

DATE OF DETERMINATION	21 November 2023
DATE OF PANEL DECISION	21 November 2023
DATE OF PANEL MEETING	15 November 2023
PANEL MEMBERS	Alison McCabe (Chair), Roberta Ryan, Greg Flynn and Lynette Hunt
APOLOGIES	Tony McNamara
DECLARATIONS OF INTEREST	Tony Tuxworth declared a conflict of interest as the applicant is a former client.

Papers circulated electronically on 1 August 2023 and 10 November 2023.

MATTER DETERMINED

PPSHCC-187 – Central Coast Council – DA/678/2023-7-15 Panonia Road Wyong 2259 - Alterations & Additions to Existing School (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 deferred determination of this matter in August 2023 to seek a revised flood assessment report and emergency response plan and a further assessment of these matters. The Panel has considered the further memo prepared by Council and published on 10 November 2023.

The Panel has had the benefit of a further briefing from Council and the applicant regarding the existing flood risk and mitigation measures proposed as part of this development.

The site is an existing operating school site. The proposal does not propose to increase the number of students or staff on the site. The proposed two (2) storey building is compatible with the character of the area and is designed at a level 1.5m above the sites maximum PMF level at RL 6.40 AHD.

The building is required to be designed to withstand the maximum hydraulic hazard of hazardous flood waters to remain stable when exposed to flood debris force.

The Panel notes that the site:

- is isolated by high hazard waters in the 1% AEP flood event and a PMF event;
- in the PMF, flood depths are 1.4m to 3.9m across the site with a maximum hydraulic hazard of H5 (i.e. unsafe for vehicles and people and all building vulnerable to damage); and
- is not isolated in events up to and including the 5% AEP riverine flood.

It is understood that a flood rising as fast as the PMF will cut roads within six (6) hours of the start of a rainfall event and within one (1) hour of the Wyong River flood level reaching 1.9 AHD at the south east corner of the site.

The Flood Emergency Response Plan (FERP) requires that the site is evacuated before the site becomes isolated and includes the following triggers:

- the school to close when a flood watch or flood warning is issued; and
- the school will be evacuated when a minor, moderate or major flood warning or a quantified flood warning for levels > 2.7 AHD is issued for the Wyong River at Wyong (up stream of bridge) gauge.

There is six (6) hours of warning time available for riverine flooding before flood levels downstream of Wyong Bridge reach 2.7m AHD.

The Panel is satisfied that the combination of the proposed levels and structure of the building and implementation of the detailed Flood Emergency Response will mitigate the potential risk in the event of a flood.

With appropriate implementation there is sufficient time and safeguards to minimise risk.

The proposal improves the current operation and use of the site.

The Panel is satisfied that the application could be approved.

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 at Schedule 2.

The decision was unanimous.

REASONS FOR THE DECISION

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

1. The proposed development is compatible with the streetscape and surrounding development.
2. The proposal will provide further mitigation to the impacts arising from flood affection of the site.
3. The provisions of the CCLEP 2022 have been satisfied.





CONDITIONS

The development application was approved subject to the conditions at Schedule 2. The following amendments were made to the conditions from those attached to the original assessment report.

- Amendments to Condition 1 to reference updated reports.
- Removal of duplicate condition – Condition 2.2 (means conditions are renumbered).
- Amendments to Condition 2.4 to correct consultant report reference and focus on structural design to satisfy PMF.
- Amendment to Condition 2.6 to include requirement for a flood marker post.
- Amendment to Condition 5.12 to require Flood Emergency Response Plan to be updated to include monitoring of flood marker and reference correct report.
- New condition – Condition 5.13 requiring structural certificate of structure to PMF flood requirements.
- Amendment to Condition 6.5 to require annual update of Flood Emergency Response Plan.
- New condition – Condition 6.6 re no. of children and staff.
- New condition – Condition 6.7 to require compliance with Flood Emergency Response Plan.

