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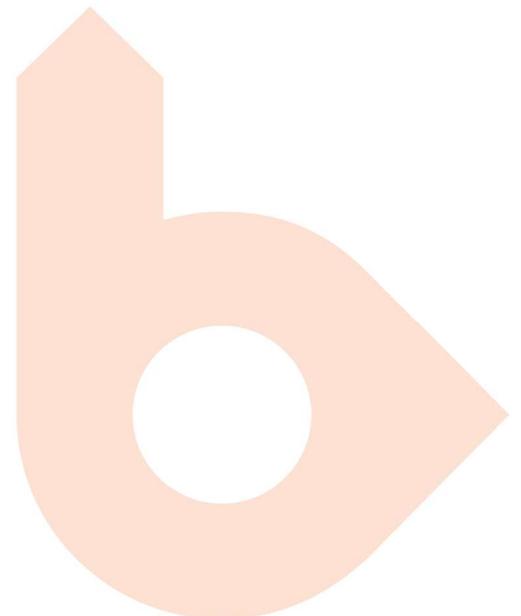
# Statement of Environmental Effects

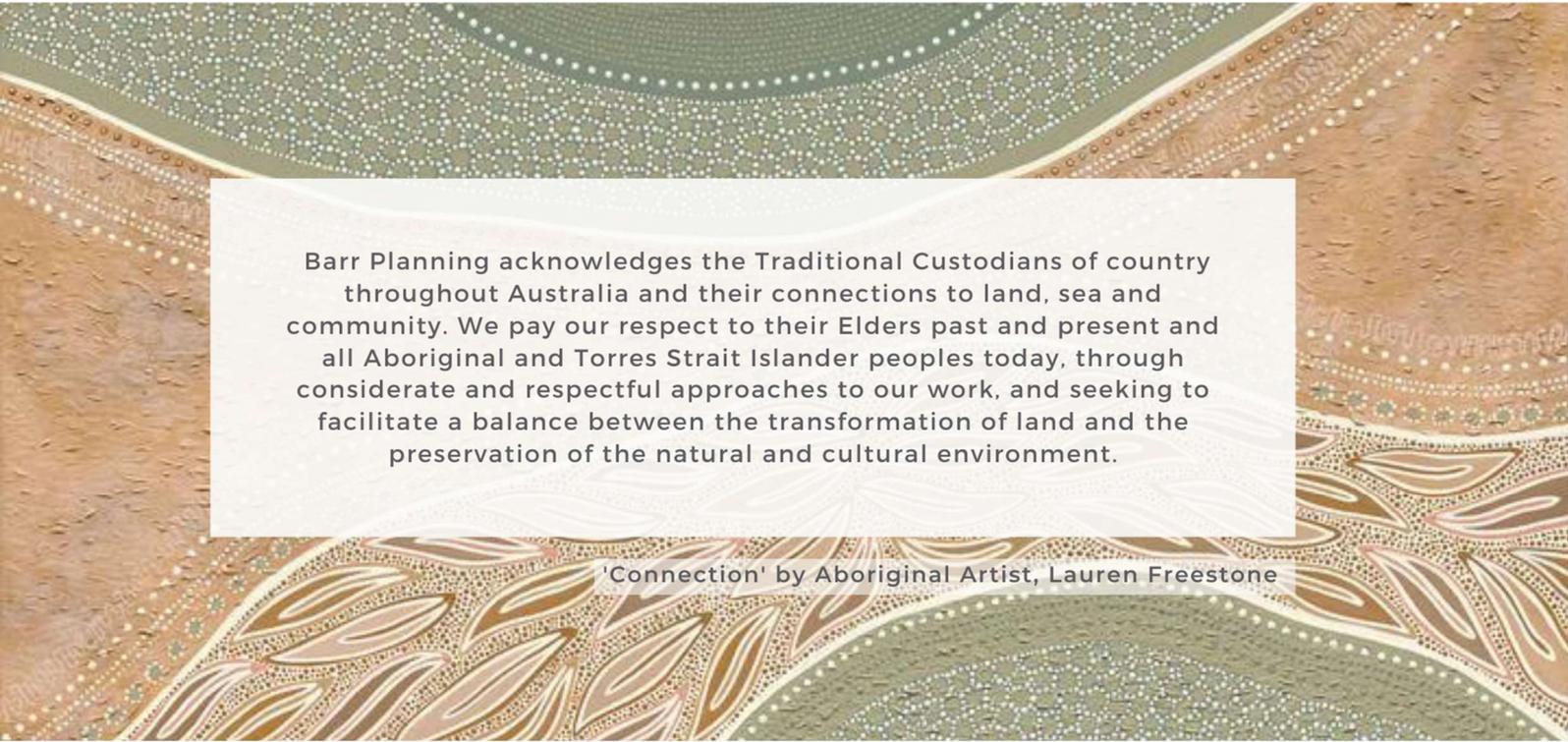
## Change of Use - School

Prepared by Barr Planning

for Atwea College

November 2024



The background of the page is a vibrant Aboriginal artwork. It features a central white rectangular box containing text. The artwork itself is composed of various patterns: a top section with a green and white dotted pattern, a middle section with a brown and white dotted pattern, and a bottom section with a complex pattern of brown, white, and green shapes resembling leaves or feathers. The overall style is traditional and intricate.

Barr Planning acknowledges the Traditional Custodians of country throughout Australia and their connections to land, sea and community. We pay our respect to their Elders past and present and all Aboriginal and Torres Strait Islander peoples today, through considerate and respectful approaches to our work, and seeking to facilitate a balance between the transformation of land and the preservation of the natural and cultural environment.

'Connection' by Aboriginal Artist, Lauren Freestone

## Document Control

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## Document Issue

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## Contents

1	Introduction .....	7
1.1	Ownership.....	7
1.2	Consent Authority.....	7
1.3	Supporting Documentation .....	7
2	Site and Context .....	8
2.1	The Site .....	8
2.2	Background .....	10
2.2.1	Consent History.....	10
2.2.2	Atwea College .....	10
2.3	Pre-Lodgement Meeting.....	11
3	Proposed Development.....	13
3.1	Summary.....	13
3.2	Traffic, Access and Parking .....	13
3.3	Building Design .....	13
3.4	Services and Utilities.....	14
3.5	Operation and Management .....	14
3.5.1	Proposed Operations .....	14
3.5.2	Waste Management .....	14
3.5.3	Security .....	14
4	Strategic Context.....	15
4.1	Hunter Regional Plan 2041 .....	15
4.2	Greater Newcastle Metropolitan Plan 2036.....	15
4.3	Maitland Local Strategic Planning Statement.....	15
5	Statutory Assessment.....	16
5.1	Environmental Planning and Assessment Act 1979 .....	16
5.1.1	Objects of the Act .....	16
5.1.2	Integrated Development .....	17
5.1.3	Council-Related Development Applications .....	17
5.2	Environmental Planning and Assessment Regulation 2021 .....	17
5.3	State Environmental Planning Policies .....	18
5.3.1	State Environmental Planning Policy (Planning Systems) 2021.....	18

