

DETERMINATION AND STATEMENT OF REASONS

HUNTER AND CENTRAL COAST REGIONAL PLANNING PANEL

DATE OF DETERMINATION	25 September 2023
DATE OF PANEL DECISION	25 September 2023
PANEL MEMBERS	Alison McCabe (Chair), Tony McNamara, Roberta Ryan and Greg Flynn
APOLOGIES	Nil
DECLARATIONS OF INTEREST	Tony Tuxworth declared conflicts of interest as the applicant is a former client. Emily Goodworth declared a conflict of interest as her children attend this educational establishment.

Papers circulated electronically on 12 September 2023.

MATTER DETERMINED

PPSHCC-158 - Central Coast - DA/3369/2022 - 165 Serpentine Road, Terrigal – Alterations & Additions to Educational Establishment (as described in Schedule 1).

PANEL CONSIDERATION AND DECISION

The Panel considered: the matters listed at item 6, the material listed at item 7 and the material presented at meetings and briefings and the matters observed at site inspections listed at item 8 in Schedule 1.

The Panel has had the benefit of a number of briefings on this matter. The application has been amended during the course of the assessment resulting in the relocation of proposed Building Block F more central to the site – setback from the bushfire risk – such that the bushfire issue has been resolved. The relocation also provided for an acceptable resolution of stormwater issues originally raised.

The built form appropriately responds to the site context and topography.

The Panel in its deliberation sought clarification on the capacity of the church and the typical hours of weekday services and funeral services. A further memo dated 20 September 2023 was provided and considered by the Panel. It is noted that funerals generally occur between 10:00am and 2:30pm on weekdays and that the church has a capacity for 450 seats. Peak use of the church is on Saturdays and Sundays. Weekday mass attendance is in the order of up to 40 people.

There are 132 car parking spaces to service the school, early learning centre and the church. Further traffic assessment was undertaken to understand the interrelationship of these uses, capacity, demand and traffic impacts.

The majority of works are internal to the site and are set back from sensitive boundaries. The proposal involves an increase of 79 students and 3 staff. The car parking on site adequately caters for this increase, existing operations including drop off and pick up, early learning centre and church related uses. It is noted that the main functions of the church are outside of the peak school and early learning centre hours. There are limited if any impacts on street parking. The Panel requires the Plan of Management to be updated to reflect funeral times to avoid conflicting with peak school hours.

The Panel in its determination has considered the provisions of s4.15 EPA Act 1979 and the relevant SEPPs and LEPs applicable to the development as assessed in the Council report.

The Panel considers that the proposal is suitable for the site and appropriately responds to its context. The Panel considers the impacts arising from the development can be appropriately managed and mitigated.

Development application

The Panel determined to approve the development application pursuant to section 4.16 of the *Environmental Planning and Assessment Act 1979* subject to the conditions in Schedule 2.

The decision was unanimous.

REASONS FOR THE DECISION

The Panel determined to approve the application for the following reasons:

- (i) The proposed development is suitable for the site and any impacts arising from the development can be adequately mitigated.
- (ii) The Panel is satisfied that the provisions of Chapter 4 of SEPP (Biodiversity and Conservation) 2021 have been considered and satisfied.
- (iii) The Panel is satisfied the General Terms of Approval have been obtained from the NSW Rural Fire Service in accordance with the section 4.47(2) of the EPA Act and are included as conditions of the consent.
- (iv) The Panel is satisfied that the provision of Chapter 4 SEPP (Resilience and Hazards) 2021 have been considered and satisfied.
- (v) The Panel is satisfied that Chapter 3 SEPP (Transport and Infrastructure) have been considered and satisfied.
- (vi) The relevant provision of the Central Coast LEP 2022 and DCP have been considered and satisfied.
- (vii) The car parking required to meet the proposed development on site and other uses is sufficient.

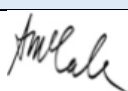
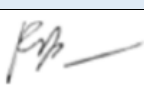


CONDITIONS

The development application was approved subject to the conditions in the Council assessment report with the following amendments.

- (i) Addition of condition 2.13 requiring an update to the Plan of Management to reflect funeral service times.
- (ii) Addition of condition 9.7 specifying the number of students and staff.
- (iii) Addition of condition 9.8 to nominate funeral services to between 10:00am and 2:30pm on Mondays to Friday.

CONSIDERATION OF COMMUNITY VIEWS

In coming to its decision, the Panel notes that no written submissions were made during public exhibition.