CONSIDERATION OF COMMUNITY VIEWS

In coming to its decision, the Panel notes that no written submissions were made during public exhibition and therefore no issues of concern were raised.

PANEL MEMBERS	
 Alison McCabe (Chair)	 Roberta Ryan
 Greg Flynn	 Lynette Hunt

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	PPSHCC-187 – Central Coast – DA/678/2023
2	PROPOSED DEVELOPMENT	Alterations and additions to the existing educational establishment, St Cecilia's Catholic Primary School
3	STREET ADDRESS	7-15 Panonia Road Wyong 2259 (Lot 22 in DP 569261 and Lots 4-8 in DP 4361
4	APPLICANT OWNER	Caladines Town Planning Pty Ltd The 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 (Planning Systems) 2021 State Environmental Planning Policy (Resilience and Hazards) 2021 State Environmental Planning Policy (Biodiversity and Conservation) 2021 State Environmental Planning Policy (Transport and Infrastructure) 2021 Central Coast Local Environmental Plan 2022 Draft environmental planning instruments: Nil. Development control plans: <ul style="list-style-type: none"> Central Coast Development Control Plan 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: 1 August 2023 Addendum Council assessment memorandum: 10 November 2023 Written submissions during public exhibition: 0
8	MEETINGS, BRIEFINGS AND SITE INSPECTIONS BY THE PANEL	<ul style="list-style-type: none"> Briefing: 14 June 2023 <ul style="list-style-type: none"> <u>Panel members</u>: Alison McCabe (Chair), Roberta Ryan, Tony McNamara and Greg Flynn <u>Applicant representatives</u>: Allan Caladine, Toby Wetherill, Lee Daltry, Keith Cookson, Zane Rault, Marta Chylewska and Paul Madigan. <u>Council assessment staff</u>: Alexandra Hafner and Emily Goodworth <u>Department staff</u>: Leanne Harris, Lisa Foley and Tim Mahoney Applicant Briefing: 9 August 2023 <ul style="list-style-type: none"> <u>Panel members</u>: Alison McCabe (Chair), Roberta Ryan, Greg Flynn and Lynette Hunt <u>Council assessment staff</u>: Alexandra Hafner, Michelle Gilson, Emily Goodworth and Sue-Anne Fulton <u>Department staff</u>: Leanne Harris, Lisa Foley and Holly McCann <u>Applicant representatives</u>: Allan Caladine, Michael McGrath, Toby Wetherill and Steven Molino

		<p><u>Note:</u> Applicant briefing was requested to respond to the recommendation in the council assessment report</p> <ul style="list-style-type: none"> • Site Inspections <ul style="list-style-type: none"> Alison McCabe (Chair): 2 May 2023 Roberta Ryan: 2 May 2023 Greg Flynn: 4 August 2023 • Final briefing to discuss council's recommendation: 15 November 2023 <ul style="list-style-type: none"> ○ <u>Panel members:</u> Alison McCabe (Chair), Roberta Ryan, Greg Flynn and Lynette Hunt ○ <u>Council assessment staff:</u> Alexandra Hafner, Michelle Gilson, Nathan Burr, Andrew Dewar ○ <u>Applicant Representatives:</u> Allan Caladine, Stephen Molino, Michael McGrath ○ <u>Department staff:</u> Leanne Harris
9	COUNCIL RECOMMENDATION	Approval
10	DRAFT CONDITIONS	Attached to the council assessment report

CONDITIONS OF CONSENT

Date: 16 November 2023
Responsible Officer: Alexandra Hafner
Location: St Cecilia's Catholic School, 7-15 Panonia Road, WYONG NSW 2259
 Lot 4 Sec 5 DP 4361, Lot 5 Sec 5 DP 4361, Lot 6 Sec 5 DP 4361, Lot 7 Sec 5 DP 4361, Lot 8 Sec 5 DP 4361, Lot 22 DP 569261
Owner: Trustees Of Roman Catholic Church - Toukley
Applicant: Caladines Town Planning Pty Ltd
Date of Application: 31 March 2023
Application No: DA/678/2023
Proposed Development: Alterations & Additions to Educational Establishment including Demolition (RPP)
Land Area:
Existing Use: Educational Establishment

PROPOSED CONDITIONS

The development taking place in accordance with the approved development plans reference number DA/678/2023 except as modified by any conditions of this consent, and any amendments in red.

