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| <b>JRPP Ref. No.:</b>        | 2013SYW025  |
| <b>DA No.:</b>               | DA13/0096   |
| <b>PROPOSED DEVELOPMENT:</b> | Kurrambee Special Needs School – Value: \$10.462 Million                        |
| <b>APPLICANT:</b>            | Inspira Property Group on behalf of NSW Department of Education and Communities |
| <b>REPORT BY:</b>            | Jonathon Wood, Environmental Planner (Contractor)                               |

## Assessment Report

### Executive Summary

A Development Application has been received from Inspira Property Group for a proposed education establishment (Kurrambee School) at Lot 11 DP 802940, No. 11 Water Street Werrington. Kurrambee School is a special needs educational establishment that current operates immediately to the east of the subject site as shown at Appendix 2. The school received special funding under the Building Education Revolution (BER) in 2009 to improve the existing facilities. The NSW Department of Education and Communities carried out a review of existing assets and found the most appropriate use of funds was establishing a new facility.

As the proposal is for a 'new' school on the site the proposal is not captured under SEPP (Infrastructure) 2007 as 'development that may be carried out without consent' and therefore the submission of a development application was required. The subject site contains a split zoning, with three (3) separate zones including:

- IN2 Light Industrial under the Penrith Local Environmental Plan (South Werrington Urban Village) 2009;
- SP2 Classified Road under the Penrith Local Environmental Plan 2010; and
- 1(d) Rural (Future Urban) under Interim Development Order No. 93- Penrith.

All works are contained on the 1(d) zoned land and the development is permissible with consent in the zone, being defined as an 'educational establishment'.

The proposed development is Crown Development has a capital investment value in excess of \$5 million. As such, the Sydney West Region Joint Planning Panel has the function of determining the application in accordance with Section 23G of the Environmental Planning and Assessment Act 1979.

The proposed development was advertised in the local newspapers and notified to the owners and occupiers of adjoining and nearby properties. A total of 50 property owners and occupiers were notified in the surrounding area and invited to make a submission during the 30 day exhibition period. No public submissions were received in relation to the proposal.

An assessment of the proposed development under Section 79C, 89, and 91 of the *Environmental Planning and Assessment Act 1979* has been undertaken and the following issues - discussed in detail in this report - have emerged as a result of this assessment process:

- Site design, context and setting

- Accessibility
- Access, parking and traffic
- Flora and fauna
- Aboriginal Archaeology
- Social and economic impacts
- Flooding and Stormwater management

The proposed development is in accordance with the relevant provisions of the Environmental Planning Instruments and Development Control Plan applicable to the subject site and is unlikely to have a negative impact on the surrounding environment. The proposed development will provide the delivering of educational programs to approximately 110 students between the ages of 4 and 18, all of which have some form of intellectual disability and many having additional physical, sensory and emotional disabilities. There will be 25 staff employed as part of the continued operations of the school. The site is suitable for the proposed development and the proposal is in the public interest. This report recommends that the application be approved subject to recommended conditions of consent.

There are 8 appendices to this report, as detailed below.

- Appendix No. 1 – Location Plan
- Appendix No. 2 – Aerial Views of Site
- Appendix No. 3 – Site Plan and Elevations
- Appendix No. 4 – Zoning Extract
- Appendix No. 5 – Landscape Plan
- Appendix No. 6 – Roads and Maritime Services Authority's Requirements
- Appendix No. 7 – NSW Office of Water Requirements
- Appendix No. 8 – Development Control Table

## **Background**

Kurrambee Special Purpose School currently operates from an existing facility located on the eastern side of Werrington Road, immediately opposite the subject site. The subject site currently accommodates an existing educational establishment, the Penrith Valley Learning Centre. Kurrambee SP school was identified for the allocation of funding under the Building Education Revolution (BER) and a review of existing assets by the NSW Department of Education and Communities identified the subject site as being the preferred location of the school.

The project timing seeks to have the new facility available for use by students for the first teaching period in 2014. In the context of Kurrambee and the delivery of programs for special needs students, ensuring a smooth transition between enrolment periods is a key consideration in the project timing.

A Pre-lodgement meeting was held on 30 August 2012 and the issues raised at pre-lodgement have been addressed by the applicant.

## **Site and Surrounds**

The subject site is located on the western side of Werrington Road, on the corner of Werrington Road and Water Street, approximately 150m north of the intersection of Werrington Road with the Great Western Highway (see Location plan at Appendix 1).