5.3.2	State Environmental Planning Policy (Resilience and Hazards) 2021.....	18
5.3.3	State Environmental Planning Policy (Sustainable Buildings) 2021.....	19
5.3.4	State Environmental Planning Policy (Transport and Infrastructure) 2021.....	19
5.4	Maitland Local Environmental Plan 2011 .....	24
5.4.1	Zone objectives and Land Use Table.....	24
5.5	Proposed Environmental Planning Instruments.....	24
5.6	Maitland Development Control Plan 2011 .....	25
5.7	Developer Contributions.....	27
5.7.1	State Development Contributions .....	27
5.7.2	Local Development Contributions .....	27
5.8	Planning Agreements.....	27
6	Likely Impacts of the Development.....	28
6.1	Environmental Impacts .....	28
6.1.1	Traffic, Access and Parking .....	28
6.1.2	Air and Microclimate .....	29
6.1.3	Noise and Vibrations.....	29
6.1.4	Waste Management .....	29
6.2	Social Impacts .....	30
6.2.1	CPTED Principles .....	30
6.2.2	Social benefits.....	32
6.3	Economic Impacts.....	32
7	Suitability of the Site .....	33
8	Submissions.....	33
9	Public Interest .....	33
10	Conclusion .....	33

## Figures

Figure 1	Locality Plan. Source: Adapted from Nearmaps (April 2024) .....	9
Figure 2	Site Plan. Source: Adapted from Nearmaps (April 2024).....	9
Figure 3	Site viewed looking north from Kookaburra Parade. Source: Barr Planning (April 2024).....	10
Figure 4	Zoning Map. Source: ePlanning Spatial Viewer .....	24

## Tables

Table 1 Submitted Documentation.....	7
Table 2 TI SEPP Schedule 8 Assessment. ....	20
Table 3 Assessment of Relevant Sections of the MDCP 2011 .....	25
Table 4 Waste Generation Rate. Source: Randwick City Council.....	29

## 1 Introduction

This Statement of Environmental Effects ('Statement') has been prepared by Barr Planning on behalf of Atwea College. It accompanies a Development Application lodged to Maitland City Council pursuant to Section 4.12 of the Environmental Planning and Assessment Act 1979 (the EP&A Act) for a change of use from a community facility to a school.

### 1.1 Ownership

The land is owned by Maitland City Council.

### 1.2 Consent Authority

The consent authority will be Maitland City Council.

### 1.3 Supporting Documentation

This Statement is supported by the following documentation:

*Table 1 Submitted Documentation*

Document	Author	Date	Revision
Architectural Plans	SHAC	25/10/2024	B
Traffic Impact Assessment	SECA Solution	18/11/2024	02
BCA and Accessibility Report	Blackett Maguire + Goldsmith	21/11/2024	1
Hunter Water Section 50 Certificate	Hunter Water	6/11/2024	-
Hunter Water Stamped Plans	Hunter Water	31/10/2024	-
Plan of Management	Atwea College	October 2024	-

These documents have been uploaded as separate documents to the NSW Planning Portal.

## 2 Site and Context

### 2.1 The Site

The site is located on the traditional lands of the Wonnarua People. The site is located within the boundary of the Mindaribba Local Aboriginal Land Council. The site is located within the Maitland Local Government Area.

The site is formally identified as Lot 110 in Deposited Plan 614046, informally known as the Noel Unicomb Community Hall, 42A Kookaburra Parade, Woodberry. The site has an area of 4,214m<sup>2</sup> and is zoned R1 General Residential pursuant to Maitland Local Environmental Plan 2011 (MLEP2011). The site is a corner allotment and has frontage to Lawson Avenue to the north, Lark Street to the west and Kookaburra Parade to the south, all of which are local roads owned and managed by Maitland City Council.

Formal vehicular access to the site and the existing car park occurs via driveways on Lark Street on the western boundary and Kookaburra Parade on the southern boundary. It is noted that the site operates with one way in, one way out vehicular access with entry via Lark Street and exit via Kookaburra Parade. Pedestrian footpaths are located along Lark Street and Lawson Avenue.

The site contains a single 'L-shaped' building located along the northern boundary fronting Lawson Avenue. An existing car park containing 35 carparking spaces (including one accessible space) is located south of the building. An open green space containing two deciduous trees is located west of the building and another smaller open space is located off the northeast building elevation. Both open spaces are enclosed by fencing. The site contains accessibility ramps with railings to access the existing building from the car park.

The site is surrounded by residential development on all sides apart from E1 Local Centre zoned land to the southeast. This commercial centre contains Hotel Tudor and Bottlemart and a range of small commercial shops including a chemist, medical centre, pathology, hairdresser and drapery. Further west of the site, RE1 Public Recreation zoned land contains Woodberry Sports Centre. A rural allotment is located to the east of the site and appears to be used for animal grazing.

The site is mapped by MLEP2011 as containing Class 5 acid sulfate soils and is within 500 metres of land mapped as Class 2 acid sulfate soils. The site contains an easement for overhead electrical transmission lines which traverses the southwestern elevation of the site.



Figure 1 Locality Plan. Source: Adapted from Nearmaps (April 2024)



Figure 2 Site Plan. Source: Adapted from Nearmaps (April 2024)



Figure 3 Site viewed looking north from Kookaburra Parade. Source: Barr Planning (April 2024)

## 2.2 Background

### 2.2.1 Consent History

The site has historically been utilised as a community facility. The building and development approval BA245/1973 was issued on 4 April 1973 under the Local Government Act 1919 for the erection and use of the site as a community hall.

On 12 March 1975, a separate building and development approval was issued for alterations and additions to the public hall and community centre (stage 1) under BA144/1975.

On 19 March 2003, development consent DA02-4940 was issued for alterations and additions to the existing community centre. This consent approved use of the site between 8.30am to 5:00pm, Monday to Friday.

