



APPENDIX C – STATUTORY COMPLIANCE TABLE

New Eileen O'Connor Catholic School
SSD - 67173718

84 Gavenlock Road, Mardi
Catholic Schools Broken Bay

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Version	Prepared By	Reviewed By	Issued To	Date
A	A. Näreneva	P. Smith	SDA and RPI	23 April 2025
B	Nareneva & P. Smith	S. Earp	DPHI	04 July 2025

Appendix C – Statutory Compliance Table

Table 1 Statutory Compliance Table			
Statutory Reference	Relevant Considerations	Assessment	Section in EIS
<i>Environmental Planning and Assessment Act 1979 (EP&A Act)</i>			
Section 1.3 Objects of Act	<i>(a) to promote the social and economic welfare of the community and a better environment by the proper management, development and conservation of the State's natural and other resources,</i>	<p>The proposal will result in a new independent school to provide inclusive education for students with a disability at the purpose-built K-12 Eileen O'Connor Catholic School using land located within St Peter's Catholic School, Mardi. The design will provide modern fit-for-purpose educational facilities that maximise amenity, access and sustainability, respond to the environmental context of the site whilst limiting the adverse impacts to existing residents.</p> <p>The proposed new school includes the creation of both construction and teaching jobs. The land is within a growth corridor where 2-3% population growth is predicted and is near the Tuggerah Strategic Centre. The proposed new school has been assessed with regard to the proper management and development during the subdivision process. The proposal will result in a development that has regard for the opportunities and constraints of the land.</p>	<p>Section 6.9 Biodiversity Section 6.19 Social Impact</p>
	<i>(b) to facilitate ecologically sustainable development by integrating relevant economic, environmental and social considerations in decision-making about environmental planning and assessment,</i>	<p>The school has been designed to meet all objectives outlined by the SEARs. An ESD report has been prepared detailing the ecologically sustainable components of the project, including compliance with Section J of the NCC, demonstrating how ESD principles will be incorporated into the design and ongoing operation of the development, minimising consumption of resources, potable water and energy. The ESD Report details how the future development would be designed to consider and reflect national best practice sustainable building principles and improve environmental performance and reduce ecological impact; and details how environmental design will be achieved in accordance with the GANSW Environmental Design in Schools Manual (GANSW 2018).</p> <p>The GANSW requirements provide a project-specific design guide benchmarked to Australian Best Practice ESD, and work to ensure that the project is designed to address future climate related events. Therefore, the use of these standards demonstrates the achievement of the SEARs objectives. Further sustainability outcomes have also been drawn from the general sustainability sections of this report and demonstrate a strong focus on delivering social, environmental, and economic sustainability from this project.</p>	<p>Section 6.6 Ecologically Sustainable Development</p>
	<i>(c) to promote the orderly and economic use and development of land,</i>	<p>The proposal will provide K-12 school infrastructure for approximately 200 students designed in accordance with EFSG principles and will provide employment in the area. The proposal represents orderly and economic use and development of the land.</p>	<p>N/A</p>

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	(d) to promote the delivery and maintenance of affordable housing,	The proposal will provide independent K-12 school infrastructure for students with a disability, which is a critical local service and will support the Tuggerah and Wyong Northern Growth Corridor forecasted new dwellings and development.	N/A
	(e) to protect the environment, including the conservation of threatened and other species of native animals and plants, ecological communities and their habitats,	In order to avoid and minimise potential impacts of the proposed development on local biodiversity values, a series of mitigation and management measures have been identified, which are to be implemented as part of any Construction Environmental Management Plan (CEMP) produced for the site. This includes assigning a Project Ecologist to undertake an extensive pre-clearing survey and to supervise the clearing of all vegetation and dam in relation to the proposed development. Trees have been retained where possible and removed according to the Arborist report. Additional tree plantings have been added complying with RFS requirements.	Section 6.5 Trees and Landscaping Section 6.9 Biodiversity
	(f) to promote the sustainable management of built and cultural heritage (including Aboriginal cultural heritage),	An Aboriginal Cultural Heritage Assessment (ACHA) has been prepared for the proposal and includes consultation with 12 registered Aboriginal parties (RAPs). The ACHA concluded that given the significant historical land disturbance and the underlying landform within the study area boundaries, it is unlikely that any intact archaeological deposits would remain within the study area. During the design process, the project team undertook consultation with Aboriginal parties to ensure the design includes Connection with Country. There are no items of European heritage significance proximate to the site.	Section 6.17 Aboriginal Cultural Heritage
	(g) to promote good design and amenity of the built environment,	The proposal has been designed in accordance with the <i>Educational Facilities Standards Guide; Better Placed – Design Guide for Schools; Designing for Country – Discussion Paper; Better Placed – Draft Connecting with Country</i> and the Design Principles in Schedule 8 of <i>State Environmental Planning Policy (Transport & Infrastructure) 2021</i> . In addition, the project team has consulted with the <i>State Design Review Panel</i> on two occasions. The proposal promotes good design and amenity for students, staff and neighbouring residents.	Section 6.1 Design quality, Section 6.2 Built Form and Urban Design, Section 6.3 Environmental Amenity
	(h) to promote the proper construction and maintenance of buildings, including the protection of the health and safety of their occupants,	The building has been designed in accordance with the design principles from the EFSG, Government Architect and SEPP T&I. It is also in compliance with Section J of the NCC, demonstrating how ESD principles incorporated into the design and ongoing operation of the development, minimising consumption of resources, potable water and energy. The ESD Report details how the future development would be designed to consider and reflect national best practice sustainable	Section 6.1 Design Quality Section 6.2 Built form and urban design

