



10 March 2022

Department of Planning and Environment  
ATT: Gavin Ho

Contact: Sarah Hyatt  
Our Ref: 52/2022/1/1  
Your Ref: SSD-10360337

Email: [gavin.ho@dpie.nsw.gov.au](mailto:gavin.ho@dpie.nsw.gov.au)

Dear Mr Ho,

**State Significant Development Advice - 52/2022/1/1**  
**Description of Development – Alterations and additions to St Philip's Christian College**  
**Property: 10 Loma Lane, Nullaba**

I refer to your correspondence received by email on 15 February 2022 requesting input from Council on the Environmental Impact Statement for alterations and additions to St Phillip's College Nulkaba.

Previous comments were provided by Council in December 2020 in respect to draft SEAR's. A copy of these comments are attached. Comments made in this advice regarding permissibility are still applicable.

A high level review of the information has been undertaken. Council would anticipate that the Department and other agencies would provide a more detailed assessment in relation to specialised matters.

It is understood that the proposed development includes the following:

- **Stage 1a:** Junior School extension, Senior School extension, new Narnia early learning centre, additional demountable building, new school access off Wine Country Drive, road widening of Lomas Lane, new electrical substation.
- **Stage 1b:** Middle School, waste compound, removal of existing administration and Narnia modular buildings, reconfigure northern car park.
- **Stage 2:** Trade Training Centre extension, roundabout at intersection of Wine Country Drive and Lomas Lane.
- **Stage 3a:** Additional Senior School extension, removal of five modular classroom buildings
- **Stage 3b:** Welcome/administration centre, café, additional DALE (special school) building
- **Stage 4a:** Sports hall extension
- **Stage 4b:** Library/chapel
- **Stage 5a:** Additional sports hall extension

- **Stage 5b:** *Extension/reconfiguration of The Hub building*
- **Stage 5c:** *Performing Arts Centre*

Whilst the Aquatics Centre is not identified in the list above, the application also proposes construction and operation of a new semi enclosed aquatic centre including:

- *15 metre learn to swim pool*
- *25 metre 8 lane lap pool*
- *Café*
- *Wellness centre*
- *Grandstand and forecourt areas.*

### Key Issues

The following comments are provided in relation to the key concerns related to permissibility, flooding and traffic:

#### **1. Permissibility**

The Aquatic Centre is to be open to the public and available for limited community use when not being utilised for school sport and recreation. This development would be defined as a 'recreation facility (indoor)' which are currently prohibited in the RU2 Rural Landscape zone. In reviewing the works proposed, it is noted that the aquatic centre will be open to the public, have a separate access and is not located within the curtilage of the school buildings. Council would reinforce previous comments and concerns that the proposed aquatic centre is not considered to be subservient to the dominant land use and can operate independently from the school. Accordingly, the aquatic centre is not considered to be ancillary to the dominant land use.

#### **2. Flooding**

In accordance with the Cessnock Development Control Plan 2010, Chapter C.9 Development on Flood Prone Land the following comments are noted:

- No structures permitted in a floodway. Councils mapping differs to the flood report which shows the currently developed site as being flood affected?,
- Onsite refuge is not permitted. The evacuation comments indicate that onsite refuge is considered,
- Flood free access is not demonstrated for a 1% AEP and will rely on the construction of the access in the south, TfNSW will need to agree on the southern access, and
- Distribution of flood water is shown to increase between 20-50mm along the eastern boundary to Lot 892 DP 574957.

#### **3. Traffic**

Wine Country Drive is a classified (state) road and the relevant roads authority for Wine Country Drive is Transport for NSW (TfNSW). Whilst TfNSW should be consulted specifically in relation to intersection and road upgrades proposed, Council would make the following comments:

- The proposed southern access should be constructed as part of Stage 1, and
- Construction of the roundabout should occur in Stage 2.

Thank you for providing Council with the opportunity to comments on the EIS for the proposed development.

Should you have any further enquiries please contact me directly on telephone 02 4993 4219 or via email [sarah.hyatt@cessnock.nsw.gov.au](mailto:sarah.hyatt@cessnock.nsw.gov.au).

Yours faithfully

A handwritten signature in black ink, appearing to be 'Sarah Hyatt', written in a cursive style.

Sarah Hyatt  
Principal Development Planner



1 December 2020

Department of Planning Industry and  
Environment  
4 Parramatta Square  
12 Darcy Street  
PARRAMATTA NSW 2150

Contact: Kerry Porter  
Our Ref: 25869, 26037, 21502, 19494  
Your Ref: SSD - 10360337

**Attention:** Brent Devine – Principal Planner, School Infrastructure Assessments

Dear Brent

**SSD (10360337) – Request for Comments on SEARs**

**Proposal:** Alterations and Additions to St Philips College Nulkaba

**Property:** Lot 1 DP 126765, Lot 1 DP 744377, Lot 2 DP 600895 and Lot 518 DP 837571  
# 10 Lomas Lane and 210 Wine Country Drive Nulkaba

I refer to your correspondence received by email on 24 November 2020 requesting input from Council on the draft SEARs for the proposed alterations and additions to St Philips College at Nulkaba.

By way of background, St Philips College lodged a development application with Council on 20 April 2020 (Council Reference DA No. 8/2020/227/1) for a phased development comprising the following development components:

- Phase 1 - increase student numbers to 1500, upgrade Lomas Lane to include bus bays, construction of internal loop road and additional on-site parking;
- Phase 2 - construction of new access off Wine Country Drive and additional on-site parking; and
- Phase 3 - construction of aquatic centre.