### 2.2.2 Atwea College

Atwea College (formerly Workers Educational Association – Hunter) is one of the largest providers of community-based learning in NSW and is a provider of secondary education through its Alesco Secondary College (ASC) campuses. ASC offers specialised education to students and aims to reduce educational barriers by enabling students of differing skills and abilities to meaningfully engage and participate in educational opportunities. ASC has a number of campuses including:

- Abermain
- Cooks Hill

- Raymond Terrace
- Tomaree
- Tuncurry
- Northlakes
- Charlestown

ASC operates under the business model of ‘one school, many campuses’ and establishes new school campuses as the demand arises. Each ASC campus operates as a ‘micro-school’ with a maximum of five (5) classes, with each class typically comprising 16 students. As such, ASC campuses do not exceed a total of 100 students, with new ASC campuses established to service the local catchment area once this threshold student capacity is reached. The subject of the current development application seeks to establish a new ASC campus at Woodberry.

### 2.3 Pre-Lodgement Meeting

A pre-lodgement meeting was conducted with Maitland City Council on 11 April 2024 during which the following planning issues were identified to be addressed in the development application:

Issue	Response
<p>If new buildings (i.e. demountables) are placed on the site, the Stormwater runoff shall be collected and connected to the existing site drainage system.</p>	<p>NA. No new buildings are proposed as part of the development application.</p>
<p>Please confirm staff numbers, student numbers and hours of operation (including estimated drop of / pick up times), relative to parking rates. Parking and traffic should be addressed within the Statement of Environmental Effects. The traffic comment should outline:</p> <ol style="list-style-type: none"> <li>a. Car parking supply and demand and required servicing requirements</li> <li>b. Existing and proposed traffic, traffic operating conditions, and flows</li> <li>c. Traffic generation</li> <li>d. Impacts on the surrounding road network</li> <li>e. Public transport</li> <li>f. Pedestrian connection and movement</li> <li>g. Swept path plans shall be provided. Access and parking are to be designed so that vehicles can enter and exit in a forward direction</li> </ol>	<p>Refer to Section 3 of the Statement for details of proposed development. A Traffic Impact Assessment has been prepared and is included in the supporting documentation.</p>

Issue	Response
<p>The site benefits from bus stop(s) on the Lawson Avenue frontage. Please address if separate off road bus stops shall be provided or if existing roadside stops are satisfactory.</p>	<p>No new bus stops are proposed as part of the proposed development. Access from existing bus stops to the site have been addressed in the TIA.</p>
<p>Ensure the building meets accessibility and fire safety standards under both the BCA, Australian Standards and Guidelines and the requirements of Maitland DCP 2011 (where applicable).</p> <p>The lodged DA is to include plans and details showing fire safety measures so that officers can assess the BCA issues for the change of use. The floor plans need to show any existing fire safety equipment and any proposed additional fire equipment that is proposed to be installed as part of the development.</p> <p>The best way to show this is on a floorplan with items such as extinguishers, hose reels, exit signs/emergency lighting labelled at their location. The applicant can also use any annual fire safety statements that are currently supplied by the servicing company for the above items as a reference point.</p>	<p>Refer to the BCA Compliance and Accessibility Report included in the supporting documentation. Works required to satisfy the fire safety requirements of the EP&amp;A Regulation 2021 as part of the change of use will be satisfied prior to issue of the Occupation Certificate.</p>
<p>Other issues such as disabled access &amp; facilities and the provision of toilet facilities would need to be covered as part of the lodged DA. Council building surveyors can then assess if they will have sufficient facilities for the expected number of occupants.</p>	<p>Refer to BCA and Accessibility Report included in the supporting documentation. An assessment of the existing sanitary facilities has been undertaken demonstrating that 90 students and 10 staff can be accommodated by existing facilities. Satisfying the requirements of the BCA is proposed to occur via a performance solution which will be determined prior to issue of the Occupation Certificate.</p>
<p>Acoustic impacts of the development must be fully addressed as part of any development application, an acoustic report may be necessary.</p>	<p>An Acoustic Assessment is being prepared and will be submitted separately via the Planning Portal.</p>

## **3 Proposed Development**

### **3.1 Summary**

The proposed development is for a change of use from a community facility to a school with a maximum onsite capacity of 90 students. The school will also accommodate up to 10 FTE (full time equivalent) staff. No physical alterations are proposed as part of the development, with the existing building being used to accommodate school operations.

### **3.2 Traffic, Access and Parking**

Vehicular access to the site will remain via the two (2) existing driveways on Lark Street and Kookaburra Parade. The site will operate as a one way in, one way out vehicular travel path with entry via Lark Street and exit via Kookaburra Parade for student drop off and pick up during morning and afternoon respectively. The morning drop off and pick up will occur from within the existing car park.

The site will be serviced by 35 existing parking spaces including 1 accessible parking space. An accessible path of travel will be provided from the accessible parking space to the main entrance to the building.

Pedestrian access to the site will occur via existing local paved footpath network along Lawson Avenue and Lark Street.

Public bus stops service the site and are located along Lawson Avenue and Lark Street providing access to the 145 and 181 Bus Routes providing connectivity to Rutherford via Maitland and Newcastle Airport via Raymond Terrace.

### **3.3 Building Design**

The existing building will be used for a combination of learning and student wellbeing areas and will include office space for staff administrative activity. The existing floor plan configuration and layout will be retained and adapted for school activities. It is noted that due to the nature of the educational needs of Alesco Secondary School's students, learning and education does not occur in a static classroom environment. Alesco Secondary School will make use of a variety of learning spaces within the building including the main hall, which will provide flexibility to address student educational needs.

An assessment of the existing building against the relevant requirements of the BCA has been undertaken in the BCA Report to support the change of use. The site population can be supported by the existing sanitary facilities via a performance solution which will be detailed prior to issue of the Occupation Certificate for the building.

### **3.4 Services and Utilities**

The site is serviced by existing water, sewer, electricity, kerb and gutter drainage. A Section 50 Hunter Water assessment and stamped plans are included in the supporting documentation demonstrating that adequate arrangements can be made to service the school.

### **3.5 Operation and Management**

#### **3.5.1 Proposed Operations**

Atwea College provides specialised education with a high staff to student ratio designed to cater for individual student learning needs. The school will accommodate up to 90 onsite students and 10 FTE staff. It is noted that the operating model for ASC campuses is for up to five (5) classes, with each class typically comprising 15-17 students resulting in onsite student population below 90 students.

The school will operate from Monday to Friday, between the hours of 7:00am and 5:00pm, with normal teaching hours from Monday to Friday, between the 9:00am and 3:00pm. Alesco Secondary School standard operations do not involve school bells to signify changing of classes, and no amplified PA system or school bell system is proposed during school hours.

#### **3.5.2 Waste Management**

The site is serviced by JR Richardson Waste Management and the onsite 1,500L bulk waste bin will be emptied weekly, or otherwise as required on a scheduled basis outside of morning drop off and pick up, with waste collection occurring from the existing car park as per the existing waste collection strategy.

#### **3.5.3 Security**

The landscaped passive open space areas to the west and east of the existing building are enclosed by fencing providing a defined perimeter around the existing building. The building is serviced by back-to-base alarm system which will be armed out of hours.