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		building principles and improve environmental performance and reduce ecological impact.	
	(i) to promote the sharing of the responsibility for environmental planning and assessment between the different levels of government in the State,	The proposal is State Significant development in accordance with Schedule 1 of <i>State Environmental Planning Policy (Planning Systems) 2021</i> and accordingly the environmental planning and assessment is managed at the State level by the Department of Planning and Environment. However, the project team has also engaged in consultation with Central Coast Local Council in addition to local authorities.	Section 5.3 Government Stakeholder Consultation
	(j) to provide increased opportunity for community participation in environmental planning and assessment.	Community engagement has been undertaken for this proposal in accordance with <i>Undertaking Engagement Guidelines for State Significant Projects</i> . Community engagement included a project website page, Project Reference Group including a parent representative, distribution of project communications to local residents, community information sessions, and engagement with Aboriginal representatives.	Section 5 Community Engagement
Section 4.1.5 Evaluation	Relevant Environmental Planning Instruments <ul style="list-style-type: none"> State Environmental Planning Policy (<i>Planning Systems</i>) 2021 (SEPP PS) State Environmental Planning Policy (<i>Resilience and Hazards</i>) 2021 (SEPP R&H) State Environmental Planning Policy (<i>Transport and Infrastructure</i>) 2021 (SEPP T&I) State Environmental Planning Policy (<i>Biodiversity and Conservation</i>) 2021 (SEPP B&C) State Environmental Planning Policy (<i>Industry and Employment</i>) 2021 (SEPP I&E) 	Refer to detail below under State Environmental Planning Policies (SEPPs)	Various
	Draft environmental planning instruments	There are no relevant draft environmental instruments relating to this site.	N/A
	Relevant planning agreement or draft planning agreement	There are no relevant planning agreements or draft planning agreements relating to this site	N/A
	Development Control Plans <ul style="list-style-type: none"> Central Coast Development Control Plan 2022 	Refer to detail below under development control plans	See below

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	<i>The likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality.</i>	A detailed assessment is carried out in Section 6 of the EIS.	Section 6 Impact Assessment
	<i>The suitability of the site for the development</i>	A detailed assessment is carried out in Section 6 of the EIS, which concludes that if contamination is encountered, subject to completion of the Remediation Action Plan and implementation of the mitigation measures set out in Appendix E , the site can be made suitable for the proposed educational establishment development.	Section 6 Impact Assessment
	<i>Any submissions made</i>	The consent authority must consider any submissions made during the assessment of this application.	N/A
	<i>The public interest</i>	A detailed discussion setting out how the proposed educational establishment is in the public interest is set out in Section 7.9 of the EIS. Generally, the project is considered to be in the public interest as it is providing school infrastructure. The land is currently approved for educational use for St Peters Catholic College, which occupies the remainder of the wider site. The development will result in new Catholic education facilities to support students with diverse special needs that cannot be adequately supported in a mainstream educational environment.	Section 7.9 Public Interest
Section 4.41 Approvals etc legislation that does not apply	<p>Section 4.41 outlines the range of approvals that are not required for SSD. Approvals that would otherwise be required for this project are:</p> <ul style="list-style-type: none"> The site is partially mapped as bushfire prone land, however s4.41 confirms that a Bushfire safety authority under section 100B of the <i>Rural Fires Act 1997</i> is not required. The proposed works include dewatering of a dam, which is a mapped water body under the Water Management Regulation. However, s4.41 confirms that a controlled activity approval under section 91 of the <i>Water Management Act 2000</i> is not required. <p>Notwithstanding an assessment against the statutory considerations that would be required to obtain these approvals has been carried out, which conclude that the consent authority can be satisfied that the proposed works will be carried out in accordance with the requirements of these two approvals.</p>		Section 6.21 Bushfire Risk Section 6.12 Water Management
Section 4.42 Approvals etc legislation that must be applied consistently	<p>An authorisation of the following kind cannot be refused if it is necessary for carrying out SSD that is authorised by a development consent under this Division and is to be substantially consistent with the consent –</p> <p>f) a consent under Section 138 of the Roads Act 1993.</p> <p>In this regard the proposal includes the provision of:</p> <ul style="list-style-type: none"> Road widening works along a portion of Keefers Glen construction of a new footpath along the eastern side of Keefers Glen between the site and Brickenden Road. 		Section 6.7 Civil Road Design Section 6.8 Traffic, Transport and Accessibility

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	<ul style="list-style-type: none"> vehicle crossings to the on-site carpark <p>These works would ordinarily require approval under s138 of the Roads Act, therefore should the consent authority approve the SSD application, subject to the s138 Roads Application being substantially the same as the works proposed in the SSD, the application cannot be refused. Detailed assessment of the impacts of the new road works and vehicle crossings is included Section 6.7 and 6.8 of the EIS. The assessment concludes that the proposed road network is suitable for the proposed development.</p>		
Environmental Planning and Assessment Regulation 2021			
Part 8 Infrastructure and environmental impact assessment	S192 The reasons justifying the development, including the principles of ESD are required to be considered in the assessment of the proposal.	The assessment of the proposal is set out in Section 6 of the EIS, with ESD at Section 6.6 . The justification of the proposal is at Section 7 . An ESD report has been prepared by Northrop at Appendix Q , which address these matters.	Section 6.6 and Appendix Q
Relevant Environmental Planning Instruments			
State Environmental Planning Policy (Planning Systems) 2021 (SEPP PS) Chapter 2 State and regional development			
Section 2.6	In accordance with Schedule 1 Section 15(1) of SEPP PS, development for the purposes of a new school with a capital investment value (CIV) of more than \$20 million is declared as State Significant Development (SSD)	The proposed development is for the construction of a new school and will have a CIV of more than \$20 million. Therefore, the proposed development is declared as SSD	N/A
Section 2.10 Application of development control plans to State significant development	Section 2.10 of SEPP PS states that a development control plan does not apply to State significant development.	Notwithstanding, consideration has been given to the following provisions under the Central Coast Council Development Control Plan: <ul style="list-style-type: none"> Part 1: Introduction Part 2: Development Provisions Part 3: Environmental Controls 	N/A
State Environmental Planning Policy (Resilience and Hazards) 2021 (SEPP R&H) Chapter 4 – Remediation of Land			