The subject site is an irregular shaped land parcel with a total size of 2.42 hectares

with a total frontage of 93m to Werrington Road. As addressed the site contains the existing Penrith Valley Learning Centre and a number of single storey buildings. The broader site contains a number of substantial trees as well as a small watercourse (Claremont Creek). The site is also affected by a sewer easement that is located in proximity to the existing watercourse.

The site is on the south-eastern fringe of the South Werrington Urban Village. The site is affected by the future Werrington Arterial Road that will cut across the north-western corner however the proposal does not impact on the delivery of the Werrington Arterial (see Appendix 6 for diagram of Werrington Arterial).

The site is surrounded by a variety of land uses, including the future Werrington Arterial Road and the South Werrington Urban Village industrial lands to the west, vacant land to the north, and existing light industrial land uses to the south.

### **The Proposed Development**

The development proposal consists of the following:

- Construction of a new special purpose educational establishment in three (3) stages including:
  - 17 new class rooms to accommodate approximately 110 students and 25 staff;
  - Multi-purpose building;
  - Hydrotherapy pool;
  - School administration building;
  - New playground areas;
  - Ancillary facilities including 22 accessible bathrooms;
  - Security Fencing.
- Construction of an at-grade car park accessed from the existing vehicular access point from Werrington Road that will accommodate parking for 29 vehicles and 10 mini buses.
- Restoration and re-vegetation works to existing riparian corridor;
- The proposed hours of operation are 8:00am to 3:30 pm Monday to Friday.

Refer to Appendix No. 3 for copies of the site plans and elevations which show details of the proposed works.

The following plans/documents have accompanied the Development Application:

- Architectural Drawings prepared by NSW Public Works & Midson Group Architecture;
- Landscape Drawings prepared by NSW Public Works & Midson Group Architecture;
- Statement of Environmental Effects prepared by Inspira Property Group;
- Flood, Stormwater and Drainage Concepts prepared by Taylor Thomson Whitting;
- Traffic, Transport & Parking Report prepared by TTW Consulting;
- BCA & Accessibility Audit Report prepared by BCA Logic;

- BCA Compliance Report prepared by AE & D;
- Acoustic Assessment Report prepared by Wilkinson Murray;
- Aboriginal Heritage Report prepared by Biosis;
- Fauna Assessment Report prepared by Abel Ecology;
- Flora Assessment Report prepared by Biosis;
- Vegetation Management Plan prepared by Biosis;
- Contamination Assessment: Phase 1 and 2 Reports prepared by Douglas Partners;
- Geotechnical Report prepared by Douglas Partners;
- Crime Prevention Through Environmental Design prepared by Inspira Property Group;
- Asbestos Management Plan prepared by Department of Education and Communities;
- Asbestos Register prepared by Department of Education and Communities;
- Security Specifications prepared by Department of Education and Communities;
- Construction Management Plan prepared by A W Edwards;
- Waste Management Plan prepared by A W Edwards;

## **Planning Assessment**

The proposed development has been assessed against Section 79C of the *Environmental Planning and Assessment Act* and based on this assessment, the following issues have been identified for further consideration.

### **1. Section 23G – Joint Regional Planning Panels**

Under Section 23G of the *EPPA*, a regional panel is taken to be the Council whose functions are conferred on a regional panel.

DAs for development by a Crown Authority with a CIV greater than \$5 million are to be determined by the relevant regional panel. The proposed development has a capital investment value of \$10.46 million. The Sydney West Region Joint Planning Panel therefore has the function of determining the subject Development Application in accordance with Section 23G of the *Environmental Planning and Assessment Act 1979*.

Penrith City Council officers have not yet briefed the Panel due to the expedient assessment of the development application and the need to ensure the timely determination of the development application.

### **2. Section 89 – Crown Developments**

The development application was lodged on behalf of the NSW Department of Education and Communities and therefore the proposal is defined as a Crown Development. In accordance with Section 89(1)(b) the proposed conditions of consent were provided to the applicant for their agreement. The agreed conditions can be found as an annexure to this report and therefore the Panel is able to determine the application including the imposition of the agreed conditions.

### **3. Section 91 – Integrated Development**

The proposal involves works within 40m of Claremont Creek and therefore the proposal was identified as Integrated Development as a Controlled Activity Approval would be required under the Water Management Act 2000. General Terms of Approval have been issued by the NSW Office of Water that can be found at Appendix No. 7.