## **4 Strategic Context**

### **4.1 Hunter Regional Plan 2041**

The Hunter Regional Plan (HRP) 2041 provides the NSW Government's land use vision for the Hunter. The vision of the HRP is for the Hunter Region to be the leading regional economy in Australia, connected to and caring for Country, with a vibrant metropolitan city and sustainable 15-minute neighbourhood as its heart. The proposed development aligns with Objective 3: Create 15-minute neighbourhoods to support mixed, multi-modal, inclusive and vibrant communities. The Regional Plan envisions that urban settlement patterns maximise the use of existing infrastructure and provide local access to education, jobs, services, open spaces and community activities to encourage healthy lifestyle. The proposed development aligns with the objective as it consolidates new school infrastructure in the community and contributes to establishing a well-serviced 15-minute neighbourhood. The development will offer 90 education opportunities for students living in the local area.

### **4.2 Greater Newcastle Metropolitan Plan 2036**

The Greater Newcastle Metropolitan Plan (GNMP) 2036 helps to achieve the visions of the HRP 2041 which is for the Hunter to be the leading regional economy in Australia with a vibrant new metropolitan city at its heart. The proposed development aligns with Strategy 5: Expand education and innovation clusters. The development will change the use from community facilities to educational establishment. The site is located proximity to Woodberry public school, Woodberry learning centre and Francis Greenway High School. With the proposed development, it will form a cluster of school in the Woodberry area.

### **4.3 Maitland Local Strategic Planning Statement**

The Maitland Local Strategic Planning Statement (LSPS) sets out a 20-year land use vision for the Maitland Local Government Area (LGA) and outlines how this growth and change will be sustainably managed into the future. The proposed development aligns with Planning priority 15: Align local infrastructure delivery to support planned growth and community needs. With the continued growth of Maitland's population, the statement specifies there is a need for new educational facilities and upgrade existing facilities to provide quality education to the new generation. The development aligns with the planning priority as it will change the use of existing community facilities to educational establishment and provide opportunities for students to access to quality education in the area.

## 5 Statutory Assessment

### 5.1 Environmental Planning and Assessment Act 1979

This report assesses the proposal against the relevant statutory requirements of the EP&A Act, and other legislation, plans and policies as applicable. Section 4.15 of the Act outlines the relevant heads of consideration that must be considered when assessing a development proposal.

The following considerations have been made under section 4.15(1)(a):

- Environmental planning instruments, proposed instruments and development control plans that are relevant to the site or development are considered below;
- There are no known planning agreements applicable to the site; and
- The Environmental Planning and Assessment Regulation 2021 (the Regulation) has been considered below.

The remaining matters for consideration under section 4.15(1)(b), (c), (d) and (e) are considered within sections 6, 7, 8 and 9 of this Statement.

#### 5.1.1 Objects of the Act

The objects of this Act are as follows:

- (a) to promote the social and economic welfare of the community and a better environment by the proper management, development and conservation of the State's natural and other resources,*
- (b) to facilitate ecologically sustainable development by integrating relevant economic, environmental and social considerations in decision-making about environmental planning and assessment,*
- (c) to promote the orderly and economic use and development of land,*
- (d) to promote the delivery and maintenance of affordable housing,*
- (e) to protect the environment, including the conservation of threatened and other species of native animals and plants, ecological communities and their habitats,*
- (f) to promote the sustainable management of built and cultural heritage (including Aboriginal cultural heritage),*
- (g) to promote good design and amenity of the built environment,*
- (h) to promote the proper construction and maintenance of buildings, including the protection of the health and safety of their occupants,*
- (i) to promote the sharing of the responsibility for environmental planning and assessment between the different levels of government in the State,*
- (j) to provide increased opportunity for community participation in environmental planning and assessment.*

The proposed development supports the objects of the EP&A Act, in particular object (a) and (c).

Object (a) is supported as the proposed development will support the social and economic welfare of the community by providing jobs to school staff and providing an educational establishment providing positive teaching-based-outcomes on Council owned land.

Object(c) is supported as the proposed development is permitted in the zone, and repurposes an existing community facility for school infrastructure, which will serve the needs of the surrounding community.

### **5.1.2 Integrated Development**

The proposal is not classed as integrated under Section 4.46 of the Environmental Planning and Assessment Act 1979.

### **5.1.3 Council-Related Development Applications**

Schedule 1, Clause 9B of the EP&A Act specifies provisions for council-related development applications where ‘council-related development application’ is defined as follows:

***Council-related development application** means a development application, for which a council is the consent authority, that is—*

*(a) made by or on behalf of the council, or*

*(b) for development on land, other than a public road within the meaning of the Local Government Act 1993—*

*(i) of which the council is an owner, a lessee or a licensee, or*

*(ii) otherwise vested in or under the control of the council.*

The development is located on land owned by Maitland City Council. Pursuant to Schedule 1, Clause 9B(1), the application will need to be notified for a minimum period of 28 days.

## **5.2 Environmental Planning and Assessment Regulation 2021**

This Statement has been prepared to address the requirements of Part 3 of the EP&A Regulation 2021. Clause 30B of the EP&A Regulation specifies provisions for council-related development applications. Clause 30B states the following:

*A council-related development application must be accompanied by—*

*(a) a statement specifying how the council will manage conflicts of interest that may arise in connection with the application because the council is the consent authority (a management strategy), or*

*(b) a statement that the council has no management strategy for the application.*

Maitland City Council has adopted a *Conflict of Interest in the Development Process Policy* dated 28 March 2023 to manage potential conflicts of interest at all stages of the development process for Council-related development. It is understood that Council will have regard for this policy during the

assessment of the subject development application. As per the Pre-DA meeting with Council conducted on 11 April 2024, Council advised that the subject application would likely be classified as 'moderate' risk with the application able to be determined under delegation subject to there being no submission received during the public notification period. Should submissions be received during the public notification period, determination by the elected Council may be required in accordance with Council's conflict of interest policy.

### **5.3 State Environmental Planning Policies**

State Environmental Planning Policies (SEPPs) are environmental planning instruments administered under the EP&A Act. SEPPs deal with issues considered to be of significance for the State and the people of NSW. In the determination of the development application, the consent authority will consider these matters pursuant to section 4.15(a)(i) of the EP&A Act. The SEPPs relevant to the proposed development, and the land on which the development is situated, are considered below.

#### **5.3.1 State Environmental Planning Policy (Planning Systems) 2021**

The Planning Systems SEPP identifies the scale of development that may be considered as State or Regionally Significant Development. A new educational establishment with an Estimated Development Cost (EDC) of \$20 million or more is classed as State Significant Development (SSD). SSD is assessed by the Department of Planning. The EDC of the proposed development does not exceed \$20 million and is not state significant development.