Table 1 Statutory Compliance Table			
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Section 4.6 Contamination and remediation to be considered in determining development application	Chapter 4 of SEPP R&H relates to remediation of contaminated land and requires, amongst other things, investigations to be undertaken as part of the development assessment process, to determine whether the site is likely to be contaminated and if so, what remediation work is required. Section 4.6 of SEPP R&H requires that a consent authority must not grant consent to a development unless it has considered whether a site is contaminated, and it is satisfied that the land is suitable (or will be after undergoing remediation) for the proposed use.	A Preliminary Site Investigation (PSI) was carried out by Raw Earth Environmental (Appendix X), which established the need for a Detailed Site Investigation (DSI). The DSI has been also prepared by Raw Earth Environmental (Appendix Y) and identifies that there is one area of potential primary contamination source associated with the site. This is considered to be related to current and/or previous business operations at the site. The DSI concludes that in accordance with relevant Australian Standards and guidelines that the site can be made suitable for the ongoing proposed land-use subject to adherence to the Remediation Action Plan (RAP) prepared by Raw Earth Environmental (Appendix Z). An EPA accredited Site Auditor, Ramboll has been appointed to the project and has prepared an Interim Audit Report (Appendix AA) following a review of the contamination and remediation documentation. This report concludes that subject to carrying out the recommendations of the Remediation Action Plan, the site is capable of being made suitable for the proposed use for a school.	Section 6.15 Contamination and Remediation
State Environmental Planning Policy (Transport and Infrastructure) 2021 (SEPP T&I) Chapter 2 - Infrastructure			
Part 2.3 Development controls Division 5 Electricity transmission or distribution networks			
Section 2.48 Determination of development applications – other development	Section 2.48 of SEPP T&I relates to the determination of a development that involves works within 2m of an underground electricity power line and adjacent to an electricity substation. The consent authority must provide written notice to the electricity supply authority for the area in which the development is being carried out and take into consideration any response to that notice within 21 days after notice is given.	The proposed works involve the installation of new electrical infrastructure including a new padmount substation on the south-western frontage of the site to Keefers Glen. Including provisioning for charging of EV vehicles in the car park. An Infrastructure Management Plan has been prepared by JHA Consulting Engineers (Appendix MM). Endeavour Energy has responded to requests for JHA, with a Supply Offer detailed the proposed connection and substation arrangements for the site. This is appended to the Infrastructure Management Plan Accordingly, the proposed works are consistent with this provision.	Section 3.2 Detailed Project Description Section 6.20 Infrastructure Requirements and Utilities
Part 2.3 Development controls Division 17 Roads and road infrastructure facilities			
Section 2.120 Impact of road noise or vibration on	Section 2.120 of SEPP T&I applies to development for the purposes of an educational establishment that is on land adjacent to a road with an annual average traffic volume of more than 20,000 vehicles (based on traffic volume data published	Assessment criteria for noise and vibration impacts have been established based on EPA guidelines, and other standards relevant to the potential impacts identified. The predicted likely impacts have been assessed against those criteria.	Section 6.8 Traffic, Transport and Accessibility

Table 1 Statutory Compliance Table			
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non-road development	on the website of TfNSW) and that the consent authority	<p>Based on the outcomes of the assessment, controls and mitigation have been proposed to prevent adverse environmental noise impacts at the surrounding properties, and to maintain acceptable school occupant amenity. The preliminary noise and vibration controls and mitigation recommendations are provided to maintain the neighbouring residential amenity.</p> <p>The assessment indicates that the adoption of the recommended controls and mitigation will:</p> <ul style="list-style-type: none"> adequately mitigate impacts at the surrounding receivers from construction and operational noise emissions. prevent adverse impacts on school occupant amenity from local environmental noise and vibration sources of the classrooms and other learning spaces has been provided in the Acoustic Assessment prepared by Acoustic Logic (Appendix U). 	
Section 2.122 Traffic-generating development	Section 2.122 applies to traffic generating development as specified under Schedule 3 of SEPP T&I and relates to new development of the relevant size or capacity. Schedule 3 of SEPP T&I includes any development that generates 200 or more motor vehicles per hour with access to any road.	<p>The proposed new school is expected to generate more than 213 motor trips vehicle per hour during the AM peak period and 156 motor vehicle trips per hour during the PM school peak periods. Therefore, the proposed new school development is considered to be traffic generating development pursuant to Section 2.122 of SEPP T&I and will require referral to TfNSW.</p> <p>Traffic impacts associated within the proposed development are discussed in Section 6.8 of the EIS and assessed within the Transport and Accessibility Impact Assessment prepared by Traffix (Appendix R).</p> <p>TfNSW have been engaged during the design process and their responses have been incorporated into the design of the new school.</p>	Section 6.8 Traffic, Transport and Accessibility
State Environmental Planning Policy (Transport and Infrastructure) 2021 Chapter 3 – Educational Establishments and child care facilities			
Section 3.36 Schools – development permitted with consent	(1) Development for the purpose of a school may be carried out by any person with development consent on land in a prescribed zone.	The R2 zone is a prescribed zone for the purposes of educational establishments under section 3.34 of SEPP T&I.	N/A

Table 1 Statutory Compliance Table			
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	<p>(6) Before determining a development application for development of a kind referred to in subsection (1), (3) or (5), the consent authority must take into consideration—</p> <p>(a) the design quality of the development when evaluated in accordance with the design quality principles set out in Schedule 8, and</p> <p>(b) whether the development enables the use of school facilities (including recreational facilities) to be shared with the community.</p>	<p>In relation to Section 3.36(6)(a) of SEPP T&I, an assessment of proposed school development against the seven (7) design quality principles set out in Schedule 8 is provided in the Architectural Design Report prepared by Stanton Dahl Architects (Appendix I). In addition, the proposed development has been reviewed by the State Design Review Panel (SDRP) and matters raised by the SDRP have been addressed in the design of the new school.</p> <p>In regard to section 3.36(6)(b) of SEPP T&I, the new school will not be able to be used by the local community as the proposed school is an independent school.</p>	Sections 6.1 Design quality
	(9) A provision of a development control plan that specifies a requirement, standard or control in relation to development of a kind referred to in subsection (1), (2), (3) or (5) is of no effect, regardless of when the development control plan was made.	Section 3.36(9) of SEPP T&I sets out that the provisions of the DCP have no effect in relation to a development proposed under section 3.36(1) of SEPP T&I. Nevertheless, consideration of the relevant provisions of the DCP are detailed in this table.	See below
Section 3.58 Traffic-generating development	As development will accommodate 50 or more students, consent authority must notify TfNSW and have regard for any submission received from TfNSW. They must also take into consideration site accessibility and traffic impacts.	TfNSW have been consulted during the design process and their feedback implemented into the proposed scheme. A Traffic Impact Assessment has been prepared by Traffix (Appendix R), which provides an overview of the transport available to access the site and concludes that the development will not have unacceptable traffic impacts. A Green Travel Plan has been prepared by Traffix (Appendix S) to encourage active, sustainable and public transport options.	Section 6.8 Traffic, Transport and Accessibility
State Environmental Planning Policy (Biodiversity and Conservation) 2021 Chapter 2 Vegetation in non-rural areas			
Section 2.6 Clearing that requires a permit	Clearing of native vegetation in a non-rural area requires consent unless. However, clearing over the biodiversity offsets threshold does not require	The proposal involves clearing of 0.5ha of moderate condition and low condition native vegetation to facilitate the development. In order to avoid and minimise potential impacts of the proposed development on local biodiversity values, a series of mitigation and management measures have been identified, which are to be implemented as part	Section 6.5 Trees and Landscaping