1.PARAMETERS OF THIS CONSENT

Approved Plans and Supporting Documentation

- 1.1 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.	Revision No.	Plan Title	Drawn By	Dated
DA101	G	Site Plan and Location Plan	LD	27/03/2023
DA102	C	Site Analysis Plan	LD	27/03/2023
DA103	E	Demolition Plan	LD	27/03/2023
DA201	G	Ground Floor Plan	LD	27/03/2023
DA202	F	Level 1 Plan	LD	27/03/2023
DA203	E	Roof Plan	LD	27/03/2023
DA301	D	Elevations – Sheet 1	LD	27/03/2023
DA302	D	Elevations – Sheet 2	LD	27/03/2023
DA303	D	Section – Sheet 1	LD	27/03/2023
DA402	B	3D Perspective and External Finishes	LD	27/03/2023
DA01	C	Tree Protection Plan	Umbaco Landscape Architects	March 2022

DA02	C	Planting Plan	Umbaco Landscape Architects	March 2022
DA03	C	Plant Material	Umbaco Landscape Architects	March 2022

Document Title	Version No.	Prepared by	Dated
Accessibility & DDA Assessment Report	23000209-MB-BS-DDA-RPT-0010-3	MBC Group	24/03/2023
Acoustic Report	001	Stantec	30/03/2023
Arborist Report	-	Mark Bury Consulting	3 February 2023
Bushfire Assessment Report	-	Building Code and Bushfire Hazard Solutions Pty Limited	9 December 2022
Flooding Assessment Report		Water Technology – Water, Coastal and Environmental Consultants	3 October 2023
Flood Emergency Response Plan		Water Technology – Water, Coastal and Environmental Consultants	9 October 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. Carry out all building works in accordance with the National Construction Code Series, Building Code of Australia, Volume 1 and 2 as appropriate.
- 1.3. 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	GTAs under Section 100B of the <i>Rural Fires Act 1997</i>	DA20230420001643-Original-1	Tuesday 6 June 2023
NSW Department of Planning and Environment – Water	GTAs under the <i>Water Management Act 2000</i>	IDAS-2023-10276	29 June 2023

2. PRIOR TO ISSUE OF ANY CONSTRUCTION CERTIFICATE

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

- 2.2. 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. Before the issue of a construction certificate, the applicant is to ensure that a waste management plan is prepared in accordance with the EPA's Waste Classification Guidelines and the following requirements before it is provided to and approved by the certifier:
- (a) Council's Waste Management Development Control Plan, or
 - (b) Details the following:
 - The contact details of the person(s) removing the waste
 - An estimate of the waste (type and quantity) and whether the waste is expected to be reused, recycled or go to landfill
 - The address of the disposal location(s) where the waste is to be taken.
- The applicant must ensure the waste management plan is referred to in the construction site management plan and kept on-site at all times during construction.
- 2.4. Submit to the Registered Certifier, responsible for issuing the Construction Certificate for works within the development site, certification from a registered engineering professional that confirms the development has been structurally designed with consideration of the requirements of the Hawkesbury-Nepean Floodplain Management Steering Committee's *Reducing Vulnerability of Buildings to Flood Damage* publication and in accordance with the recommendations within the *Flood Assessment Report* prepared by Water Technology – Water, Coastal and Environmental Consultants, Reference 24050039, dated 3 October 2023. The following flooding characteristics are applicable to the structural design for the development / new school building structure:
- a) 1% Annual Exceedance Probability (AEP) flood level of Reduced Level (RL) 3.34 metres Australian Height Datum (AHD) and an average flood velocity of 0.5 metres per second Probable Maximum Flood (PMF) level of RL 4.94 metres AHD and average flood velocity of 1.0 metres per second.
 - b) The building is to be designed and constructed from materials, used and/or located below RL 4.94m Australian Height Datum (AHD), of a type that can withstand the forces of PMF flood waters (as per the characteristics detailed above) and the effects of immersion. An appropriate factor of safety must be applied to the forces exerted by the PMF before it is used in any structural calculations.
- 2.5. Submit to the Registered Certifier, responsible for issuing a Construction Certificate for works within the development property, lighting design drawings approved by an accredited electrical designer for the existing car park. The design must be prepared in accordance with the requirements of the current editions of Australian Standard AS/NZS 1158: *Lighting for roads and public spaces* and AS/NZS 4282: *Control of the obtrusive effects of outdoor lighting*. The design is to include the provision of current best practice energy efficient lighting.
- 2.6. 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) Reconstruction of the existing accessible parking space, for compliance with the requirements of the current edition Australian Standard AS/NZS 2890: Parking Facilities and other applicable Australian Standards.
 - b) Construction of a Stormwater Management System comprising:

- i. Stormwater drainage collection and piping of all stormwater runoff from all new impervious (and roof) areas within the site to the existing onsite stormwater drainage system, to discharge to Wyong River at the rear of the site.
- ii. Relocation, and or replacement (to the same capacity), of any existing rainwater tank(s) attached to any building(s) being demolished as part of the development works.
- c) Construction of slabs, footings and/or piers for structures within proximity of Council's existing drainage infrastructure through the development site must be designed by a suitably qualified engineering professional in accordance with the requirements of Council's *Guidelines for Building Adjacent to a Drainage Easement* and *Civil Works Specifications*. The engineer must provide written certification for the design to confirm compliance with these requirements.
- d) Construction of any retaining walls and/or drop edge beams (around the new building, stairways, landscaped areas, etc.), as required. Retaining wall / drop-edge beam designs must not conflict with existing or proposed services or utilities. Retaining wall / drop edge beam designs for walls greater than 600mm in height must be certified by a registered practising Civil or Structural engineer as being in accordance with Australian Standards.
- e) All sanitary plumbing fixtures installed as part of the new works (including any/all floor wastes) must have a minimum invert level of RL 3.64m AHD (due to the flood impacts across the site, and a minimum freeboard of 0.3m being required above the applicable 1% AEP flood level of RL 3.34m AHD in the location of the new building, for compliance with Council's requirements, AS3500, and the *WSAA Codes and Supplements*).
- f) Installation of a flood marker post, to the south of Block B – Existing Hall, within the area currently offering seating, planter boxes, and a sandpit. **Note:** this marker post is to be used to trigger immediate evacuation from the site in the event water is observed rising against the post.

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

- 2.7. 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) Reconstruction of the existing accessible parking space, for compliance with the requirements of the current edition Australian Standard AS/NZS 2890: Parking Facilities and other applicable Australian Standards.
 - b) Construction of a Stormwater Management System comprising:
 - i. Stormwater drainage collection and piping of all stormwater runoff from all new impervious (and roof) areas within the site to the existing onsite stormwater drainage system, to discharge to Wyong River at the rear of the site.
 - ii. Relocation, and or replacement (to the same capacity), of any existing rainwater tank(s) attached to any building(s) being demolished as part of the development works.
 - c) Construction of slabs, footings and/or piers for structures within proximity of Council's existing drainage infrastructure through the development site must be designed by a suitably qualified engineering professional in accordance with the requirements of Council's *Guidelines for Building Adjacent to a Drainage Easement* and *Civil Works Specifications*. The engineer must provide written certification for the design to confirm compliance with these requirements.
 - d) Construction of any retaining walls and/or drop edge beams (around the new building, stairways, landscaped areas, etc.), as required. Retaining wall / drop-edge beam designs must not conflict with existing or proposed services or utilities. Retaining wall / drop edge beam designs for walls greater than 600mm in height must be certified by a registered practising Civil or Structural engineer as being in accordance with Australian Standards.
 - e) Due to the flood impacts across the site, an overflow relief gully must be installed for the new sanitary drainage system associated with the new building, to be minimum 150mm above the defined flood level of RL 3.34m AHD, with a minimum 150mm maintained between the top of the overflow gully riser and the lowest fixture connected to this sanitary drain, for compliance with AS3500. Where a suitable location for the overflow relief gully is not available, a reflux valve will be required to be installed within the new sanitary drainage system servicing the new building, to prevent sewage backflow into the site in the event of inundation of the sewage system in a flood event.