Private infrastructure, including educational establishments or Council related development with an EDC over \$5 million is classed as Regionally Significant Development (RSD). The EDC of the proposed development does not exceed \$5 million and is not regionally significant development, therefore can be assessed and determine by the Council.

#### **5.3.2 State Environmental Planning Policy (Resilience and Hazards) 2021**

The State Environmental Planning Policy (Resilience and Hazards) 2021 specifies provisions related to coastal management, hazardous and offensive development, and remediation of land.

##### *Chapter 4 Remediation of Land*

Chapter 4 of the Resilience and Hazards SEPP seeks to promote the remediation of contaminated land for the purpose of reducing the risk of harm to human health and the environment. The Chapter applies to the whole of the State. Pursuant to Section 4.6 of the SEPP:

- (a) A consent authority must not consent to the carrying out of any development on land unless—*
  - (a) it has considered whether the land is contaminated, and*
  - (b) if the land is contaminated, it is satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for the purpose for which the development is proposed to be carried out, and*

- (c) if the land requires remediation to be made suitable for the purpose for which the development is proposed to be carried out, it is satisfied that the land will be remediated before the land is used for that purpose.*

The site has been used as a community facility since the 1970s and with reference to Table 1 of *Managing Land Contamination Planning Guidelines SEPP 55—Remediation of Land* is not expected to have been the subject of contaminating land use activities. The proposed development will repurpose the existing building previously used as a community facility located on the site for the purpose of a school and the development will not involve physical works or ground disturbance. As such, the site is considered to be suitable for the proposed change of use to a school.

### **5.3.3 State Environmental Planning Policy (Sustainable Buildings) 2021**

The State Environmental Planning Policy (Sustainable Buildings) 2022 ('SB SEPP') aims to encourage the design and delivery of sustainable buildings for residential and non-residential development.

Chapter 3 Standards for non-residential development is relevant to the proposed development as development involving:

- (a) the erection of a new building, if the development has a capital investment value of \$5 million or more*
- (b) alterations, enlargement or extension of an existing building, if the development has an estimated development cost of \$10 million or more*

The proposed development does not involve the erection of a new building and will not involve alterations of an existing building exceeding an EDC of \$10 million. The development is not subject to the requirements of the SB SEPP.

### **5.3.4 State Environmental Planning Policy (Transport and Infrastructure) 2021**

The State Environmental Planning Policy (Transport and Infrastructure) 2021 ('TI SEPP') specifies provisions related to transport and infrastructure including educational establishments, childcare facilities, major infrastructure corridors and ports. Chapter 3 of the SEPP is relevant to the proposed development and the relevant provisions have been assessed below.

#### *Chapter 3 Educational establishments and childcare facilities*

Chapter 3 aims to facilitate the effective delivery of educational establishments across the State. Pursuant to Part 3.4, Section 3.36, development for the purposes of a school may be carried out by any person within a prescribed zone. Under Section 3.34, the R1 General Residential Zone is a prescribed zone. As such, development for the purpose of a school is permitted in the zone.

Pursuant to Section 3.36(6), before determining a development application, the consent authority must consider the following:

- (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.*

An assessment of the proposed development in accordance with Schedule 8 has been provided in the table below. It is noted that the proposed development is for a change of use which will repurpose an existing community facility, and that no physical works are proposed as part of the development. As such, the Schedule 8 criteria will be assessed to the extent they are relevant to the proposed development.

Table 2 TI SEPP Schedule 8 Assessment.

Principle	Response
<b>Principle 1—context, built form and landscape</b>	
<i>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.</i>	The proposed school will be situated on a corner allotment and will leverage the good visibility and site frontage to the public domain. It is noted that the development will repurpose an existing community facility for a school and the siting of the existing building will remain unchanged.
<i>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.</i>	The site contains existing turfed passive open space landscaped areas. Vegetated hedging is provided along the site frontage to Lawson Avenue and on the eastern boundary to adjoining residential development supporting visual amenity outcomes.
<i>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.</i>	NA. The site is not identified to be located in a scenic protection area.
<b>Principle 2—sustainable, efficient and durable</b>	
<i>Good design combines positive environmental, social and economic outcomes. Schools and school buildings should be designed to minimise the consumption of</i>	The repurposing of an existing building for a new school provides an environmentally sustainable method to deliver new school infrastructure. The development will

Principle	Response
<i>energy, water and natural resources and reduce waste and encourage recycling.</i>	eliminate the need to outlay need services infrastructure by leveraging existing services for the new educational establishment.
<i>Schools should be designed to be durable, resilient and adaptable, enabling them to evolve over time to meet future requirements.</i>	The repurposing of an existing building for a new school demonstrates an adaptable solution to meet future educational needs of the local community. The internal areas of the building including the existing hall will provide flexible learning spaces which can be adapted for the learning needs of students.
<b>Principle 3—accessible and inclusive</b>	
<i>School buildings and their grounds should provide good wayfinding and be welcoming, accessible and inclusive to people with differing needs and capabilities.</i>	The existing site configuration facilitates one way in, one way out vehicular access during drop off and pick up to provide a clearly defined flow of traffic. Clearly defined main building entrance will support way finding. An accessible parking space is available in the existing car park facilitating access to the building.
<i>Schools should actively seek opportunities for their facilities to be shared with the community and cater for activities outside of school hours.</i>	Given the historic use of the site by Council as a community facility, it is considered that there will be future opportunities to use the site for community activities outside of school hours. Opportunities for community use can be explored with Council following the approval for school use.
<b>Principle 4—health and safety</b>	
<i>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.</i>	The site provides fencing surrounding the existing building which supports a clearly defined delineation between the public realm and the development site. This is supports safety and security within the site boundaries whilst maintain a welcoming and accessible school environment.
<b>Principle 5—amenity</b>	
<i>Schools should provide pleasant and engaging spaces that are accessible for a wide range of educational, informal and community activities, while also</i>	The site of the proposed school has historically been used as a community facility. As such, the main hall will be capable of accommodating a variety of

Principle	Response
<i>considering the amenity of adjacent development and the local neighbourhood.</i>	community activities outside of school hours.
<i>Schools located near busy roads or near rail corridors should incorporate appropriate noise mitigation measures to ensure a high level of amenity for occupants.</i>	The proposed school will be located with frontage to the local road network and is not located near a major road or rail corridor. Given the low existing volume of traffic, it is expected that no adverse noise impacts will occur during operation.
<i>Schools should include appropriate, efficient, stage and age appropriate indoor and outdoor learning and play spaces, access to sunlight, natural ventilation, outlook, visual and acoustic privacy, storage and service areas.</i>	The existing building will accommodate a range of formal and informal learning areas and will accommodate sunlight and natural ventilation. Turfed passive outdoor recreation areas will be provided adjacent to the existing building. It is noted that the site will be located in close proximity to Woodberry oval, skatepark and cricket ground which will provide additional open space and recreational opportunities, as required.
<b>Principle 6—whole of life, flexible and adaptive</b>	
<i>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.</i>	The proposed reuse of an existing community facility for the purpose of a school demonstrates adaptation for multi-use facilities on the site. The site is considered suitable to address the strategic spatial planning objectives of the school which is for a ‘micro-school’ with a maximum of 90 students on the site.
<b>Principle 7—aesthetics</b>	
<i>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.</i>	No new buildings are proposed as part of the development. The existing building will be repurposed for a school and is considered to remain of suitable scale for the character of the neighbourhood.
<i>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.</i>	NA. No new buildings proposed.