Table 1 Statutory Compliance Table			
Statutory Reference	Relevant Considerations	Assessment	Section in EIS
	authority conferred by the Native Vegetation Panel on biodiversity certified land.	<p>of any Construction Environmental Management Plan (CEMP) produced for the site. This includes assigning a Project Ecologist to undertake an extensive pre-clearing survey and to supervise the clearing of all vegetation and dam in relation to the proposed development.</p> <p>These works are detailed in the Biodiversity Development Assessment Report (Appendix O), Arborist Report prepared by Bellevue Tree Consultants (Appendix N) and Landscape Plans (Appendix M1) and Landscape Report (Appendix M2) prepared by Inviewdesign.</p>	Section 6.9 Biodiversity
State Environmental Planning Policy (Biodiversity and Conservation) 2021 Chapter 4 Koala habitat protection 2021			
Section 4.8 Development assessment process – approved koala plan of management for land	The application must be consistent with the approved koala plan of management that applies to the land.	<p>A site assessment was undertaken to determine whether the land contained core koala habitat, which is defined by the SEPP as:</p> <ul style="list-style-type: none"> an area of land which has been assessed by a suitably qualified and experienced person as being highly suitable koala habitat and where koalas are recorded as being present at the time of assessment of the land as highly suitable koala habitat, or an area of land which has been assessed by a suitably qualified and experienced person as being highly suitable koala habitat and where koalas have been recorded as being present in the previous 18 years. <p>Although the Subject Land contained suitable habitat (where 15% or greater of the total number of trees are the regionally relevant species of those listed in Schedule 2 of the SEPP), no signs of koala's or koala occupancy (scats, scratch marks) were observed within the Subject land during targeted SAT surveys. In addition, there are no Koala records recorded within the Subject Property in the last 18 years. Furthermore, only three (3) Koala records are located within 2.5km of the site, within the last 18 years. With the closest being approximately 2km away from 2017. It was therefore determined that owing to the survey effort conducted within the Subject Land and the minimal proximal records, the Subject Land is unlikely to constitute core koala habitat, and no further assessment under the SEPP (i.e. Koala Assessment Report) should be required.</p> <p>Targeted surveys were undertaken for koalas that were identified by the BAM-C as having the potential to utilise the habitat within the Subject Land. Targeted surveys for these species were required to determine their presence or absence. The targeted survey effort undertaken for koalas is detailed in the Biodiversity Development Assessment Report</p>	Section 6.9 Biodiversity

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		(Appendix O). None of the surveyed for BAMC predicted mammal species were identified within the Subject Land or its surrounds.	

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Statutory Reference	Relevant Considerations	Assessment	Compliant	Section in EIS
Central Coast Local Environmental Plan 2022				
Part 2 Permitted or prohibited development	2.1 Land use zone Zone R2 Low Density Residential Objectives of zone <ul style="list-style-type: none"> To provide for the housing needs of the community within a low density residential environment. To enable other land uses that provide facilities or services to meet the day to day needs of residents. To encourage best practice in the design of low density residential development. To ensure that non-residential uses do not adversely affect residential amenity or place unreasonable demands on services. To maintain and enhance the residential amenity and character of the surrounding area. Permitted with consent - Educational establishments	The proposed subdivision is on land zoned R2 Low Density Residential (R2 zone) under Central Coast Local Environmental Plan 2022 (CCLEP) and educational establishments are permitted with consent. In addition, the R2 zone is a prescribed zone for the purposes of school development pursuant to Section 3.34 of SEPP T&I. The neighbouring zone immediately adjacent to the school is also R2 and C3 zone to the east. The proposed development is considered to be consistent with the zone objectives for the development zone as it provides facilities to meet the day to day needs of residents.	Yes	Section 4 Statutory Context
	Zone C3 Environmental Management Objectives of zone <ul style="list-style-type: none"> To protect, manage and restore areas with special ecological, scientific, cultural or aesthetic values. To provide for a limited range of development that does not have an adverse effect on those values. 	The proposed subdivision is on land zoned R2 Low Density Residential (R2 zone) under Central Coast Local Environmental Plan 2022 (CCLEP) and educational establishments are permitted with consent. In addition, the R2 zone is a prescribed zone for the purposes of school development pursuant to Section 3.34 of SEPP T&I. The neighbouring zone immediately adjacent to the east is C3 zone. The proposed development is not located within the C3 zone.	N/A	Section 4 Statutory Context

Table 1 Statutory Compliance Table				
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	<ul style="list-style-type: none"> To provide a buffer to land of high ecological value or land that has environmental constraints or hazards. <p>Not permitted with consent</p>			
	<p>2.6 Subdivision – consent requirements</p> <p>(1) Land to which this Plan applies may be subdivided, but only with development consent.</p>	<p>The proposal includes a subdivision of land to create two allotments with the existing site, one to accommodate the existing St Peters Catholic College and the other to accommodate the new Eileen O'Connor Catholic School.</p> <p>The proposed subdivision will result in two lots that exceed the minimum lot size of 450m² and is therefore consistent with the lot size map clause.</p> <p>Notwithstanding that the land upon which the development is proposed is an existing educational establishment, the new Eileen O'Connor Catholic School requires a new registration under the Education Act 1990 and is seeking subdivision for autonomous operation. Accordingly, the development is for a new school with a CIV of more than \$20 million and it is SSD.</p>	Yes	<p>Section 3.1 Project Overview</p> <p>Section 4 Statutory Context</p>
	<p>2.7 Demolition requires development consent</p> <p>The demolition of a building or work may be carried out only with development consent.</p>	<p>The proposed development includes demolition of existing structures, tree removal, and site preparation works</p>	Yes	<p>Section 3.1 Project Overview</p> <p>Section 4 Statutory Context</p>
Principal development standards	<p>4.1 Minimum subdivision lot size:</p> <ul style="list-style-type: none"> 450 m² 40 ha (north-eastern corner) 	<p>The proposed subdivision will result in two lots that exceed the minimum lot size of 450m² and is therefore consistent with the lot size map clause.</p>	Yes	<p>Section 3.1 Project Overview</p> <p>Section 4 Statutory Context</p>
	<p>4.1E Exception to minimum subdivision lot sizes for certain split zones</p> <p>(1) The objectives of this clause are as follows—</p>	<p>The proposed subdivision will result in two lots that exceed the minimum lot size of 450m² and is therefore consistent with the lot size map clause.</p>	Yes	<p>Section 4 Statutory Context</p>