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

- 2.8. 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 and/or Occupation Certificate.

- 2.9. Submit to Council a pre-construction/demolition Dilapidation Survey of Council's existing stormwater infrastructure through the development site. The Dilapidation Survey is to be prepared by a suitably qualified person in accordance with Council's *Technical Specifications – CCTV Inspections*, to record the existing condition of the asset prior to any development works commencing.

The pre-construction/demolition Dilapidation Survey / Report must be submitted to Council for written approval. A maintenance/defects bond may be payable to Council at this time in accordance with Council's adopted fees and charges. Council's written approval must be submitted to the Principal Certifier prior to the issue of any Construction Certificate.

3. PRIOR TO COMMENCEMENT OF ANY WORKS

- 3.1. All conditions under this section must be met prior to the commencement of any works.
- 3.2. Ensure that all parties / trades working on the site are fully aware of their responsibilities with respect to tree protection conditions.
- 3.3. Tree protection for 4 trees located along the front boundary in close proximity to the work site location is to be as per the recommendations below:
- a) Establish Tree Protection Zones (TPZ) around trees identified to be retained. The distance from retained trees to the boundary of the tree protection zones can be determined by the following extract from AS4970-2009: Protection of trees on development sites:

"DETERMINING THE TPZ
The radius of the TPZ is calculated for each tree by multiplying its DBH x 12.
TPZ = DBH x 12
DBH = trunk diameter measured at 1.4m above ground
Radius is measured from the centre of the stem at ground level."
 - b) Trees to be retained are to be protected by fencing and / or other accepted protection measures in accordance with Australian Standard AS 4970-2009: Protection of Trees on Development Sites. All required tree protection measures are to be maintained for the duration of construction works.
 - c) Erect a 1.8 metre high chain mesh fence around Tree Protection Zones that must remain intact until construction is completed.
 - d) Sign-post fences around Tree Protection Zones to warn of its purpose.
- 3.4. 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

3.5. 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.

3.6. 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.

3.7. 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:

- a) Ingress and egress of construction related vehicles to the development site.
- b) Details of the various vehicle lengths that will be used during construction and the frequency of these movement.
- c) Use of swept path diagrams to demonstrate how heavy vehicles enter, circulate and exit the site or Works Zone in a forward direction.
- d) Deliveries to the site, including loading / unloading materials and requirements for work zones along the road frontage to 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).
- e) Works Zones if heavy vehicles cannot enter or exit the site in a forward direction.
- f) Control of pedestrian and vehicular traffic where pre-construction routes are affected.
- g) Temporary Road Closures.

Where the plan identifies that the travel paths of pedestrians and vehicular traffic are proposed to be interrupted or diverted for any construction activity related to works inside the development site an application must be made to Council for a Road Occupancy Licence. Implementation of traffic

management plans that address interruption or diversion of pedestrian and/or vehicular traffic must only take place following receipt of a Road Occupancy Licence from Council.

Where a dedicated delivery vehicle loading and unloading zone is required along the road frontage of the development site a Works Zone Application must be lodged and approved by Council. A minimum of 3 months is required to allow Traffic Committee endorsement and Council approval.

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.

