teaching and education facilities.
- Hunter Regional Plan 2036, as it would provide new school facilities to meet the growing needs of the Hunter region.
- Port Stephens Planning Strategy and Medowie Planning Strategy, as it would provide much needed school infrastructure and opportunities to co-share facilities with the local community.
- State Infrastructure Strategy 2018 – 2038 Building the Momentum, as it would support the growth in demand for early learning, primary and secondary student enrolments.

4 Statutory context

4.1 Scope of modifications

The Department has reviewed the scope of the modification application and considers that the application can be characterised as a modification involving minimal environmental impact as the proposal:

- would not significantly increase the environmental impacts of the project as approved.
- is substantially the same development as originally approved.
- would not involve any further disturbance outside the already approved disturbance areas for the project.

Therefore, the Department is satisfied the proposed modification is within the scope of section 4.55(1A) of the EP&A Act and does not constitute a new development application.

Accordingly, the Department considers that the application should be assessed and determined under section 4.55(1A) of the EP&A Act rather than requiring a new development application to be lodged.

4.2 Consent authority

Minster's delegate as consent authority

The Minister for Planning (the Minster) is the consent authority for the application under section 4.5(a) of the EP&A Act. However, under the Minister's delegation dated 26 April 2021, the Team Leader, Social Infrastructure, may determine the application as:

- the relevant local Council has not made an objection.
- a political disclosure statement has not been made.
- there were no public submissions by way of objection.

4.3 Mandatory matters for consideration

Section 4.55(1A) of the EP&A Act requires the matters listed in **Table 3** to be considered for a modification application involving minimal environmental impact.

Table 3 | Consideration of the proposal against the objects of the EP&A Act

Matter	Consideration
Whether the proposed modification is of minimal environmental impact	The proposed modification is considered to be of minimal environmental impact and would not involve any additional impacts outside of the approved disturbance area.

Matter	Consideration
Whether the development to which the consent as modified related is substantially the same development	The development, as proposed to be modified, is considered to be substantially the same development for which the consent was originally granted.
Whether notification has occurred, and any submissions have been considered	<p>In accordance with the Environmental Planning and Assessment Regulation 2000 (EP&A Regulation), the notification requirements for an application under section 4.55(1A) of the EP&A Act do not apply if the application is in respect of SSD. Accordingly, the application was not formally notified or advertised.</p> <p>However, the modification application was referred to Port Stephens Council (Council) for comment and was made publicly available on the Department's website.</p> <p>The Department's engagement is discussed further in Section 5.</p>
Any submission made concerning the proposed modification has been considered	A submission was received Council and has been considered by the Department as part of its assessment of the modification application in Section 6 .
Any relevant provisions of section 4.15(1) of the EP&A Act	<p>The Department conducted a comprehensive assessment of the project against the mandatory matters for consideration as part of the original assessment of SSD-8989. The Department considers that the modification application does not result in any significant changes that would alter the conclusions made as part of that assessment.</p> <p>The modification would not impact on biodiversity values on or surrounding the site. Therefore, a revised Biodiversity Development Assessment Report under the <i>Biodiversity Conservation Act 2016</i> was not required.</p>
Consideration of the reasons for the granting of the consent that is sought to be modified	The Department has considered the findings and recommendations of the Department's Assessment Report for SSD-8989. The Department is satisfied that the key reasons for granting consent continue to apply to the development, as proposed to be modified.

5 Engagement

5.1 Department's engagement

Clause 117(3B) of the EP&A Regulation specifies that the notification requirements for an application under section 4.55(1A) of the EP&A Act do not apply if the application is in respect of SSD. The modification application was, therefore, not formally notified or advertised.

However, it was made publicly available on the Department's website and was referred to Council for comment. No submissions were received from the public on the modification application.

Council

Council considered that the proposed modification would have no further environmental impact by way of amenity, ecology and traffic. Council also advised that the proposed modification appears to maintain the objectives and standards of all applicable environmental planning instruments and Council's Development Control Standards.

5.2 Request for information

On 3 December 2021, the Department requested further information from the Applicant, including clarifications in relation to:

- inconsistencies between the drawing numbers in the modification report and the revised plans.
- clarification on any intention to amend the development staging.
- clarification on design amendments and inconsistencies between the revised plans and the modification report.
- clarification on the proposed carpark reconfiguration.

On 21 December 2021, the Applicant provided a response to the Department's request for information (**Appendix B**) including the submission of an amended Modification Report and amended plans.

- inconsistencies between the modification report and submitted plans rectified.
- the submitted Staging Report, dated November 2021, Rev H proposed the Stage 5 High School Hall, Block A, and Stage 4 Block E and F and associated external works be built in Stage 3 of the development.
- confirmed the total reduction of two car parking spaces at result of Carpark 4 reconfiguration.

6 Assessment

The Department has considered the modification application in the context of the approved development (SSD-8989) in its assessment. Consideration of the proposed amendments are discussed below.