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	<p>(a) to provide for the subdivision of lots that are within more than 1 zone but cannot be subdivided under clause 4.1,</p> <p>(b) to ensure the subdivision occurs in a way that promotes suitable land uses and development.</p> <p>(2) This clause applies to each lot (an original lot) that contains—</p> <p>(a) land in Zone R5 Large Lot Residential or Zone C4 Environmental Living, and</p> <p>(b) land in Zone C2 Environmental Conservation or Zone C3 Environmental Management.</p> <p>(3) An original lot may be subdivided to create other lots (the resulting lots) if—</p> <p>(a) all resulting lots containing land in Zone R5 Large Lot Residential contain at least 1 hectare of land in Zone R5 Large Lot Residential, and</p> <p>(b) all resulting lots containing land in Zone C4 Environmental Living contain at least 0.5 hectares of land in Zone C4 Environmental Living, and</p> <p>(c) 1 of the resulting lots—</p> <p>(i) contains all of the land in Zone C2 Environmental Conservation or Zone C3 Environmental Management that was in the original lot, and</p> <p>(ii) has an area in hectares of at least the number calculated in accordance with the following formula—</p> <p>where—</p>	<p>The proposed subdivision is on land zoned R2 Low Density Residential (R2 zone) under Central Coast Local Environmental Plan 2022 (CCLEP) and educational establishments are permitted with consent. In addition, the R2 zone is a prescribed zone for the purposes of school development pursuant to Section 3.34 of SEPP T&I.</p> <p>The neighbouring zone immediately adjacent to the east is C3 zone. The proposed development is not located within the C3 zone.</p>		

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	<p>A is the number of resulting lots containing land in Zone R5 Large Lot Residential or Zone C4 Environmental Living, but does not include a lot containing at least 2 hectares of land in either zone.</p> <p>B is the area of any part of the resulting lots containing land in Zone R5 Large Lot Residential or Zone C4 Environmental Living measured in hectares, but does not include any part of a lot containing at least 2 hectares of land in either zone.</p> <p>(4) Development consent must not be granted for a subdivision under subclause (3) unless—</p> <p>(a) the land referred to in subclause (3)(c) will not be used for the following purposes—</p> <p>(i) eco-tourist facilities,</p> <p>(ii) residential accommodation,</p> <p>(iii) tourist and visitor accommodation, and</p> <p>(b) the consent authority is satisfied suitable arrangements have been, or will be, made for the long-term conservation and management of the land referred to in subclause (3)(c).</p>			
	4.3 Height of buildings	The Height of buildings map indicates that the site is not subject to a maximum building height. The proposed building of two storeys will be considered on merit.	Yes	Section 3.1 Project Overview
	4.4 Floor Space Ratio	The floor space ratio map indicates the subject site is not subject to maximum FSR. The proposed FSR of the development on site will be considered on merit.	Yes	Section 3.1 Project Overview

Table 1 Statutory Compliance Table				
Statutory Reference	Relevant Considerations	Assessment	Compliant	Section in EIS
Part 5 Miscellaneous provisions	<p>5.3 Development near zone boundaries</p> <p>(1) The objective of this clause is to provide flexibility where the investigation of a site and its surroundings reveals that a use allowed on the other side of a zone boundary would enable a more logical and appropriate development of the site and be compatible with the planning objectives and land uses for the adjoining zone.</p> <p>(2) This clause applies to so much of any land that is within the relevant distance of a boundary between any 2 zones. The relevant distance is 20m.</p> <p>(3) This clause does not apply to—</p> <p>(a) land in Zone RE1 Public Recreation, Zone C1 National Parks and Nature Reserves, Zone C2 Environmental Conservation, Zone C3 Environmental Management or Zone W1 Natural Waterways, or</p> <p>(b) land within the coastal zone, or</p> <p>(c) land proposed to be developed for the purpose of sex services or restricted premises.</p> <p>(4) Despite the provisions of this Plan relating to the purposes for which development may be carried out, development consent may be granted to development of land to which this clause applies for any purpose that may be carried out in the adjoining zone, but only if the consent authority is satisfied that—</p>	<p>The proposed subdivision is on land zoned R2 Low Density Residential (R2 zone) under Central Coast Local Environmental Plan 2022 (CCLEP) and educational establishments are permitted with consent. In addition, the R2 zone is a prescribed zone for the purposes of school development pursuant to Section 3.34 of SEPP T&I. The neighbouring zone immediately adjacent to the school is also R2 and C3 zone to the east to which this clause does not apply to.</p> <p>The proposed development is considered to be consistent with the zone objectives for the development zones.</p>	Yes	Section 6.2 Built Form and Urban Design