PANEL MEMBERS	
 Alison McCabe (Chair)	 Roberta Ryan
 Tony McNamara	 Greg Fynn

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	PPSHCC-158 – Central Coast – DA/3369/2022
2	PROPOSED DEVELOPMENT	Alterations & Additions to Educational Establishment and demolition of Block H buildings.
3	STREET ADDRESS	165 Serpentine Road, Terrigal 2260
4	APPLICANT OWNER	Josie Vescio – DFP Planning Trustees of the Roman Catholic Church for the Diocese of Broken Bay
5	TYPE OF REGIONAL DEVELOPMENT	Private infrastructure and community facilities over \$5 million
6	RELEVANT MANDATORY CONSIDERATIONS	<ul style="list-style-type: none"> Environmental planning instruments: <ul style="list-style-type: none"> State Environmental Planning Policy (Biodiversity and Conservation) 2021 State Environmental Planning Policy (Resilience and Hazards) 2021 State Environmental Planning Policy (Planning Systems) 2021 State Environmental Planning Policy (Transport and Infrastructure) 2021 Central Coast Local Environmental Plan 2022 Draft environmental planning instruments Development control plans: <ul style="list-style-type: none"> Central Coast Development Control Plan 2022 Planning agreements: Nil Provisions of the <i>Environmental Planning and Assessment Regulation 2021</i> Coastal zone management plan: [Nil] The likely impacts of the development, including environmental impacts on the natural and built environment and social and economic impacts in the locality. The suitability of the site for the development Any submissions made in accordance with the <i>Environmental Planning and Assessment Act 1979</i> or regulations. The public interest, including the principles of ecologically sustainable development
7	MATERIAL CONSIDERED BY THE PANEL	<ul style="list-style-type: none"> Council assessment report: 7 September 2023 Written submissions during public exhibition: nil Council memo: 20 September 2023
8	MEETINGS, BRIEFINGS AND SITE INSPECTIONS BY THE PANEL	<ul style="list-style-type: none"> Preliminary Briefing: 14 March 2023 <ul style="list-style-type: none"> <u>Panel members</u>: Alison McCabe (Chair) and Tony McNamara <u>Applicant representatives</u>: John Barton, Maria Kennedy, Keith Cookson, Laszlo Szoboszlay, Thomas West, Kendal Mackay <u>Council assessment staff</u>: Karen Hanratty <u>Department staff</u>: Leanne Harris and Lisa Foley Briefing: 6 June 2023 <ul style="list-style-type: none"> <u>Panel members</u>: Roberta Ryan (Acting Chair), Tony McNamara and Greg Flynn <u>Council assessment staff</u>: Karen Hanratty <u>Department staff</u>: Leanne Harris, Lisa Foley and Lisa Ellis Site inspection – Panel members: <ul style="list-style-type: none"> <u>Alison McCabe (Chair)</u>: 21 July 2023 <u>Tony McNamara</u>: 17 July 2023 <u>Greg Flynn</u>: 15 September 2023

		<ul style="list-style-type: none"> • Final briefing to discuss Council's recommendation: 19 September 2023 <ul style="list-style-type: none"> ○ <u>Panel members</u>: Alison McCabe (Chair), Roberta Ryan, Tony McNamara and Greg Flynn ○ <u>Council assessment staff</u>: Karen Hanratty ○ <u>Applicant Representatives</u>: DFP (Planning): Thomas West & Kendal Mackay, RP Infrastructure (Project Management): Liam Whitfield; GSA (Architects): Michael Smith & David Cook; BHS (Bushfire): Ian Tyerman; Seca (Traffic): Cathy Thomas; JN (Engineering): Wing Wu; ○ <u>Department staff</u>: Leanne Harris and Holly McCann
9	COUNCIL RECOMMENDATION	Approval
10	DRAFT CONDITIONS	Attached to the Council assessment report

SCHEDULE 2

CONDITIONS OF CONSENT

Application No: DA/3369/2022

Proposed Development: Alterations & Additions to Educational Establishment & Demolition of Block H Buildings - Integrated Development

Location: 165 Serpentine Road, TERRIGAL NSW 2260
Lot 11 DP 1045814

Date: 20 September 2023 Ver 0

1.PARAMETERS OF THIS CONSENT

1.1 Approved Plans and Supporting Documentation

Development must be carried out in accordance with the following approved plans and supporting documentation (stamped by Council), except where the conditions of this consent expressly require otherwise.

Plan No.	Rev No.	Plan Title	Drawn By	Dated
Architectural Plans				
A-0000		Cover Sheet	Glendenning Szoboszlay Architects	undated
A-0100	01	Site Location Plan	Glendenning Szoboszlay Architects	17/07/2023
A-0200	01	Lower Ground Existing Plan	Glendenning Szoboszlay Architects	17/07/2023
A-0201	01	Upper Ground Existing Plan	Glendenning Szoboszlay Architects	17/07/2023
A-0300	01	Lower Ground Demolition Plan	Glendenning Szoboszlay Architects	17/07/2023
A-0301	01	Upper Ground Demolition Plan	Glendenning Szoboszlay Architects	17/07/2023
A-0400	01	Proposed Site Analysis Plan	Glendenning Szoboszlay Architects	17/07/2023
A-0401	01	Proposed Site Plan	Glendenning Szoboszlay Architects	17/07/2023
A-0500	04	Site & Construction Management Plans / Environmental Site Management Plan	Glendenning Szoboszlay Architects	07/09/2023
A-1100	01	GA Floor Plans / Proposed Overall Lower Ground	Glendenning Szoboszlay Architects	17/07/2023
A-1101	01	GA Floor Plans / Proposed Overall Upper Ground	Glendenning Szoboszlay Architects	17/07/2023