However it is noted that as per Section 39 of the Water Management (General) Regulation 2011 public authorities are exempt from the need to obtain a Controlled Activity Approval that would normally be required under Section 91E(1) of the Water Management Act 2000. Therefore no condition is recommended requiring the proponent to obtain a Controlled Activity Approval prior to works commencing on site, as the Department of Education and Communities is exempt.

### **4. Section 79C(1)(a)(i) – Any Environmental Planning Instrument**

#### **State Environmental Planning Policy (Infrastructure) 2007 (SEPP2007)**

##### ***Clause 28 – Development permitted with consent (Educational Establishment)***

The SEPP provides that development for the purposes of an educational establishment is permitted with consent on land on which there is an existing educational establishment. The site contains an existing educational establishment, Penrith Valley Learning Centre, and therefore the proposal is permitted with consent under the Infrastructure SEPP.

Importantly Clause 8(1) of the SEPP provides that *‘if there is an inconsistency between this Policy and any of the following environmental planning instrument, whether made before or after the commencement of this Policy, this Policy prevails to the extent of the inconsistency’*. As detailed further in this report the provisions of this Clause serve to override the prohibition contained in Clause 16 of IDO 93.

##### ***Clause 32 – Determination of Development Applications (Educational Establishment)***

The SEPP requires that a consent authority must take into consideration the following relevant standards:

- (a) *School Facilities Standards—Landscape Standard—Version 22 (March 2002),*
- (b) *Schools Facilities Standards—Design Standard (Version 1/09/2006),*
- (c) *Schools Facilities Standards—Specification Standard (Version 01/11/2008).*

The proponent has provided certification that the development has been designed in accordance with the abovementioned standards.

##### ***Clause 104 – Traffic-Generating Development***

The DA was referred to the Sydney Region Development Advisory Committee (SRDAC) for consideration under *SEPP2007*, as the proposal involves the construction of an educational establishment with greater than 50 students. The SDRAC has raised no objection to the proposal subject to conditions (see Appendix No. 6). It is also noted that SRDAC confirmed that the proposal will not impact on the

future delivery of the Werrington Arterial, with Appendix 6 providing an indicative layout of the future arterial.

*State Environmental Planning Policy No. 55 – Remediation of Land (SEPP55)*

*SEPP55* aims to provide a framework for the assessment, management and remediation of contaminated land throughout the State. *SEPP55* prevents consent authorities from consenting to a development unless it has considered whether the land is contaminated and is satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for the purpose for which the development is proposed to be carried out.

Based on the Phase 1 & 2 Environmental Site Assessment submitted with the application, there is no evidence to suggest that the subject land has previously supported any activities which may have resulted in land contamination, and Council is not aware of any contaminating activities currently being undertaken on the site. This information is sufficient to conclude that the provisions of *SEPP55* have been satisfied and the land is suitable for an educational establishment.

*Sydney Regional Environmental Plan No. 9 – Extractive Industry (No. 2 – 1995)(SREP9)*

*SREP 9* identifies regionally significant extractive resources within the Sydney region to facilitate their utilisation. The plan ensures extraction is carried out in an environmentally acceptable manner and prohibits extraction from certain environmentally sensitive areas. It ensures that decisions on future urban expansion take into account the ability to realise the full potential of important deposits. There are no provisions contained in *SREP9* which are of relevance to this proposal.

*Sydney Regional Environmental Plan No. 20 – Hawkesbury-Nepean River (No. 2 – 1997)(SREP20)*

*SREP20* integrates planning with catchment management to protect the Hawkesbury-Nepean river system, requiring the impact of future land use to be considered in a regional context. The plan covers water quality and quantity, environmentally sensitive areas, riverine scenic quality, agriculture and urban and rural-residential development. It controls development that has the potential to impact on the river environment. The plan applies to all parts of the catchment in the Sydney region (15 local government areas), except for land covered by *Sydney Regional Environmental Plan No. 11 - Penrith Lakes Scheme (SREP11)*. *SREP11* is supported by an Action Plan, which includes actions necessary to improve existing conditions.

The proposal is in accordance with the general planning considerations set out in the *SREP 20* as well as relevant specific planning policies and related recommended strategies contained in *SREP 20*.

*Interim Development Order No. 93 (IDO 93)*

The part of the site intended for development is zoned *1(d) Rural* under *IDO 93*. The proposed school is most closely categorised as an “educational establishment” which is a permissible form of development with Council’s consent in the *1(d) Rural zone*.