Section 3.58 of the SEPP specifies provisions for an educational establishment that would be considered traffic generating development. Subsection (1)(a) nominates that an educational establishment that would result in the establishment being able to accommodate more than 50 additional students and is a new premises is traffic generating development. The proposed development is a new premises that will result in 50 or more additional students is considered traffic generating development under the SEPP.

Pursuant to Section 3.58(2) and (3):

- (2) Before determining a development application for development to which this section applies, the consent authority must—*
  - (a) give written notice of the application to Transport for NSW (TfNSW) within 7 days after the application is made, and*
  - (b) take into consideration the matters referred to in subsection (3).*
  
- (3) The consent authority must take into consideration—*
  - (a) any submission that TfNSW provides in response to that notice within 21 days after the notice was given (unless, before the 21 days have passed, TfNSW advises that it will not be making a submission), and*
  - (b) the accessibility of the site concerned, including—*
    - (i) the efficiency of movement of people and freight to and from the site and the extent of multi-purpose trips, and*
    - (ii) the potential to minimise the need for travel by car, and*
  - (c) any potential traffic safety, road congestion or parking implications of the development*

It is understood that the application will be referred to Transport for NSW (TfNSW) during the assessment. An assessment of the efficiency of movement of people to and from the site, traffic safety, road congestion and parking impacts of the development have been provided in Section 6.1 of the Statement which concludes that the development will not adversely affect the efficiency of the surrounding local road network and will not adversely affect traffic safety and road congestion and will provide adequate parking.

## 5.4 Maitland Local Environmental Plan 2011

### 5.4.1 Zone objectives and Land Use Table

The site is zoned as R1 General Residential under Maitland LEP 2011 (MLEP 2011) as shown in the Figure below.



Figure 4 Zoning Map. Source: ePlanning Spatial Viewer

The objectives of the R1 zone are as follows:

- *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 proposed development supports the third objective of the R1 zone as it will provide a secondary school facilitating the provision of educational services and employment to meet the needs of residents.

The proposed development for a school is permitted with consent in the R1 zone as 'any other development not specified in item 2 and 4'. It is noted that there are no other provisions of MLEP 2011 to consider as part of the application.

## 5.5 Proposed Environmental Planning Instruments

In March and April 2024, the Department of Planning, Housing and Infrastructure exhibited an Explanation of Intended Effect outlining proposed changes to State Environmental Planning Policy (Transport and Infrastructure) 2021 (TI SEPP); including Chapter 3 that sets out the land use planning and assessment framework for the development of child-care centres, schools, universities and Technical and Further Education (TAFE) sites.

The proposed changes to Chapter 3 are intended to streamline the planning pathway for certain education facilities and respond to the growing demand for educational services, while still delivery high-quality infrastructure and minimising adverse outcomes. The proposed changes to Chapter 3 of the TI SEPP are not applicable in respect of the proposed development as the streamlined planning pathways to not apply to development for which consent is required.

## 5.6 Maitland Development Control Plan 2011

Whilst Section 3.36(9) of the TI SEPP states that a provision of a development control plan that relates to a specific development standard or requirement is of no effect, it is to be noted that the consent authority is likely to use the development control or standard as a means for a merit-based assessment. As such the following assessment of the Maitland Development Control Plan 2011 (MDCP 2011) has been undertaken.

The MDCP 2011 supports the MLEP 2011. It provides general controls within the LGA that should be considered in the preparation of a development application. The relevant sections of the MDCP 2011 have been assessed below.

Table 3 Assessment of Relevant Sections of the MDCP 2011

Clause	Provision	Comment
<b>Part B Environmental Guidelines</b>		
<i>B.6 Waste Not – Site Waste Minimisation &amp; Management</i>	<p><i>A SWMMP outlines measures to minimise and manage waste generated during demolition and construction processes, as well as the ongoing use of the site.</i></p> <p><i>The SWMMP is to nominate the following:</i></p> <ul style="list-style-type: none"> <li><i>• The volume and type of waste and recyclables to be generated.</i></li> <li><i>• The storage and treatment of waste and recyclables on site.</i></li> <li><i>• The disposal of residual waste and recyclables.</i></li> <li><i>• The operational procedures for ongoing waste management once the development is completed, including the nominated waste management service provider.</i></li> </ul>	<p>No demolition or construction waste will be generated by the development. A SWMMP has been included in the supporting documentation to address operational waste arrangements.</p>
<i>C.11 Vehicular Access &amp; Car Parking</i>		

Clause	Provision	Comment
<p>1. <i>General requirements</i></p>	<p><i>1.2 Calculation of parking requirements 1 space for every employee or staff member</i></p> <p><i>plus 1 space for every 30 students over 17yrs for High Schools</i></p> <p><i>plus provision for a drop off / pick up area</i></p> <p><i>Where 10 or more vehicle spaces are required, one designated parking space for people with disabilities is required per 100 (or part thereof) car spaces provided.</i></p> <p><i>Provision is to be made for cyclists via the installation of bicycle parking facilities in accordance with Australian Standard AS 2890.3-2015 – Bicycle Parking Facilities and Austroads Guide to Traffic Engineering, Part 14, Bicycles: Second Edition</i></p>	<p>The proposed development will require 10 parking spaces to facilitate the proposed 10 staff.</p> <p>Approximately one third of the student cohort would be in year 11 or 12 and over the age of 17 years old. This equates to 30 student triggering a parking requirement of 1 parking spaces.</p> <p>In total approximately 11 parking spaces are required for the change of use to an educational establishment with a maximum student capacity of 90 students.</p> <p>The site is furnished with approximately 35 parking spaces including one accessible parking space and therefore has capacity to enable the change of use under the specified parking rates.</p> <p>It is noted that students predominantly arrive at the site via public transport or private vehicle drop off. However, the site is capable of accommodating bicycle parking facilities, should this be required.</p>
<p>2. <i>Guidelines For the Design, Layout and Construction of Access and Parking Areas</i></p>	<p><i>This part of the DCP also provides general design principles that apply to off street parking to ensure that car parks contribute to the quality of the physical environment, as well as being safe and efficient vehicle standing areas.</i></p>	<p>It is noted that the existing access, layout and parking areas of the site will be retained, and no physical works are proposed as part of the development application which relates to a change of use only. An assessment of traffic, access and parking is provided in Section 6.1.1 of the Statement.</p>

Clause	Provision	Comment
4. Car parking for Persons with a Disability	<i>In general, where 10 or more vehicle spaces are required, one designated parking space for people with disabilities is required per 100 (or part thereof) car spaces provided.</i>	The existing car park provides 35 parking spaces including 1 accessible space which meets the requirements of the DCP.