Plan No.	Rev No.	Plan Title	Drawn By	Dated
A-1102	01	GA Floor Plans / Proposed Overall Roof Plan	Glendenning Szoboszlay Architects	17/07/2023
A-1103	01	GA Floor Plans / Proposed Lower Ground	Glendenning Szoboszlay Architects	17/07/2023
A-1104	01	GA Floor Plans / Proposed Upper Ground	Glendenning Szoboszlay Architects	17/07/2023
A-1200	01	Sections	Glendenning Szoboszlay Architects	17/07/2023
A-1300	01	Elevations 1 of 3	Glendenning Szoboszlay Architects	17/07/2023
A-1301	01	Elevations 2 of 3	Glendenning Szoboszlay Architects	17/07/2023
A-1302	01	Elevations 3 of 3	Glendenning Szoboszlay Architects	17/07/2023
A-9000	01	DCP Diagrams / Materials & Finishes	Glendenning Szoboszlay Architects	17/07/2023
Landscape Plans				
111.23(22)/248	-	Concept Landscape Plan	iScape Landscape Architecture	July 2023
111.23(22)/249	-	Landscape Plan / Schedule of Plant Material	iScape Landscape Architecture	July 2023
111.23(22)/250	-	Landscape Plan / Materials Palette	iScape Landscape Architecture	July 2023
Engineering Plans				
N0220408 CSK01	A	Stormwater Management Plan – Notes & Legend	JN Responsive Engineering	13/07/2023
N0220408 CSK02	A	Stormwater Management Plan – Typical Details	JN Responsive Engineering	13/07/2023
N0220408 CSK03	A	Stormwater Management Plan – WSUD Plan	JN Responsive Engineering	14/07/2023
N0220408 CSK04	B	Stormwater Management Plan – Lower Ground	JN Responsive Engineering	18/07/2023
N0220408 CSK05	B	Stormwater Management Plan – Upper Ground	JN Responsive Engineering	18/07/2023
N0220408 CSK06	B	Stormwater Management Plan – Roof	JN Responsive Engineering	18/07/2023
N0220408 ESM1	A	Erosion and Sediment Control Plan – Notes & Legend	JN Responsive Engineering	13/07/2023
N0220408 ESM2	B	Erosion and Sediment Control Plan – Typical Details	JN Responsive Engineering	11/08/2023

Plan No.	Rev No.	Plan Title	Drawn By	Dated
N0220408 ESM3	D	Erosion and Sediment Control Plan - Site Plan	JN Responsive Engineering	11/08/2023
N0220408 C400	5	Bulk Earthworks Plan	JN Responsive Engineering	18/07/2023

Document Title	Version No.	Prepared by	Dated
Plan of Management	3	Our Lady Star of the Sea	08/08/2023
Environmental Noise Assessment, Ref: 7518-1.1R	A	Day Design Pty Ltd	14/07/2023
Traffic Impact Assessment, Ref: P2402	-	Seca Solution	17/07/2023
Traffic Addendum Letter	-	Seca Solution	17/07/2023
DA Access Report, Ref: CA220049-DA	A	Accessed	14/07/2023
Bushfire Assessment Report, Ref: 231176	-	Building Code & Bushfire Hazard Solutions Pty Limited	18/07/2023
Ecological Assessment Report, Ref: 2625.01	03	AEP	13/07/2023
Arboricultural Impact Assessment, Ref: 22-156 (2023)a-01	01	Advanced Treescape Consulting	17/07/2023
BCA Compliance Assessment, Ref: P220143	3	BCA Vision	10/07/2023
Waste Management Plan	1.1	MRA Consulting Group	10/07/2023

In the event of any inconsistency between the approved plans and the supporting documentation, the approved plans prevail. In the event of any inconsistency between the approved plans and a condition of this consent, the condition prevails.

Note: an inconsistency occurs between an approved plan and supporting documentation or between an approved plan and a condition when it is not possible to comply with both at the relevant time.

1.2. Approval is granted for the development to be carried out in the following stages:

Stage 1

- Construction of new Block F to replace Block I and associated site works other than 2 classrooms which are to remain until completion of the project.
- Construction of a new lift connected to Block B and a connected disabled access link and covered walkway.
- Earthworks
- The extension of an internal access road.

Stage 2A

- Refurbishment of Block C, Block D and Block E.

Stage 2B

- Construction of a covered walkway that is to connect with the Stage 1 covered walkway.

Stage 3

- Demolition of Block H buildings.
- Construction of a stormwater swale located to the north of the site.

Works are to be finalised appropriate for each stage prior to the release of the Occupation Certificate.

1.3. **Stages 1, 2A, 2B, & 3** - Carry out all building works in accordance with the National Construction Code Series, Building Code of Australia, Volume 1 and 2 as appropriate.

1.4. **Stages 1, 2A & 2B** - Comply with the General Terms of Approval from the Authorities as listed below and attached as a schedule of this consent.

Government Agency / Department / Authority	Description	Ref No	Date
NSW Rural Fire Service	General Terms of Approval	DA20221130012036-CL55-1	17/08/2023

2. PRIOR TO ISSUE OF THE RELEVANT CONSTRUCTION CERTIFICATE

2.1. All conditions under this section must be met prior to the issue of the relevant Construction Certificate.

2.2. **Stages 1, 2A, 2B, & 3** - No activity is to be carried out on-site until the Construction Certificate has been issued, other than:

- a) Site investigation for the preparation of the construction, and / or
- b) Implementation of environmental protection measures, such as erosion control and the like that are required by this consent.
- c) Demolition.

2.3. **Stages 1, 2A & 2B** - Submit to the Registered Certifier details showing an accessway from the existing accessible car spaces within the premises to the building which will achieve total conformity with the National Construction Code Series, Building Code of Australia, Volume 1.

Note: Required by Clause 64 of the *Environmental Planning and Assessment Regulation 2021*.