Table 1 Statutory Compliance Table				
Statutory Reference	Relevant Considerations	Assessment	Compliant	Section in EIS
	<p>(a) the development is not inconsistent with the objectives for development in both zones, and</p> <p>(b) the carrying out of the development is desirable due to compatible land use planning, infrastructure capacity and other planning principles relating to the efficient and timely development of land.</p> <p>(5) This clause does not prescribe a development standard that may be varied under this Plan.</p>			
	<p>5.1 Flood planning</p> <p>(1) The objectives of this clause are as follows—</p> <p>(a) to minimise the flood risk to life and property associated with the use of land,</p> <p>(b) to allow development on land that is compatible with the flood function and behaviour on the land, taking into account projected changes as a result of climate change,</p> <p>(c) to avoid adverse or cumulative impacts on flood behaviour and the environment,</p> <p>(d) to enable the safe occupation and efficient evacuation of people in the event of a flood.</p> <p>(2) Development consent must not be granted to development on land the consent authority considers to be within the flood planning area unless the consent authority is satisfied the development—</p> <p>(a) is compatible with the flood function and behaviour on the land, and</p>	<p>A Flood Impact and Risk Management Assessment prepared by Tooker + Associates. The Assessment provided as Appendix EE states that the proposed school is located outside flood affected lands and as such, will not be adversely affected by flood waters and will not adversely impact on flooding behaviour for adjacent sites.</p> <p>The site has the potential for local roads to be flood affected and be isolated during severe floods. The response will be shelter in place at the school site for short duration flooding where there is limited flood warning time and the roads are cut for less than 6 hours. This is in accord with the NSW Draft Shelter in Place guidelines. BoM will recognise this flooding because the rainfall will be intense and the response at Wyong Bridge will be quick and within 2 hours.</p> <p>For longer duration floods, the response for the proposed school will be to:</p> <ol style="list-style-type: none"> 1. Non school hours – message all parents once the BoM flood warning is provided to keep the school children at home; 2. School hours - message all parents once the BoM flood warning is provided to collect the children as soon as possible within three to four hours; 3. School hours – those children remaining after the first two actions above are to be bused to the Westfield Shopping Centre and remain under supervision until collected by their parents. 	Yes	Section 6.13 Flooding Risk

Table 1 Statutory Compliance Table				
Statutory Reference	Relevant Considerations	Assessment	Compliant	Section in EIS
	<p>(b) will not adversely affect flood behaviour in a way that results in detrimental increases in the potential flood affectation of other development or properties, and</p> <p>(c) will not adversely affect the safe occupation and efficient evacuation of people or exceed the capacity of existing evacuation routes for the surrounding area in the event of a flood, and</p> <p>(d) incorporates appropriate measures to manage risk to life in the event of a flood, and</p> <p>(e) will not adversely affect the environment or cause avoidable erosion, siltation, destruction of riparian vegetation or a reduction in the stability of river banks or watercourses.</p> <p>(3) In deciding whether to grant development consent on land to which this clause applies, the consent authority must consider the following matters—</p> <p>(a) the impact of the development on projected changes to flood behaviour as a result of climate change,</p> <p>(b) the intended design and scale of buildings resulting from the development,</p> <p>(c) whether the development incorporates measures to minimise the risk to life and ensure the safe evacuation of people in the event of a flood,</p> <p>(d) the potential to modify, relocate or remove buildings resulting from development if the surrounding area is impacted by flooding or coastal erosion.</p>	<p>The access to roads along the evacuation route will be available for up to 5 hours longer than the minimum 6 hours warning time. These warning and road access availability times are the worst case for the most severe PMF flood.</p> <p>The proposed school needs to prepare and implement with annual training a flood emergency response plan.</p>		

Table 1 Statutory Compliance Table				
Statutory Reference	Relevant Considerations	Assessment	Compliant	Section in EIS
	<p>5.22 Special flood consideration</p> <p>(1) The objectives of this clause are as follows—</p> <p>(a) to enable the safe occupation and evacuation of people subject to flooding,</p> <p>(b) to ensure development on land is compatible with the land's flood behaviour in the event of a flood,</p> <p>(c) to avoid adverse or cumulative impacts on flood behaviour,</p> <p>(d) to protect the operational capacity of emergency response facilities and critical infrastructure during flood events,</p> <p>(e) to avoid adverse effects of hazardous development on the environment during flood events.</p> <p>(2) This clause applies to—</p> <p>(a) for sensitive and hazardous development—land between the flood planning area and the probable maximum flood, and</p> <p>(b) for development that is not sensitive and hazardous development—land the consent authority considers to be land that, in the event of a flood, may—</p> <p>(i) cause a particular risk to life, and</p> <p>(ii) require the evacuation of people or other safety considerations.</p> <p>(3) Development consent must not be granted to development on land to which this clause applies</p>	<p>The proposed Eileen O'Connor Catholic School is located out of the PMF flood lands and as such, will not have any significant impact on the flood behaviour or be inundated by flood waters (refer Figure 4 for the 1% AEP plus climate change and Figure 5 for the PMF flood extents).</p> <p>The flood risk for the site is that it could be isolated for long periods during floods when roads are cut by flooding. It has been classified as "flood isolated elevated" by the report. This is the risk for both the 1% AEP and PMF floods although the roads are cut much later for the 1% AEP compared to the PMF flood. The flood evacuation risk has been based on the PMF flood.</p> <p>The proposed school is located outside flood affected lands and as such, will not be adversely affected by flood waters and will not adversely impact on flooding behaviour for adjacent sites.</p> <p>The site has the potential for local roads to be flood affected and be isolated during severe floods. The response will be shelter in place at the school site for short duration flooding where there is limited flood warning time and the roads are cut for less than 6 hours. This is in accord with the NSW Draft Shelter in Place guidelines. BoM will recognise this flooding because the rainfall will be intense and the response at Wyong Bridge will be quick and within 2 hours. For longer duration floods, the response for the proposed school will be to:</p> <ol style="list-style-type: none"> 1. Non school hours – message all parents and ASTP personnel once the BoM flood warning is provided to keep the school children at home; 2. School hours - message all parents and ASTP personnel once the BoM flood warning is provided to collect the children as soon as possible within three to four hours; 3. School hours – those children remaining after the first two actions above are to be bused and driven by ASTP personnel to the Westfield Shopping Centre and remain under supervision until collected by their parents. 	Yes	Section 6.13 Flooding Risk