## 5.7 Developer Contributions

### 5.7.1 State Development Contributions

The Housing and Productivity Contribution is an integrated approach for growth planning and infrastructure provision to support the delivery of new housing and jobs and applies to the hunter region which includes the subject site. The contribution applies to residential development that intensifies land use where new dwellings or lots are created and applies to industrial, commercial and retail development where new floor space is created. The Housing and Productivity Contribution does not apply to educational establishments and is not subject to the applicable contribution.

### 5.7.2 Local Development Contributions

The Section 94A Levy Development Contributions Plan 2006 applies to land within the Maitland LGA and is intended to fund local Council infrastructure. The contribution plan applies to all development applications which have an estimated development cost exceeding \$100,000. The proposed development will have an estimated development cost less than \$100,000 and as such, the contribution does not apply.

## 5.8 Planning Agreements

There are no known planning agreements to consider as part of the proposed development application.

## 6 Likely Impacts of the Development

### 6.1 Environmental Impacts

This section addresses all the likely impacts of the development in the locality, including impacts arising from the development, and impacts on the development in accordance with Section 4.15(1)(b) of the EP&A Act.

It is noted that no physical works are proposed as part of the development, and the development relates to a change of use only. The below impacts provide an assessment of the likely operational impacts resulting from the new school operations.

#### 6.1.1 Traffic, Access and Parking

A Traffic Impact Assessment (TIA) has been prepared and is included in the supporting documentation. It is noted that the TIA assessed the traffic and parking impacts of a site population of 100 students and 10 FTE staff. The proposed development has been rationalised as described in Section 3 of the Statement and seeks approval for up to 90 students and 10 FTE staff onsite. Notwithstanding this, as the TIA concluded that no adverse traffic or parking impacts would result from a site population of 100 students and 10 FTE staff, it can be concluded that the proposed development for 90 students and 10 staff would have a reduced impact compared to the assessment undertaken in the TIA.

##### *Access*

The school will utilise existing vehicular driveway access from Lark Street and Kookaburra Parade and no changes to existing vehicular access are proposed. Vehicular access to the site will operate as one way entry and exit with entry via Lark Street and exit via Kookaburra Parade during drop off and pick up for kiss and drop activity. Both driveways capable of being used for entry and exit outside of these hours. The Traffic Impact Assessment (TIA) is included in the supporting documentation demonstrating that sight distance requirements of AS2890.1 from vehicular exit from Kookaburra Parade can be satisfied.

The site shall have minimal servicing needs with the main maintenance and service access requirement being that of waste collection which already occurs internally from the existing car park for waste collection and disposal from onsite skip bins. No changes to the existing waste collection strategy are proposed.

The existing mode share split for similar Alesco Secondary Colleges indicates an even split of students arriving by public transport and being dropped off via private vehicle. Buses (Service 145 Greenhills Stockland, Service 181 Rutherford Shops) service both Lawson Avenue as well as Lark Street. Students using public bus transport will be able to access the site from Lawson Avenue via the pedestrian crossing west of the site.

*Traffic Generation*

The main intersection likely to be impacted by the proposed development is the Lawson Avenue and Lark Street intersection. Traffic surveys were undertaken as part of the TIA which indicated that the Lawson Avenue intersection currently operates at a Level of Service (LOS) B during peak hour with spare capacity within the existing road network. The development is expected to generate up to 60 additional trips two way in either direction during AM and PM peak hour which will not adversely impact on the existing LOS B of the existing Lawson Avenue and Lark Street intersection. No unacceptable traffic generating impacts will result from the proposal.

*Car Parking*

The proposed development is expected to generate parking demand resulting from the proposed school use. Based on Council’s DCP and as assessed in Section 5.6 of the Statement, a school with 90 students and 10 staff is expected to generate parking demand of 11 spaces. The existing site contains 35 spaces and will adequately accommodate the projected parking demand.

**6.1.2 Air and Microclimate**

No physical works are proposed as part of the proposed development. As such, no demolition or construction impacts to air quality will result from the proposal. The operations of the school will not result in activities which will adversely impact air quality in the locality of the site.

**6.1.3 Noise and Vibrations**

No physical works are proposed as part of the proposed development. As such, no construction noise impacts will result from the proposed development.

An Acoustic Assessment is currently being prepared to assess the likely operational noise impacts including student play, traffic and any mitigation measures required. This will be submitted to the Planning Portal separately.

**6.1.4 Waste Management**

Operational waste will be generated during school operations. It is noted that Maitland City Council DCP does not provide guidance on estimated waste generation rates for school developments, and for the purposes of estimated waste generation of the school, Randwick City Council DCP Appendix A – Waste Generation Rates for high schools has been used to inform the likely operational waste generated by the development.

*Table 4 Waste Generation Rate. Source: Randwick City Council*

Type of Premises	Garbage Generation Waste Rate	Recycled Waste Generation Rate
Primary/High School	1.5L/day/student	0.5L/day/student

Based on the above, a school of 90 students is expected to generate up to 675L of general waste 225L of recycled waste per week resulting in a cumulative waste generation volume of 900L of waste on a

five (5) day school week basis. The school will utilise an existing 1,500L bulk waste bin which will be collected weekly from the existing car park, or as otherwise required on a scheduled basis outside of morning drop off and afternoon pick up hours, demonstrating adequate waste collection capacity for the proposed school population.

## **6.2 Social Impacts**

### **6.2.1 CPTED Principles**

An assessment of the proposed development against the Crime Prevention Through Environmental Design (CPTED) principles of access control, natural surveillance, territorial reinforcement and space management has been provided below to consider the safety impacts of the development.