2.4. **Stages 1, 2A & 2B** - Submit to the Registered Certifier details for new construction and upgrade to existing buildings compliant with *Planning for Bush Fire Protection 2019*, relevant Australian Standards, and in accordance with the criteria specified by conditions fourthly and fifthly referred to in the NSW Rural Fire Service General Terms of Approval dated 17 August 2023, Ref: DA20221130012036-CL55-1.

2.5. **Stages 1, 2A, 2B, & 3** - Submit to Council a dilapidation report detailing the condition of all Council assets within the vicinity of the development. The report must document and provide photographs that clearly depict any existing damage to the road, kerb, gutter, footpath, driveways, street trees, street signs, street lights or any other Council assets, in particular in the vicinity of the intersection of the access road and Serpentine Road. The dilapidation report will be required to be submitted to Council prior to the issue of the relevant construction certificate for works on the site. The dilapidation report may be updated with the approval of Council prior to the commencement of works. The report will be used by Council to establish damage to Council's assets resulting from the development works.

2.6. **Stage 1** - Submit to the Registered Certifier responsible for issuing the construction certificate for works within the development site detailed design drawings and design reports for the following engineering works:

- a) Construction of nutrient and pollution control measures. The design shall be in accordance with Chapter 3.1 Part C of the Central Coast Development Control Plan 2022. A nutrient and pollution control report including an operation and maintenance plan must accompany the design. The design shall be generally in accordance with the plans by JN Responsive (Job No N0222408, Sheets CSK01A dated 13/07/2023, CSK02A dated 13/07/2023, CSK03A dated 14/07/2023, CSK04B dated 18/07/2023, CSK05B dated 18/07/2023, and CSK06B dated 18/07/2023).
- b) Provision of on-site stormwater retention measures. The design shall be in accordance with Chapter 3.1 Part C of the Central Coast Development Control Plan 2022. A minimum volume of 10,000 litres shall be provided in the form of a rainwater tank generally in accordance with the plans by JN Responsive (Job No N0222408, Sheets CSK01A dated 13/07/2023, CSK02A dated 13/07/2023, CSK03A dated 14/07/2023, CSK04B dated 18/07/2023, CSK05B dated 18/07/2023, and CSK06B dated 18/07/2023). An operation and maintenance plan must accompany the design.
- c) Construction of stormwater drainage collection and piping of all stormwater runoff from all areas within the site associated with this stage of the development to the existing stormwater drainage system within the site.
- d) Construction of retaining walls where required to facilitate the proposed engineering works. Retaining wall design must not conflict with existing or proposed services or utilities. Retaining walls designs for wall greater than 600mm in height must be certified by a registered practising Civil or Structural engineer as being in accordance with Australian Standards.

Detailed design drawings and design reports acceptable to the Registered Certifier must be included in the Construction Certificate documentation.

2.7. **Stage 1** - Submit to the Registered Certifier responsible for issuing the construction certificate for works within the development site detailed design drawings and design reports for the following engineering works:

- a) Construction of an extension of the internal access road on the north-western side of the playing field to incorporate a turning area for bushfire emergency access compliant with *Planning for Bush Fire Protection 2019*, relevant Australian Standards, and in accordance with the criteria specified by the conditions firstly, sixthly and seventhly referred to in the NSW Rural Fire Service General Terms of Approval dated 17 August 2023, Ref: DA20221130012036-CL55-1.

Detailed design drawings and design reports acceptable to the Registered Certifier must be included in the Construction Certificate documentation.

2.8. **Stages 2A & 2B** - Submit to the Registered Certifier responsible for issuing the construction certificate for works within the development site detailed design drawings and design reports for the following engineering works:

- a) Construction of stormwater drainage collection and piping of all stormwater runoff from all areas within the site associated with this stage of the development to the existing stormwater drainage system within the site.

Detailed design drawings and design reports acceptable to the Registered Certifier must be included in the Construction Certificate documentation.

2.9. **Stage 3** - Submit to the Registered Certifier responsible for issuing the construction certificate for works within the development site detailed design drawings and design reports for the following engineering works:

- a) Construction of stormwater drainage collection and piping of all stormwater runoff from all areas within the site associated with this stage of the development to the existing stormwater drainage system within the site.
- b) Construction of a catch drain within the northern boundary of the site on the northern side of Blocks D & E that has a minimum capacity to accommodate the stormwater flows from the contributing drainage catchment associated with the 1%AEP recurrence interval. The location of these works are to be as indicated in the plan by JN Responsive, Ref Job No N0222408, Sheet CSK05B dated 18/07/2023.

Detailed design drawings and design reports acceptable to the Registered Certifier must be included in the Construction Certificate documentation.

2.10. **Stages 1 & 2A** - Provide confirmation from an Association of Australian Acoustical Consultant member acoustic consultant that the detailed design of the mechanical plant and equipment will meet the project specific noise criteria at all residential receivers selected in the *Environmental Noise Assessment, Alterations and Additions, Our Lady Star of the Sea Catholic Primary School, 165 Serpentine Road, Terrigal, NSW*, dated 14 July 2023, prepared by Day Design Pty Ltd.

2.11. **Stage 1** - Submit an application to Council under section 305 of the Water Management Act 2000 for a section 306 Requirements Letter. The Application form can be found on Council's website centralcoast.nsw.gov.au. Early application is recommended.

The section 305 application will result in a section 306 letter of requirements which must be obtained prior to the issue of any Construction Certificate. The requirements letter will outline which requirements must be met prior to each development milestone e.g. prior to construction certificate, subdivision works certificate, occupation certificate and/or subdivision certificate.