*Clause 9 – Setbacks* – The proposal incorporates a setback greater than 30m to the Werrington Arterial and complies.

*Clause 10 - Setbacks* – This clause applies to land within 300m of the road alignment of a designated road and serves to prohibit development for a variety of land uses, including educational establishments. The Great Western Highway is not listed as a designated road however the GWH is zoned 5(b) under IDO 93 which triggers the provisions of this clause. The south-eastern portion of the site is approximately 150m from the GWH and this would serve to prohibit the development. However as detailed previously the Infrastructure SEPP prevails over any other EPI to the extent of an inconsistency. The prohibition under IDO 93 is inconsistent with the provisions of the Infrastructure SEPP that permit development on land on which there is an existing educational establishment. Therefore Clause 10 of IDO 93 is not relevant to the proposal as the Infrastructure SEPP prevails to the extent of the inconsistency.

*Clause 16 – Consents* – The proposal will present an appropriate built form to Claremont Creek and Werrington Road with the landscape works to further assist in the visual presentation of the development. The proposal also incorporates appropriate on-site parking and vehicular access arrangements.

#### *Penrith Local Environmental Plan 2010*

The part of the site intended for development is zoned 1(d) Rural under IDO 93 and as such the provisions of the PLEP 2010 are of no relevance to the application. No works are proposed on the SP2 zoned land and as detailed at Appendix 6 the proposal will not impact on the delivery of the future Werrington Arterial.

#### *Penrith Local Environmental Plan (South Werrington Urban Village) 2009*

The part of the site intended for development is zoned 1(d) Rural under IDO 93 and as such the provisions of the PLEP (SWUV) 2009 are of no relevance to the application.

### **5. Section 79C(1)(a)(ii) – Any Draft Environmental Planning Instrument**

There are no draft environmental planning instruments applicable to the subject site or to the proposed development.

### **6. Section 79C(1)(a)(iii) – Any Development Control Plan**

#### ***Penrith Development Control Plan 2006***

The proposed development is in accordance with the relevant provisions of *Penrith Development Control Plan 2006* as set out in the Development Control Table in Appendix No. 8.

#### ***Penrith Development Control Plan 2010***

The proposal is not carried out on any part of the site to which Penrith LEP 2010 applies and therefore it is not a relevant consideration as part of the development application.

### **7. Section 79C(1)(a)(iv) – The Regulations**

Penrith City Council's Building Surveyor has raised no objection to the proposed development regarding fire safety considerations, subject to submission of an annual fire safety statement.

## **8. Section 79C(1)(b) – The likely impacts of the development**

### ***Site Design, Context and Setting***

The proposed development has been designed to be compatible with surrounding development in terms of built form and external building materials and finishes. The proposed development maintains sufficient buffer distances to adjoining properties and will not pose a major adverse impact on existing or future surrounding land uses.

The proposal is considered to be compatible with the surrounding and adjacent land uses and will have no major impact on the amenity of the area. The proposal will have no adverse impacts on the natural environment.

The application has been accompanied by landscape plans which provide for related landscaping works on the site. Refer to Appendix No. 5 for a copy of the landscape concept prepared by Midson Architecture which includes details of the proposed works that are informed by the submitted Vegetation Management Plan prepared by Biosis. The proposed landscape works will provide for embellishment of the site with suitable ground covers, shrubs and trees which, at maturity, will complement the scale, design and function of the development.

Parking areas do not dominate the streetscape and these areas are appropriately screened by the landscape plantings. The proposal demonstrates good design with appropriate use of colours, interesting architectural elements and a variety of finishes.

### ***Accessibility***

The application has been designed to respond to the needs of students, all of which have some form of disability. As indicated on the submitted plans careful consideration has been given to the layout and planning of the school to ensure that ramp grades comply and there are substantial numbers of accessible sanitary facilities (total of 22 across the site). The application is accompanied by two (2) BCA assessments, prepared by BCA Logic and AE&D, which both provide a review of the proposed works with regard to access considerations. The key access issues considered in the Accessibility Report include:

- Ingress and egress.
- Paths of travel, including ramps, threshold treatments, and handrails.
- Amenities and facilities including accessible car parking.
- Hearing augmentation
- Braille and Tactile Signage

The report concludes that subject to detailed design, the proposal will provide equitable access for people with disabilities. The proposal was reported to Council's Access Committee at its meeting held on 10 April 2013. At that meeting, the Committee requested the following matters be considered in Council's assessment of the proposal:

- Sufficient parking for consultants and visitors;
- Sufficient parking for staff;
- Street parking would be an issue;



These matters relate to the parking situation and as addressed elsewhere in this report the traffic report prepared in support of the development application indicates there is sufficient parking on the site. Council's Senior Traffic Engineer and the RMS have reviewed the proposal and found that the provision of 29 on-site parking spaces and 10 mini bus spaces is sufficient to cater for the estimated 110 students and 25 staff.