#### *Access control*

Access control uses physical and symbolic barriers to attract, channel, or restrict the movement of people. They minimise opportunities for crime and increase the effort required to commit crime by making it difficult for potential offenders to reach and victimise people and their property. Effective access control can be achieved by creating:

- Landscapes and physical locations that channel and group pedestrians into areas of desired activity and use.
- Restricted access to internal areas or high-risk areas (like carparks or other rarely visited areas). This is often achieved by using physical barriers.

The historic use of the site as a community facility has resulted in a built form which has sought to facilitate ease of access rather than overt access control. As such, no existing security fences line the boundary of the site or restrict access to the car park from the public domain. Notwithstanding this, the site incorporates some access control design features. Vehicular access is limited to two driveways located on Lark Street and Kookaburra Parade and pedestrian access to the existing building is consolidated to the main entry on the building's southern elevation supporting access control objectives. It is noted that subject to approval for use of the site as a school, Chapter 3 of the TI SEPP provides for exempt and complying development which may facilitate subsequent works such as the installation of security fencing to support improved access control outcomes.

Access to the building will be limited to the operational hours specified in Section 3 of the Statement with the building locked out of hours. The building is serviced by back-to-base alarm system which will be armed out of hours.

#### *Natural surveillance*

Natural surveillance reduces the incentive of crime by providing opportunities for effective surveillance, both natural and technical. Good surveillance means that people can see what others are doing. People feel safe in public areas when they can easily see and interact with others. Would

be offenders are often deterred from committing crime in areas with high levels of surveillance. From a design perspective, crime deterrence can be achieved by providing:

- Clear sightlines between public and private places
- Effective lighting of public places
- Landscaping that makes places attractive but does not provide offenders with a place to hide or entrap victims

The proposed development is located on a corner allotment which will provide good visibility to and from the public domain located along the frontage of Lawson Avenue, Lark Street and Kookaburra Parade. The development is also located adjacent to the businesses and services located at Woodberry local economic centre immediately west of the site which will support passive surveillance throughout the day and evening hours with pedestrian and vehicular traffic. Existing onsite landscaping will be maintained to support clear sight lines into and from the site and support natural surveillance opportunities.

#### *Territorial reinforcement*

Territorial reinforcement seeks to signal the distinction between public and private space and seek to encourage socially responsible behaviour within the public space through environmental design. Well used places also reduce opportunities for crime and increase risk to criminals. Territorial reinforcement can be achieved through:

- Design that encourages people to gather in public space and to feel some responsibility for its use and condition.
- Design with clear transitions and boundaries between public and private space.
- Clear design cues on who is to use space and what it is to be used for. Care is needed to ensure that territorial reinforcement is not achieved by making public spaces private spaces, through gates and enclosures.

The site supports territorial reinforcement with visual cues which signal the delineation between the public domain and the proposed school. Existing fencing adjoins the boundaries of the building fronting Lawson Avenue and Lark Street in a manner which clearly delineates the building use from the street. Low height log walls line the car park visually distinguishing the site from Lark Street and Kookaburra Parade. Existing signage fronting Lawson Avenue supports territorial reinforcement within the public domain.

#### *Space management*

Space management seeks to create an attractive, well maintained and well used space. Space management strategies include activity coordination, site cleanliness, rapid repair of vandalism and graffiti, and the removal or refurbishment of decayed physical elements. These support a shared care and responsibility for the built environment. The site will be operated under a plan of management

which will include landscape maintenance and waste collection to assist in keeping a well maintained environment supporting its continued care during use.

### **6.2.2 Social benefits**

The proposed Alesco Secondary College campus will provide specialised secondary education services to students of differing skills and abilities and will support meaningful engagement and participation in educational opportunities. The operating model of a 'micro-school' with a high ratio of staff to students will ensure that teaching can be tailored to the individual needs of students and best help them learn and succeed in their schooling education.

The operating model of Alesco Secondary College as 'one school, many campuses' aims to establish new 'micro-schools' in areas of need. As such, the development also will support the provision of new school infrastructure which will be embedded in the local community that it serves. The new school will serve in the local catchment of the Woodberry and support the educational needs of the local community.

Additionally, longitudinal studies demonstrate that educational attainment is positively associated with a number of other indicators of social wellbeing. Research from the Australian Government Department of Education (2019) notes that educational attainment is positively associated with community engagement, advocacy and volunteering, trust and tolerance, healthy behaviours, environmental conservation activities, employment and business management<sup>1</sup>. The proposed development will support other positive social outcomes by supporting the attainment of educational outcomes.

## **6.3 Economic Impacts**

The proposed development will support the ongoing employment of 10 staff during operation and has the potential to support improved economic outcomes of the local workforce. Additionally, the new school will support student educational outcomes which are correlated with improved income earning opportunities. Research from the Australian Government Department of Education (2019) demonstrates that higher levels of educational attainment, including high school education, are positively associated with improved income and wealth accumulation, reduced financial stress and reduced reliance on government support payments<sup>1</sup>. As such, the proposed development is expected to support improved economic outcomes for enrolled students attending the proposed school.

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<sup>1</sup> Australian Government (2019), Department of Education, Benefits of Educational Attainment Infographic, URL: <https://www.education.gov.au/integrated-data-research/benefits-educational-attainment/introduction>

## **7 Suitability of the Site**

This section addresses the development in accordance with section 4.15(1)(c) of the Act. The site is considered suitable for the development for the following reasons:

- The development is permitted with consent with the R1 General Residential zone and is consistent with the relevant objectives of the zone.
- The development repurposes an existing community facility for the purposes of a school and is considered a compatible land use for the site.
- The site has been previously cleared and developed and is relatively unconstrained from environmental limitations, thereby supporting its use for a school.

## **8 Submissions**

This section addresses the development in accordance with section 4.15(1)(d) of the Act. It is understood in accordance Schedule 1, Clause 9B(1), the application will need to be notified for a minimum period of 28 days. Any submissions received during the public notification will be responded to, as required, during the assessment.

## **9 Public Interest**

This section addresses the development in accordance with section 4.15(1)(e) of the Act which requires the public interest to be taken into consideration. The development is considered to be in public interest as it is consistent with the relevant environmental planning instruments, applicable regional and local strategic plans and will not result in adverse environmental impacts on the locality.

It is noted that Alesco Secondary College hosted an onsite Community Information Session on 12 April 2024 to provide information to the local community on the school's proposed future operations. Council's Senior Property Advisor, Michael Rathborne, was in attendance at this Community Information Session. No objections were received to the proposed development with all attendees demonstrating support for the proposed school. Public support for the proposal during the community consultation session provides evidence that the development is in the public interest.

## **10 Conclusion**

This Statement has assessed the development against the requirements of Clause 4.15 of the EP&A Act and found that the development is consistent with the applicable policies and plans and is permissible with consent. The proposed development is recommended for approval.