2.12. **Stage 1** - Pay to Council a contribution amount of **\$70,440.00**, that may require adjustment at time of payment, in accordance with the Central Coast Regional Section 7.12 Development Contribution Plan 2019.

The total amount to be paid must be indexed each quarter in accordance with the Consumer Price Index (All Groups index) for Sydney issued by the Australian Statistician as outlined in the contribution plan.

Contact Council's Contributions Planner on (02) 4306 7900 for an up-to-date contribution payment amount.

Any Construction Certificate must not be issued until the developer has provided the Certifier with a copy of a receipt issued by Council that verifies the contributions have been paid. A copy of this receipt must accompany the documents submitted by the Principal Certifier to Council under Clause 104/Clause 160(2) of the *Environmental Planning and Assessment Regulation 2021*.

A copy of the Contribution Plan may be inspected at the offices of Central Coast Council, 49 Mann Street Gosford, or 2 Hely Street Wyong, or on Council's website:

[Development Contributions - former Gosford LGA](#)

2.13. **Stage 1** – Submit to Council for approval a revised Plan of Management that must be updated to include the following information:

- a. Funeral services are to take place generally between the hours of 10.00am and 2.30pm Monday to Friday excluding weekends and public holidays.

3. PRIOR TO ISSUE OF ANY SUBDIVISION WORKS CERTIFICATE

No Conditions

4. PRIOR TO COMMENCEMENT OF ANY WORKS

4.1. All conditions under this section must be met prior to the commencement of any works as part of the relevant stages.

4.2. **Stages 1, 2A, 2B, & 3** - Appoint a Principal Certifier for the building work:

- a) The Principal Certifier (if not Council) is to notify Council of their appointment and notify the person having the benefit of the development consent of any critical stage inspections and other inspections that are to be carried out in respect of the building work no later than two (2) days before the building work commences.
- b) Submit to Council a Notice of Commencement of Building Work form giving at least two (2) days' notice of the intention to commence building work. The forms can be found on Council's website: www.centralcoast.nsw.gov.au

4.3. **Stages 1, 2A, 2B, & 3** - Erect a sign in a prominent position on any work site on which building, subdivision or demolition work is being carried out. The sign must indicate:

- a) The name, address and telephone number of the Principal Certifier for the work; and
- b) The name of the principal contractor and a telephone number at which that person can be contacted outside of working hours; and
- c) That unauthorised entry to the work site is prohibited.
- d) Remove the sign when the work has been completed.

4.4. **Stages 1, 2A & 3** - Submit both a Plumbing and Drainage Inspection Application, with the relevant fee, and a Plumbing and Drainage Notice of Work in accordance with the *Plumbing and Drainage Act 2011* (to be provided by licensed plumber). These documents can be found on Council's website at: www.centralcoast.nsw.gov.au

Contact Council prior to submitting these forms to confirm the relevant fees.

This condition only applies if installation / alteration of plumbing and / or drainage works are proposed (excludes stormwater drainage). This condition does not apply to swimming pool plumbing that does not physically connect / break into the sewer system.

4.5. **Stages 1, 2A, 2B, & 3** - Provide and maintain a garbage receptacle at the work site until the works are completed. The garbage receptacle must have a tight-fitting lid and be suitable for food scraps and papers.

4.6. **Stages 1, 2A, 2B, & 3** - Erect a temporary hoarding or temporary construction site fence between the work site and adjoining lands before the works begin and must be kept in place until after the completion of the works, if the works:

- a) could cause a danger, obstruction or inconvenience to pedestrian or vehicular traffic, or
- b) could cause damage to adjoining lands by falling objects, or
- c) involve the enclosure of a public place or part of a public place.

Note 1: A structure on public land or on or over a public road requires the prior approval of the relevant authority under the *Local Government Act 1993* or the *Roads Act 1993*, respectively.

Note 2: The *Work Health and Safety Act 2011* and *Work Health and Safety Regulation 2011* contain provisions relating to scaffolds, hoardings and other temporary structures.

4.7. **Stages 1, 2A, 2B, & 3** - Provide or make available toilet facilities at the work site before works begin and maintain the facilities until the works are completed at a ratio of one toilet plus one additional toilet for every twenty (20) persons employed at the site.

Each toilet must:

- a) be a standard flushing toilet connected to a public sewer, or
- b) have an on-site effluent disposal system approved under the *Local Government Act 1993*, or
- c) be a temporary chemical closet approved under the *Local Government Act 1993*.

4.8. **Stages 1, 2A, 2B, & 3** - Disconnect, seal and make safe all existing site services prior to the commencement of any demolition on the site. Sewer and water services must be disconnected by a licensed plumber and drainer with a Start Work Docket submitted to Council's Plumbing and Drainage Inspector as the Water and Sewer Authority.

4.9. **Stages 1, 2A, 2B, & 3** - Tree protection is to be as per the recommendations of the Arboricultural Impact Assessment, prepared by Advance Treescape Consulting dated 17 July 2023.

4.10. **Stages 1, 2A, 2B, & 3** - Prepare a Construction Traffic and Pedestrian Management Plan (CTPMP) for all activities related to works within the site. The plan must be prepared and implemented only by persons with Roads and Maritime Service accreditation for preparing and implementing traffic management plans at work sites.