Table 1 Statutory Compliance Table										
Statutory Reference	Relevant Considerations	Assessment	Compliant	Section in EIS						
	unless the consent authority has considered whether the development— (a) will affect the safe occupation and efficient evacuation of people in the event of a flood, and (b) incorporates appropriate measures to manage risk to life in the event of a flood, and (c) will adversely affect the environment in the event of a flood.									
Part 7 Additional local provisions	<p>7.1 Acid sulfate soils</p> <p>(1) The objective of this clause is to ensure development does not disturb, expose or drain acid sulfate soils and cause environmental damage.</p> <p>(2) Development consent is required for the carrying out of works described in the table to this subclause on land shown on the Acid Sulfate Soils Map as being of the class specified for those works.</p> <table><tr><th>Class of land</th><th>Works</th></tr><tr><td>4</td><td>- Works more than 2m below the natural ground surface. - Works by which the watertable is likely to be lowered more than 2m below the natural ground surface.</td></tr><tr><td>5</td><td>Works within 500m of adjacent Class 1, 2, 3 or 4 land that is below 5m Australian Height Datum and by which the</td></tr></table>	Class of land	Works	4	- Works more than 2m below the natural ground surface. - Works by which the watertable is likely to be lowered more than 2m below the natural ground surface.	5	Works within 500m of adjacent Class 1, 2, 3 or 4 land that is below 5m Australian Height Datum and by which the	<p>Class 3, 4 and 5 (development within Class 4+5)</p> <p>Raw Earth Environmental conducted and Acid Sulfate Soil (ASS) Investigation at the site to assess the subsurface soil conditions and the presence of ASS. The investigation included the advancement of six (6) boreholes to a maximum depth of 2.5m, soil characterisation, sampling and analysis. The key findings included groundwater intercepted within boreholes HA04, HA05 and HA06, all located to the northern portion of the development area. The soil analytical results indicated the presence of ASS within soils greater than 2.0m mark.</p>	Yes	Section 6.11 Ground and Water Conditions
Class of land	Works									
4	- Works more than 2m below the natural ground surface. - Works by which the watertable is likely to be lowered more than 2m below the natural ground surface.									
5	Works within 500m of adjacent Class 1, 2, 3 or 4 land that is below 5m Australian Height Datum and by which the									

Table 1 Statutory Compliance Table					
Statutory Reference	Relevant Considerations		Assessment	Compliant	Section in EIS
		<p>watertable is likely to be lowered below 1m Australian Height Datum on adjacent Class 1, 2, 3 or 4 land.</p> <p>(3) Development consent must not be granted under this clause for the carrying out of works unless an acid sulfate soils management plan has been—</p> <p>(a) prepared for the proposed works in accordance with the Acid Sulfate Soils Manual, and</p> <p>(b) has been provided to the consent authority.</p>			
	<p>7.22 Development near Zone C3 Environmental Management boundaries</p> <p>(1) This clause applies to land that is within 20m of land that is—</p> <p>(a) identified as "Dwelling Density" on the Dwelling Density Map, and</p> <p>(b) within Zone C3 Environmental Management, and</p> <p>(c) on or adjacent to the boundary of another zone.</p> <p>(2) Development consent may be granted to development of land to which this clause applies for a purpose that may be carried out in a zone adjoining the land if the consent authority is satisfied—</p> <p>(a) the development is not inconsistent with the objectives for development in both zones, and</p> <p>(b) the carrying out of the development is desirable due to compatible land use planning,</p>		<p>The proposed subdivision is on land zoned R2 Low Density Residential (R2 zone) under Central Coast Local Environmental Plan 2022 (CCLEP) and educational establishments are permitted with consent. In addition, the R2 zone is a prescribed zone for the purposes of school development pursuant to Section 3.34 of SEPP T&I.</p> <p>The proposed development is considered to be consistent with the zone objectives for the development zones.</p> <p>The site has been assessed in Section 6 of the EIS and the development has been designed in accordance with the opportunities and constraints of the site. The land is already being utilised for an educational purpose. Accordingly, the site is considered suitable for the proposed purpose.</p>	Yes	Section 4 Statutory Context

Table 1 Statutory Compliance Table				
Statutory Reference	Relevant Considerations	Assessment	Compliant	Section in EIS
	infrastructure capacity and other planning principles relating to the efficient and timely development of land.			
Draft Environmental Planning Instruments				
No draft Environmental Planning Instruments apply to this application.				
Considerations under other legislation				
<i>Environment Protection and Biodiversity Conservation Act 1999</i>	The <i>Environment Protection and Biodiversity Conservation Act 1999</i> (EPBC Act) is federal legislation which provides a legal framework to protect and manage nationally important flora, fauna, ecological communities and heritage places defined as 'matters of national environmental significance' (MNES). Part 3 Division 1 Subdivision C of the EPBC Act provides, amongst other things that a person must not take an action that has, will have or is likely to have a significant impact on a listed threatened species or a listed threatened ecological community unless a 'controlled action' approval has been granted under Section 133 of the EPBC Act.	<p>The site is not biodiversity certified land.</p> <p>In order to be protected as a matter of national environmental significance areas of the ecological community must meet both:</p> <ul style="list-style-type: none"> The key diagnostic characteristics listed in the approved conservation advice (DAWE 2021; Table 5); and Meet at least the minimum condition thresholds outlined in the approved conservation advice (DCCEEW 2022). <p>Vegetation Zones 1 and 2 were found to be part of the same patch within the Subject Land and have therefore been assessed together to determine if they meet the requirements for listing as this EEC under the EPBC Act. Vegetation Zones 1 and 2 were found not to meet all of the key diagnostic characteristics listed in the approved conservation advice</p>	Yes	Section 6.9 Biodiversity
<i>Biodiversity Conservation Act 2016 (BC Act)</i>	Biodiversity assessment and approvals under the Planning Act	The site is not biodiversity certified land. The biodiversity impacts of the proposed development have been assessed in accordance with the requirements of the Biodiversity Conservation Act 2016 and Biodiversity Conservation Regulation 2017.	Yes	Section 6.9 Biodiversity
<i>Water Management Act 2000</i>	Controlled activity approval	The proposed development involves works within 40 metres of a watercourse. The works involve dewatering of a dam and works within 40m of a mapped waterbody. Pursuant to s4.41 of the EP&A Act, SSD is not required to obtain a controlled activity approval. Notwithstanding, an assessment of the impacts of these works are at Section 6.12 and an	Yes	Section 6.12 Water Management