- 3.8. Submit to Council, for approval, details of proposed haulage routes to and from the site. Approval of haulage routes will be subject to the provision of a Dilapidation Report of all or part of the approved haulage route.
- 3.9. Submit to Council a Dilapidation Report detailing the condition of all Council assets within the vicinity of the development, and along the proposed haulage routes to the site. The report must document and provide photographs that clearly depict any existing damage to the road, kerb, gutter, footpath, driveways, street trees, street signs, streetlights, or any other Council assets in the vicinity of the development and/or haulage routes. The Dilapidation Report will be required to be submitted to Council prior to the commencement of any works. The report will be used by Council to establish damage to Council's assets resulting from the development works.
- 3.10. Submit a Hoarding Application to Council for approval under the Roads Act where it is proposed to erect construction fencing, a hoarding, site sheds or utilise the road reserve for any construction activity related to the development works within the site.

Fees, in accordance with Council's Fees and Charges, will be invoiced to the applicant following lodgement of the application and will be required to be paid prior to Council releasing any approval.

4.DURING WORKS

- 4.1. All conditions under this section must be met during works.
- 4.2. The Principal Certifier must ensure that building work, demolition 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 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.

- 4.3. 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

- 4.4. Implement and maintain all erosion and sediment control measures at or above design capacity for the duration of the construction works and until such time as all ground disturbed by the works has been stabilised and rehabilitated so that it no longer acts as a source of sediment.
- 4.5. 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.
- 4.6. 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*.
- 4.7. 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*.
- 4.8. Trees 1 – 4 are to be removed to accommodate for the development as specified in the Arboricultural Impact Statement Report by Mark Bury Consulting on the 3/2/23.
- 4.9. Activities generally excluded from the Tree Protection Zone, but not limited to:
 - a) Machine excavation, trenching, material storage, prepare chemicals or cement, park, refuel, dump waste, wash down, fill or change soil level.
- 4.10. Cease all excavation works if acid sulfate soils are identified until such time as details of mitigation and treatment measures are submitted to, and approved by, the Principal Certifier.
- 4.11. Any excavation works carried out on site should be closely monitored to ensure no signs of Potential Acid Sulphate Soil (PASS) or Actual Acid Sulphate Soil (AASS) are observed. Indicators may include grey to greenish blue clays, unusual gold-yellow mottling or 'rotten egg' odours. If any of these indicators are observed, excavation of the site is to be stopped immediately, the Principal Certifier is to be notified and a suitably qualified Environmental Scientist should be contracted to further assess the site.

If an Acid Sulphate Soils management plan is recommended by the suitably qualified environmental consultant, then all recommendations of this plan must be complied with during works.

- 4.12. Implement all erosion and sediment control measures and undertake works in accordance with the approved Erosion and Sediment Control Details prepared by Bligh Tanner, dated 23 February 2023. 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).
- 4.13. Any new information which comes to light during site preparation, remediation, demolition or construction works which has the potential to alter previous conclusions about site suitability and contamination must be notified to the Principal Certifier and Central Coast Council.

Council may require a NSW accredited site auditor to be engaged to review the contamination assessment and remediation/validation process (where applicable). If appropriate, Council may also require a new Remedial Action Plan (RAP) to be prepared and implemented to ensure the site can be made suitable for the approved use in light of the new information.

Where a NSW accredited Site Auditor is engaged in compliance with this condition, an Occupation Certificate **must not be** issued until a Section A Site Audit Statement has been submitted to Central Coast Council by the Auditor confirming the site is now suitable for the proposed use.

5. PRIOR TO ISSUE OF ANY OCCUPATION CERTIFICATE

- 5.1. All conditions under this section must be met prior to the issue of any Occupation Certificate.
- 5.2. Complete the landscaping works.
- 5.3. Prior to the issue of the Occupation Certificate, a suitably qualified Acoustic Consultant* must prepare an acoustic verification report to the satisfaction of the Principal Certifier that confirms the following:
- a) All recommendations contained in the DA Noise Impact Assessment prepared by Stantec, dated 30 March 2023 have been implemented, and
 - b) The project specific noise criteria established in the DA acoustic report and any other noise and vibration criteria specified in this consent are being complied with.
- *Note: Suitably qualified Acoustic Consultant means a consultant who possesses the qualifications to render them eligible for membership of the Australian Acoustics Society, Institution of Engineers Australia or the Association of Australian Acoustic Consultants at the grade of member.*
- 5.4. Complete construction of the 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.
- 5.5. 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.
- 5.6. Complete reconstruction (including line-marking, bollard installation, etc.) of the accessible parking space in accordance with the requirements of the current edition Australian Standard AS/NZS 2890: Parking Facilities, other applicable Australian Standards and the detailed designs and design reports