Upon receipt of the application, a preliminary assessment of the proposal was undertaken and a number of issues were identified, in particular, Council officers concluded that Phase 3 of the proposal, i.e., the aquatic centre, was not a permissible form of development in the RU2 Rural Landscape zone.

The proposed aquatic centre incorporated an indoor pool and associated café and wellness centre. The proposed facility was surrounded by walls and was roofed. It was therefore considered that the proposed aquatic centre was clearly defined as a 'recreation facility (indoor)' under the provisions of the *Cessnock Local Environmental Plan (CLEP) 2011*.

A 'recreation facility (indoor)', is defined as follows (my emphasis added):

***“recreation facility (indoor)** means a building or place used predominantly for indoor recreation, whether or not operated for the purposes of gain, including a squash court, **indoor swimming pool**, gymnasium, table tennis centre, health studio, bowling alley, ice rink or any other building or place of a like character used for indoor recreation, but does not include an entertainment facility, a recreation facility (major) or a registered club.”*

Under the provisions of the CLEP 2011, recreation facilities (indoor) are prohibited in the RU2 Rural Landscape zone.

The applicant was requested to withdraw the application due to the prohibition of the aquatic centre component of the development. The application was subsequently withdrawn on 16 June 2020.

Council has reviewed the draft SEARs for the proposed alterations and additions to the school and it is noted that the development comprises the following:

- Upgrade roadworks to Lomas Lane including bus bays;
- Upgrade roadworks to Wine Country Drive including a new access road to the school;
- Extension to the junior school building;
- Two (2) new middle school buildings;
- Additions to the existing senior school building including a new chapel;
- New administration building;
- Additions to the staff and hospitality building;
- Additions to the sports hall and performing arts centre building;
- New pre-school and early learning centre;
- Aquatic centre to service the school and the public; and
- Increase student numbers to 1,700.

The following comments are provided with respect to the proposal:

#### Location

The description of the subject land should include all four (4) allotments occupied by the school:

- Lot 1 DP 126765
- Lot 1 DP 744377
- Lot 2 DP 600895
- Lot 518 DP 837571

#### Statutory and Strategic Context

The following additional environmental planning instruments are to be addressed in the Statement of Environmental Effects (SOEE):

- *Biodiversity Conservation Act 2016;*
- *Environmental Planning and Assessment Act 1979;*
- *Environmental Planning and Assessment Regulation 2000.*

### Policies

The *Greater Newcastle Metropolitan Plan 2036* is to be considered and addressed in the EIS.

### Consultation

Wine Country Drive is a state (classified) road, and the relevant roads authority for Wine Country Drive is Transport for NSW (TfNSW).

It is relevant to note that Council previously considered a development application (Council Reference DA No. 8/2017/282/1) proposing construction of a roundabout on Wine Country Drive to facilitate access to the school, and such DA was refused by Council at their meeting of 16 May 2018. Predominantly, the application was refused due to concerns raised by the then RMS in respect of access and impact on the road network, along with concerns regarding potential impacts and site suitability.

TfNSW are to be consulted specifically with respect to intersection upgrade works to the Lomas Lane and Wine Country Drive intersections noting that there is a history of significant traffic issues at this location during peak hours (drop off and pick up times), which has resulted in safety concerns being raised with both Council and TfNSW.

Consultation should also be undertaken with Natural Resource Access Regulator (NRAR) with regard to works within proximity to Black Creek.

It is also recommended that consultation be undertaken with NSW Police.

### Key Issues

The main key issues have been clearly identified in the draft SEARs, with the following additional comments provided:

- ***Permissibility***

The permissibility of the aquatic centre is to be addressed. It is noted that the applicant is proposing this facility as an ancillary development component to the school. Council previously advised the applicant of the development application lodged with Council this year (aforementioned in this letter) that the aquatic centre could be considered ancillary providing the facility:

- was not open to the public;
- was located within the curtilage of the main school buildings, or alternatively, consolidate the four (4) allotments on which the school is located such that the aquatic centre forms part of the school grounds;
- was accessible via the main access to the school (off Lomas Lane);
- was subservient to the dominant use of the school site.

In reviewing the scope of works provided, it is noted that the aquatic centre will be open to the public (in addition to student use), will have its own independent access from Wine Country Drive and is isolated from the curtilage of the main school buildings. Therefore, concern is raised regarding the permissibility of the proposed aquatic centre as it does not meet any of the above considerations.

- ***Parking***

The traffic impact assessment (TIA) should include a parking assessment demonstrating compliance with Council's Development Control Plan (DCP) 2010 – Chapter C.1 (Parking and Access).

- ***Visual Impact***

The visual impact assessment should include a photomontage of the aquatic centre along Wine Country Drive from the north and south approach. This visual assessment should address the suitability and appropriateness of this building (in terms of its bulk and scale) in the RU2 Rural Landscape zone, specifically with regard to the impact of the building on the rural landscape.

- ***Architectural Plans***

The architectural plans are to clearly define the works proposed as part of the State Significant Development Application (removing any future development that would be subject of a separate application).

- ***Student Numbers***

The proposed increase in student numbers should include all students attending the site including the Narnia and DALE facilities.

Thank you for providing Council with the opportunity to comment on the draft SEARs regarding the development proposal.

If you have any enquiries in relation to this matter, please contact Council's Senior Planning Assessment Officer Kerry Porter on 02 4993 4115 or via email [kerry.porter@cessnock.nsw.gov.au](mailto:kerry.porter@cessnock.nsw.gov.au)

Yours faithfully

A handwritten signature in blue ink, appearing to read 'J. Maher'.

Janine Maher  
Development Services Manager