6.1 Built form amendments

The Applicant's modification report states that the proposed built form amendments are minor in nature and are proposed to ensure that the future operational needs of the school would be met. The proposed amendments are described in **Table 2** and shown in **Figure 4 to 8** (refer **Section 2.1**).

The Applicant's justification for the proposed amendments, as set out in the modification report, stated that the:

- proposed modifications would not create any additional student placements.
- location of the building blocks would remain unchanged and within the approved building footprints.
- Technology and Applies Sciences building (Block E) would be purpose-built for the requirements in each classroom.
- Hall (Block A) would become a multi-purpose building for both sporting and creative classes.
- maintenance shed will enable better grounds management.
- modification would not create any significant additional adverse impacts on the surrounding environment.

Council's submission did not raise any concerns in relation to the proposed built form amendments.

The Department considers that the proposed amendments are relatively minor in context to the overall built form approved as part of the original application. This is on the basis that the proposed amendments would not result in significant changes to the approved gross floor area, maximum building heights and civil and stormwater design features. Further, the building envelopes approved as part of the original application are not proposed to be modified.

The Department accepts that the proposed amendments are sought in order to address the future operational needs of the school and are mostly comprised of internal reconfigurations to the approved buildings. The Department, therefore, raises no concerns in response to the built form amendments proposed as part of the modification.

6.2 Development staging

The Applicant proposed to construct the school sequentially and in the following stages:

- Early works.
- Stage 1A / 1B – parts of the high school, early learning centre, chapel and flexible learning village, associated landscaping, civil and hydraulic works.
- Stage 2A / 2B – parts of the high school, associated external works and landscaping.
- Stage 3A / 3B – high school and primary school, landscaping and car parking works.
- Stage 4A / 4B – high school with landscaping works.

- Stages 5A / 5B - high school, primary school and landscaping works.
- Stage 6B – sports fields and landscaping.

The High School Hall (Block A in Stage 5A), the Technology and Applied Sciences building (Block E in Stage 4A) and the PE and Art building (Block F in Stage 4A) are proposed to be constructed earlier as part of Stage 3A. An amended staging plan is shown in **Figure 10**.

The Department considers that the amended staging would not result in any additional significant environmental impacts and would expedite the provision of educational infrastructure in the earlier stages of the development. The Department is, therefore, satisfied that the amended development staging is acceptable.

6.3 Car parking

The modification application proposes to reconfigure the layout of approved Carpark 4 to enable delivery vehicles access to Block E. The reconfigured layout is shown in **Figures 4** above.

The proposed carpark reconfiguration would result in the removal of two on-site car parking spaces from 302 spaces to 300 spaces in total across the site. Council did not raise any concerns in relation to the proposed reduction in car parking spaces.

The Department's assessment of the original application stated that the Applicant had made satisfactory use of the available space for car parking across the site, and that adequate bicycle parking would be incorporated as part of the development. The Department also included a condition of consent that required the Applicant to prepare and implement a Green Travel Plan in order to promote the use of active and sustainable transport modes and reduce the reliance on private vehicle usage.

The Department considers the proposed reduction of two on-site car parking spaces and the provision of 300 on-site car parking spaces overall is satisfactory. An amendment to Condition C30(b) is therefore recommended to specify the revised number of on-site car parking spaces for the site.

7 Evaluation

The Department has reviewed the Applicant's Modification Report, the response to the Department's request for information and assessed the merits of the modified proposal. The Department is satisfied that all environmental issues associated with the proposal have been thoroughly addressed.

The approved development would not significantly change as a result of the proposed modification. The proposed modification would not impact upon the environmental amenity of the surrounding area and the development would remain consistent with the original development consent. Further, the Department's existing conditions of consent and the recommended conditions of consent would ensure the ongoing environmental management of the development.

The Department considers that the modification application is consistent with the objects of the EP&A Act and continues to be consistent with strategic directions for the State.

The Department concludes that the impacts of the proposed modification are acceptable. Consequently, the Department considers the development is in the public interest and that the modification application should be approved.

8 Recommendation

It is recommended that the Team Leader, Social Infrastructure Assessments, as delegate of the Minister for Planning:

- **considers** the findings and recommendations of this report.
- **determines** that the application SSD-8989-Mod-2 falls within the scope of section 4.55(1A) of the EP&A Act.
- **accepts and adopts** all of the findings and recommendations in this report as the reasons for making the decision to approve the modification.
- **modify** the consent SSD-8989.
- **signs** the attached instrument of approval of the modification (**Appendix C**).

Prepared by:



Nima Salek
Planning Officer
School Infrastructure Assessments

Recommended by:



Brent Devine
Principal Planner
School Infrastructure Assessments

9 Determination

The recommendation is **adopted** by:



14 January 2022

Nathan Stringer

Acting Team Leader

Social Infrastructure

as delegate of the Minister for Planning

Appendices

Appendix A – List of Documents

<https://www.planningportal.nsw.gov.au/major-projects/project/43266>

Appendix B – Response to Request for Information

<https://www.planningportal.nsw.gov.au/major-projects/project/43266>

Appendix C – Instrument of Modification

<https://www.planningportal.nsw.gov.au/major-projects/project/43266>