The CTPMP must describe the proposed construction works, the traffic impacts on the local area and how these impacts will be addressed.

The CTPMP must address, but not be limited to, the following matters:

- Ingress and egress of construction related vehicles to the development site.

- Details of the various vehicle lengths that will be used during construction and the frequency of these movement.
- Use of swept path diagrams to demonstrate how heavy vehicles enter, circulate and exit the site or Works Zone in a forward direction.
- Deliveries to the site, including loading / unloading materials and requirements for work zones within the development site. A Plan is to be included that shows where vehicles stand to load and unload, where construction plant will stand, location of storage areas for equipment, materials and waste, locations of Work Zones (if required) and location of cranes (if required).
- Works Zones within the site in a forward direction.
- Control of pedestrian and vehicular traffic where pre-construction routes and parking arrangements are affected. Provision of access for people with disabilities within the site are to also be accommodated in the plan where construction impacts on pre-construction arrangements.
- Demolition and construction vehicles should be restricted to accessing the site outside of peak school times.

The development shall not propose changes to the existing pedestrian and vehicular paths within any public road reserves.

All loading and unloading operations are to occur within the site. No loading or unloading operations are to occur within any public road reserves.

The Construction Traffic and Pedestrian Management Plan must be reviewed and updated during construction of the development to address any changing site conditions.

A copy of the Construction Traffic and Pedestrian Management Plan must be held on site at all times and be made available to Council upon request.

5.DURING WORKS

5.1. All conditions under this section must be met during works.

5.2. **Stages 1, 2A, 2B, & 3** - The principal certifier must ensure that building work, demolition, earthworks and/or vegetation removal is only carried out between:

7.00 am and 5.00 pm on Monday to Saturday.

The principal certifier must ensure building work, demolition, earthworks and/or vegetation removal is not carried out on Sundays and public holidays, except where there is an emergency.

Unless otherwise approved within a construction site management plan, construction vehicles, machinery, goods or materials must not be delivered to the site outside the approved hours of site works.

Note: Any variation to the hours of work requires Council's approval.

5.3. **Stages 1, 2A, 2B, & 3** - Keep a copy of the stamped approved plans on-site for the duration of site works and make the plans available upon request to either the Principal Certifier or an officer of Council.

5.4. **Stages 1, 2A & 3** - Notify Council when plumbing and drainage work will be ready for inspection(s) and make the work accessible for inspection in accordance with the *Plumbing and Drainage Act 2011*.

This condition only applies if installation / alteration of plumbing and / or drainage works are proposed (excludes stormwater drainage).

5.5. **Stages 1, 2A, 2B, & 3** - While demolition or building work is being carried out, all such works must cease immediately if a relic or Aboriginal object is unexpectedly discovered. The applicant must notify the Heritage Council of NSW in respect of a relic and notify the Secretary of the Department of Planning, Industry and Environment and the Heritage Council of NSW in respect of an Aboriginal object. Building work may recommence at a time confirmed by either the Heritage Council of NSW or the Secretary of the Department of Planning, Industry and Environment.

In this condition:

“relic” means any deposit, artefact, object or material evidence that:

- (a) relates to the settlement of the area that comprises New South Wales, not being Aboriginal settlement, and
- (b) is of State or local heritage significance; and

“Aboriginal object” means any deposit, object or material evidence (not being a handicraft made for sale) relating to the Aboriginal habitation of the area that comprises New South Wales, being habitation before or concurrent with (or both) the occupation of that area by persons of non-Aboriginal extraction and includes Aboriginal remains. To ensure the protection of objects of potential significance

5.6. **Stages 1, 2A, 2B, & 3** - Undertake the removal of trees as shown on the approved plan in a manner so as to prevent damage to those trees that are to be retained.

5.7. **Stages 1, 2A, 2B, & 3** - Demolish all buildings and / or building components in a safe and systematic manner in accordance with Australian Standard AS 2601-2001: *The demolition of structures*. Waste materials must be disposed of at a waste management facility.

5.8. **Stages 1, 2A, 2B, & 3** - Place all building materials, plant and equipment on the site of the development during the construction phase of the development so as to ensure that pedestrian and vehicular access within adjoining public roads, footpaths and reserve areas, is not restricted and to prevent damage to public infrastructure. Further, no construction work is permitted to be carried out within the road reserve unless the works are associated with a separate approval issued under the provisions of the *Roads Act 1993*.

5.9. **Stages 1, 2A, 2B, & 3** - Implement all erosion and sediment control measures and undertake works in accordance with the approved Erosion and Sediment Control Plan titled *ESM Site Plan*, dated 11/08/2023, and *Typical Details*, dated 11/08/2023 prepared by Jones Nicholson Pty Ltd. Update the plan as required during all stages of the construction or in accordance with the *‘Blue Book’ (Managing Urban Stormwater: Soils and Construction, Landcom, 2004)*.

5.10. **Stages 1, 2A, 2B, & 3** - Re-use, recycle or dispose of all building materials in accordance with the Waste Management Plan prepared by MRA Consulting Group, dated 10 July 2023.