Table 1 Statutory Compliance Table				
Statutory Reference	Relevant Considerations	Assessment	Compliant	Section in EIS
		assessment of the relevant provisions of the Water Management Act is at Section 6.12		
Development Control Plan				
Central Coast Development Control Plan 2022				
Chapter 1	1.2 Notification of Development Proposals	The Chapter 1 controls do not apply to the proposed development as it is a state significant development.	N/A	
Chapter 2 Development Provisions				
2.13 Transport and Parking	<p><u>Primary school:</u> 1 space per staff member and 14 drop off spaces (can be on-street) per 100 students.</p> <p><u>Secondary school:</u> 1 space per staff and 7 drop off spaces (maybe on-street)</p> <p>Minimum of 2 spaces for disabled students to be provided on site for Primary and Secondary and 1 space for Pre-schools</p> <p>1 space per 8 senior/adult students for student parking</p> <p>Bus standing areas, parent drop-off and set-down are to be provided subject to a Transport Management Plan (TMP) based on anticipated mode split</p> <p>Adequate 'Kiss-and-Ride' facility is to be provided at all education establishments and is to be addressed in the TMP.</p>	<p>A Transport and Accessibility Impact Assessment (TAIA) has been prepared which establishes the transport strategy for the new school project, and which is supported by a Green Travel Plan, each of which have been prepared in response to the SEARs issued for this project.</p> <p>Application of Council's nominal DCP parking rate to 71 staff requires the development to provide a total of 71 staff car parking spaces.</p> <p>The Department of Planning and Environment and the Design Review Panel has advised a reduced staff parking rate should be explored to improve landscaping and promote active and public transport. The Australian Bureau of Statistics (ABS) Journey to Work travel mode data suggests that approximately 86% of people that work in Tuggerah travel to work via private vehicle. As such, the following parking rate is considered appropriate and in-line with current demands; 0.86 car parking spaces per staff member.</p> <p>The application of the above car parking rate requires the development to provide a total of 61 car parking spaces for the 71 staff members. The development proposes a total of 60 off-street staff parking spaces in-line with forecasted ABS demands. It should be noted that a site-specific Green Travel Plan has been prepared, which seeks to reduce private vehicle trips for staff below ABS figures.</p> <p>The proposed development provides five (5) managed DOPU spaces and room for an additional eight (8) cars to queue. The proposed DOPU</p>	Yes	Section 6.8 Traffic, Transport and Accessibility

Table 1 Statutory Compliance Table				
Statutory Reference	Relevant Considerations	Assessment	Compliant	Section in EIS
		<p>arrangement will ensure that all vehicles are contained within the site with no overflow onto Keefers Glen.</p> <p>the development being a Class 9b buildings (primary or secondary schools), is required to provide one (1) accessible parking space for every 100 car parking spaces or part thereof.</p>		
2.14. Site Waste Management	A Resource and Waste Management Plan (RWMP) is required to be submitted and approved as part of the development application and approval process for each new development on the Central Coast.	<p>The WMP addresses the requirements of the Consent Authority (Council) and conforms to the following reference documents:</p> <ul style="list-style-type: none"> Central Coast Local Environmental Plan 2022 (CCLEP 2022) Central Coast Development Control Plan 2022 (CCDCP 2022) Central Coast Council Waste Control Guidelines (2022) <p>Consideration has also been given to the following supplementary documents in the preparation of this WMP:</p> <ul style="list-style-type: none"> Better Practice Guide for Resource Recovery in Residential Developments (NSW EPA, 2019) Better Practice Guidelines for Waste Management and Recycling in Commercial and Residential Facilities (NSW EPA 2012). 	Yes	Section 6.16 Waste Management
Chapter 3 Environmental Controls				
3.1 Floodplain Management / Water Cycle Management	<p>Objectives</p> <ul style="list-style-type: none"> To minimise the risk to human life and damage to property by controlling development on flood prone land To apply a performance and merit based approach to all development decisions taking into account ecological, social, engineering safety and environmental considerations to ensure development is appropriate and sustainable To ensure that the development or use of floodplains waterways and riparian corridors 	<p>Site is located within Part B: Northern area floodplain management (Former Wyong LGA)</p> <p>The proposed Eileen O'Connor Catholic School is located out of the PMF flood lands and as such, will not have any significant impact on the flood behaviour or be inundated by flood waters.</p> <p>The flood risk for the site is that it could be isolated for long periods during floods when roads are cut by flooding. It has been classified as "flood isolated elevated" by the report. This is the risk for both the 1% AEP and PMF floods although the roads are cut much later for the 1% AEP compared to the PMF flood. The flood evacuation risk has been based on the PMF flood.</p>	Yes	

Table 1 Statutory Compliance Table				
Statutory Reference	Relevant Considerations	Assessment	Compliant	Section in EIS
	<p>does not adversely impact upon aesthetic, recreational and ecological values</p> <ul style="list-style-type: none"> To ensure that all land uses and essential services are appropriately sited and designed in recognition of all potential floods To promote flood compatible building design that considers requirements for the development of flood prone land and does not adversely impact on adjoining properties To establish guidelines for the development of flood prone land that are consistent with the NSW Flood Policy and NSW Floodplain Development Manual (2005) and as updated by the associated Floodplain Risk Management Guides 			
3.5 Tree and Vegetation Management	<p>Aims and objectives</p> <ul style="list-style-type: none"> To declare certain vegetation to be vegetation to which Part 2.3 of State Environmental Planning Policy (Biodiversity and Conservation) 2021 Chapter 2 Vegetation in Non-Rural Areas applies, such that a permit from the Council is required to remove that vegetation. To protect trees on privately owned land that contribute positively to the amenity, scenic landscape characteristics and ecological values of the Central Coast Local Government Area. To facilitate the removal of undesirable species, weeds, dangerous trees and inappropriate plantings, and to encourage 	<p>An Arborist Report has been prepared by Bellevue Tree Consultants (Error! Reference source not found.), which has assessed the health and species of the 103 prescribed trees currently located within the site.</p> <p>Thirty-two (32) trees are proposed for retention; of which 23 trees of low to moderate retention value and nine (9) high retention value trees.</p> <p>The proposal includes the removal of 71 trees on the site to facilitate the school development, open play space. Of these trees, 64 were assessed as having low to moderate retention value and 7 high retention value trees.</p>	Yes	Section 6.5 Trees and Landscaping

Table 1 Statutory Compliance Table				
Statutory Reference	Relevant Considerations	Assessment	Compliant	Section in EIS
	<p>their replacement with suitable local native species.</p> <ul style="list-style-type: none"> To minimise unnecessary injury to, or destruction of, trees and vegetation. 			