within the Construction Certificate. Certification by a suitably qualified person that construction is complete is to be provided to the Principal Certifier.

- 5.7. Complete the civil engineering works within the development site in accordance with the detailed design drawings and design reports plans within the Construction Certificate.
- 5.8. Submit certification from a qualified Civil or Structural Engineer to Council stating that all slabs, footings and/or piers within the zone of influence associated with the existing Council stormwater system and/or drainage easement have been constructed in accordance with the Construction Certificate.
- 5.9. Submit to Council a post-construction Dilapidation Survey of Council's existing stormwater infrastructure through the development site, in accordance with Council's *Technical Specifications – CCTV Inspections*. The pre-construction and post-construction Dilapidation Surveys will be used by Council to assess if any Council stormwater assets have been damaged by the works.

The post-construction/demolition Dilapidation Survey / Report must be submitted to Council for review and approval. Any damage to Council's stormwater infrastructure is to be rectified in accordance with Council's specifications and written approval from Council is to be provided. Council's written approval must be submitted to the Principal Certifier prior to the issue of any Occupation Certificate.

- 5.10. Submit to the Principal Certifier certification prepared by a Registered Surveyor certifying that all construction has been affected within the appropriate property and easement boundaries. The certification must be accompanied by a copy of the final survey plan, with the distances from the boundaries to the edges of these structures endorsed in red and signed by the Surveyor.
- 5.11. 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.
- 5.12. Prior to the issue of any Occupation Certificate, the *Flood Emergency Response Plan* prepared by Water Technology – Water, Coastal and Environmental Consultants (Reference 24050039_R01, Version 03, dated 09/10/2023), is to be updated to include monitoring of the flood marker post required by condition 2.6 of this consent.
- 5.13. Submit to the Principal Certifier, prior to the issue of an Occupation Certificate, certification prepared by a registered structural engineering professional to confirm the new school building structure has been designed and constructed to withstand the applicable PMF floodwater forces (as per the PMF flooding characteristics detailed in Condition 2.4 of this consent).

6.ONGOING

- 6.1. Maintain the site landscaping for the life of the development.
- 6.2. Operate and maintain all external lighting so as not to impact on any adjoining property.
- 6.3. Construct, operate and manage the site in accordance with the Noise Impact Assessment prepared by Stantec, dated 30 March 2023.
- 6.4. Do not give rise to offensive noise as defined in the *Protection of the Environment Operations Act 1997*.
- 6.5. The *Flood Emergency Response Plan (FERP)* applicable to the site is to be implemented, with a readily accessible hard copy available to employees at all times. The *FERP* is to be updated annually, in

consultation with the NSW State Emergency Service, to incorporate any applicable new and/or revised regulatory requirements and/or recommendations, and any changes to flood levels applicable to the site due to updated flood modelling and/or climate change impacts.

- 6.6 The maximum number of students attending the school must not to exceed 308. The maximum staff is 20 FTE and 12 part time.
- 6.7 The Operators of St Cecilia's shall comply with the *Flood Emergency Response Plan* (FERP) prepared by Water Technology - Water, Coastal and Environmental Consultants and dated 9 October 2023 at all times and incorporate the key emergency management considerations including the key list of features to be incorporated on the premises to mitigate flood impacts, and actions contained within Chapter 6 of the FERP.

The operators of St Cecilia's shall update any relevant school policy and/or procedures in accordance with the FERP.

7. 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

- 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.

- 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)

- 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.
- 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.