- 5.11. **Stages 1, 2A, 2B, & 3** - No soils to be imported to the subject site except for Virgin Excavated Natural Material (VENM) as defined in Schedule 1 of the *Protection of the Environment Operations Act 1997* and/or *Excavated Natural Material (ENM) that meets the Resource Recovery Orders* under Part 9, Clause 93 of the *Protection of the Environment Operations (Waste) Regulation 2014*
- 5.12. **Stages 1, 2A, 2B, & 3** - Classify all excavated material removed from the site in accordance with NSW EPA (November 2014) *Waste Classification Guidelines* and/or the Resource Recovery Orders under Part 9, Clause 93 of the *Protection of the Environment Operations (Waste) Regulation 2014*.
- 5.13. **Stages 1, 2A, 2B, & 3** - Implement dust suppression measures on-site during earthworks to suppress dust generated by vehicles and equipment. Dust must also be suppressed at all other stages of construction in order to comply with the *Protection of the Environment Operations Act 1997*.
- 5.14. **Stages 1, 2A, 2B, & 3** - Implement dust control measures to ensure airborne dust particulates are abated and airborne movement of sediment blown from exposed disturbed areas is contained within the site.
- 5.15. **Stages 1, 2A, 2B, & 3** - While building work is being carried out and where no noise and vibration management plan is approved under this consent, the applicant is to ensure that any noise caused by demolition, earthworks, vegetation removal or construction does not exceed an LAeq (15 min) of 5dB(A) above background noise, when measured at any lot boundary of the property where the construction is being carried out.
- 5.16. **Stages 1, 2A, & 2B** - The Inner Protection Area (IPA) must be established and managed for the entire property in accordance with the requirements of Appendix 4 of *Planning for Bush Fire Protection 2019* and in accordance with the criteria specified by the condition secondly referred to in the NSW Rural Fire Service General Terms of Approval dated 17 August 2023, Ref: DA20221130012036-CL55-1.
- 5.17. **Stages 1, 2A & 2B** - Water, electricity and gas must be provided in accordance with *Planning for Bush Fire Protection 2019* and in accordance with the criteria specified by the condition eighthly referred to in the NSW Rural Fire Service General Terms of Approval dated 17 August 2023, Ref: DA20221130012036-CL55-1.

6. PRIOR TO ISSUE OF THE RELEVANT OCCUPATION CERTIFICATE

- 6.1. All conditions under this section must be met prior to the issue of the relevant Occupation Certificate.
- 6.2. **Stages 1, 2A, 2B, & 3** - Prior to the occupation or use of the building/structure, an application for an Occupation Certificate for the development must be submitted to and approved by the Principal Certifier. The Occupation Certificate application is to satisfy all of the requirements of the *Environmental Planning and Assessment Regulation 2000* **OR** *Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021* (as appropriate).
- 6.3. **Stages 1, 2A, 2B, & 3** - Complete the building in accordance with the relevant provisions and requirements of the National Construction Code Series.

6.4. **Stages 1, 2A & 3** - Obtain a satisfactory plumbing and drainage final inspection in accordance with the requirements of the *Plumbing and Drainage Act 2011*.

This condition only applies if installation / alteration of plumbing and / or drainage works are proposed (excludes stormwater drainage). This condition does not apply to swimming pool plumbing that does not physically connect / break into the sewer system.

6.5. **Stages 1, 2A, 2B, & 3** - Complete the relevant landscaping works in accordance with the Landscape Plan.

6.6. **Stages 1, 2A, 2B, & 3** - Plant a minimum of five (5) replacement trees (advanced specimens, min 25lt pot size). Replacement trees must be native species capable of achieving a minimum height of 10m.

New trees are not to be located within an authority's service easement, or within 3m of an approved building. Where the replacement tree dies or is substantially damaged within five (5) years of planting, it must be replaced and maintained to maturity.

Rehabilitate / landscape the area of demolished buildings.

6.7. **Stages 1, 2A, 2B, & 3** - Complete the relevant civil engineering works within the development site in accordance with the detailed design drawings and design reports plans within the construction certificate.

6.8. **Stages 1, 2A, 2B, & 3** - Complete construction of the relevant stormwater management system in accordance with the Stormwater Management Plan and Australian Standard AS 3500.3- *Stormwater drainage systems*. Certification of the construction by a suitably qualified consultant must be provided to the Principal Certifier.

6.9. **Stages 1, 2A, 2B, & 3** - Repair any damage to Council's infrastructure and road reserve as agreed with Council. Damage not shown in the dilapidation report submitted to Council before the development works had commenced will be assumed to have been caused by the development works unless the Developer can prove otherwise.

6.10. **Stage 1** - Obtain the Section 307 Certificate of Compliance under the *Water Management Act 2000* for water and sewer requirements for the development from Central Coast Council as the Water Supply Authority, prior to issue of the Occupation Certificate.

6.11. **Stages 1 & 2A** - Provide confirmation from an Association of Australian Acoustical Consultants member acoustic consultant that the operational mechanical plant and equipment meet the project specific noise criteria at all residential receivers selected in the *Environmental Noise Assessment, Alterations and Additions, Our Lady Star of the Sea Catholic Primary School, 165 Serpentine Road, Terrigal, NSW*, dated 14 July 2023, prepared by Day Design Pty Ltd.

6.12. **Stages 1, 2A & 2B** - Prepare Bush Fire Emergency Management and Evacuation Plan in accordance with the NSW Rural Fire Service document: *A Guide to Developing a Bush Fire Emergency Management and Evacuation Plan* and in accordance with the criteria specified by the condition ninthly referred to in the NSW Rural Fire Service General Terms of Approval dated 17 August 2023, Ref: DA20221130012036-CL55-1.

6.13 **Stages 1, 2A & 2B** - Provide the Registered Certifier with written certification from a recognised Bushfire Consultant certifying the development has been completed in accordance with

7.PRIOR TO ISSUE OF ANY SUBDIVISION CERTIFICATE

No Conditions

8.PRIOR TO OCCUPATION OF THE MANUFACTURED HOME

No Conditions

9.ONGOING

- 9.1. Operate in accordance with the approved *Plan of Management, Our Lady Star of the Sea, 165 Serpentine Road Terrigal, Construction of General Learning Areas*, except whereby modified by conditions of consent.
- 9.2. Operate and maintain all external lighting so as not to impact on any adjoining property.
- 9.3. Maintain the site landscaping for the life of the development.
- 9.4. Comply with all commitments as detailed in the Waste Management Plan prepared by MRA Consulting Group, dated 10 July 2023.
- 9.5. The Inner Protection Area (IPA) must be managed for the entire property in accordance with the requirements of Appendix 4 of *Planning for Bush Fire Protection 2019* and in accordance with the criteria specified by the condition secondly referred to in the NSW Rural Fire Service General Terms of Approval dated 17 August 2023, Ref: DA20221130012036-CL55-1.
- 9.6. Landscaping within the required Inner Protection Area (IPA) must comply with the requirements of Appendix 4 of *Planning for Bush Fire Protection 2019* and in accordance with the criteria specified by the condition thirdly referred to in the NSW Rural Fire Service General Terms of Approval dated 17 August 2023, Ref: DA20221130012036-CL55-1.
- 9.7. The school shall accommodate a maximum of 630 students and 35 FTE (full time equivalent) staff.
- 9.8. Funeral services are to take place generally between the hours of 10.00am and 2.30pm Monday to Friday excluding weekends and public holidays.

10.PENALTIES

Failure to comply with this development consent and any condition of this consent may be a **criminal offence**. Failure to comply with other environmental laws may also be a **criminal offence**.

Where there is any breach Council may without any further warning:

- Issue Penalty Infringement Notices (On-the-spot fines);

- Issue notices and orders;
- Prosecute any person breaching this consent, and/or
- Seek injunctions/orders before the courts to retain and remedy any breach.

Warnings as to Potential Maximum Penalties

Maximum Penalties under NSW Environmental Laws include fines up to \$1.1 Million and/or custodial sentences for serious offences.

ADVISORY NOTES

- Discharge of sediment from a site may be determined to be a pollution event under provisions of the *Protection of the Environment Operations Act 1997*. Enforcement action may commence where sediment movement produces a pollution event.
- The following public authorities may have separate requirements in the following aspects:
 - a) Australia Post for the positioning and dimensions of mail boxes in new commercial and residential developments
 - b) Jemena Asset Management for any change or alteration to the gas line infrastructure
 - c) Ausgrid for any change or alteration to electricity infrastructure or encroachment within transmission line easements
 - d) Telstra, Optus or other telecommunication carriers for access to their telecommunications infrastructure
 - e) Central Coast Council in respect to the location of water, sewerage and drainage services.
- Carry out all work under this Consent in accordance with SafeWork NSW requirements including the *Workplace Health and Safety Act 2011 No 10* and subordinate regulations, codes of practice and guidelines that control and regulate the development industry
- Dial Before You Dig
Underground assets may exist in the area that is subject to your application. In the interests of health and safety and in order to protect damage to third party assets please contact Dial Before You Dig at www.1100.com.au or telephone on 1100 before excavating or erecting structures. (This is the law in NSW). If alterations are required to the configuration, size, form or design of the development upon contacting the Dial Before You Dig service, an amendment to the development consent (or a new development application) may be necessary. Individuals owe asset owners a duty of care that must be observed when working in the vicinity of plant or assets. It is the individual's responsibility to anticipate and request the nominal location of plant or assets on the relevant property via contacting the Dial Before You Dig service in advance of any construction or planning activities.
- Telecommunications Act 1997 (Commonwealth)
Telstra (and its authorised contractors) are the only companies that are permitted to conduct works on Telstra's network and assets. Any person interfering with a facility or installation owned by Telstra is committing an offence under the *Criminal Code Act 1995 (Cth)* and is liable for prosecution. Furthermore, damage to Telstra's infrastructure may result in interruption to the provision of essential services and significant costs. If you are aware of any works or proposed works which may affect or impact on Telstra's assets in any way, you are required to contact: Telstra's Network Integrity Team on phone number 1800 810 443.
- NSW Rural Fire Service

The NSW Rural Fire Service recognises the approach adopted in the *National Construction Code 2022* (NCC 2022) for determining and certifying evidence of suitability for materials, construction, and designs. Prescriptive compliance with specification 43 (sections S43C3, S43C4, S43C5, S43C6, S43C7, S43C8, S43C9, S43C12 and S43C13) is specified. Performance-based solutions proposed in lieu of compliance with the prescriptive provisions of Specification 43 (sections S43C3, S43C4, S43C5, S43C6, S43C7, S43C8, S43C9, S43C12 and S43C13 of NCC 2022) need to be assessed in accordance with the NCC 2022 by the Certifying Authority.

- Install and maintain backflow prevention device(s) in accordance with Council's WS4.0 Backflow Prevention Containment Policy. This policy can be found on Council's website: www.centralcoast.nsw.gov.au

This condition only applies if installation / alteration of plumbing and / or drainage works are proposed (excludes stormwater drainage).