### ***Aboriginal Archaeology***

The application was supported by an Aboriginal Heritage report prepared by Biosis. That report summarised site investigations carried out on the site in January 2013 to determine the presence of items of Aboriginal Archaeological significance. The site investigations revealed an isolated find on the site in the vicinity of the works area along the informal access path along the northern edge of the existing fencing. The isolated find was a '*broken mudstone flake piece*'. The Biosis report contained a number of recommendations regarding the isolated find and outlined that the works could proceed provided that the item was not harmed and a number of recommendations are followed in the construction process.

Clarification from the proponent has outlined that the area containing the isolated find will be fenced off during construction and conditions of consent reinforce that the recommendations of the Biosis report must be implemented. An additional condition is recommended requiring a further report to be prepared regarding the ongoing management of the isolated find. Based on these matters the isolated find will not be impacted during the proposed works and appropriate mitigation measures are to be implemented to ensure its protection.

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

Vehicular access to the site is via the existing crossover on Werrington Road. In relation to car parking, the proposed development includes construction of additional car parking areas incorporating a total of 10 mini bus spaces, and 29 on-site car spaces (including two (2) accessible spaces) for staff and visitors.

The application has been accompanied by a Traffic and Parking Report prepared by TTW Consulting Services Pty Ltd which concludes that the proposed vehicle access and car parking arrangements are satisfactory and that the additional traffic flows which will be associated with the proposed development can be accommodated by the surrounding road network with existing intersections retain a similar level of service upon completion of the development.

Penrith City Council's Senior Traffic Engineer has reviewed the proposed development with regard to access, parking and traffic considerations and has concluded that no major traffic generation impacts are expected from the development as it is anticipated that the local road network and surrounding intersection treatments have adequate spare capacity to cater for this increase. The development's additional traffic will be absorbed into the surrounding intersections particularly noting there is no net change in traffic generation given the school is relocating from the site to the east.

Council's Traffic Engineer is satisfied with the proposed access, parking and traffic related aspects of the proposal subject to suitable Council conditions and the

conditions received from the SRDAC (see Appendix 6).

## **Flora and Fauna**

### *NSW Threatened Species Conservation Act 1995 (TSC Act)*

Under Section 79C of the *Environmental Planning and Assessment Act 1979* (the Act), an assessment must be made as to whether a development proposal is likely to have a “significant effect” on any threatened species, populations or ecological communities or their habitats (referred to as an “Assessment of Significance” or “seven-part test”).

The application has been accompanied by a Flora Assessment, prepared by Biosis, and a Fauna Assessment prepared by Abel Ecology. These assessments state that the proposed works will not significantly impact on any Cumberland Plain Woodland habitat under the TSC Act, or fauna species protected under the TSC Act or Commonwealth Environment Protection and Biodiversity Conservation Act 1999. Both assessments conclude that a Species Impact Statement is not required nor is a referral to the Department of Sustainability, Environment, Water, Population and Communities necessary. Having regard to the conclusion no further action is required and the assessment was peer reviewed by Councils Senior Biodiversity Officer and found to be acceptable.

The remnant woodland in the vicinity of Claremont Creek and located outside the built form should be protected by suitable boundary fencing which prevents pedestrian access or spread of litter and kerbs around parking areas to prevent direct run-off. Appropriate conditions are recommended.

The applicant has also submitted detailed landscape plans that have been prepared in accordance with the submitted Vegetation Management Plan.

## ***Safety, Security and Crime Prevention***

The SEE incorporates a Crime Prevention Through Environmental Design (CPTED) assessment for the proposed educational establishment. Inspira Property Group have undertaken a CPTED assessment which concludes that the proposed design incorporates characteristics which maximise safety in line with accepted CPTED principles. They recommend a number of measures to be implemented in relation to adequate lighting, securing the site after hours, graffiti, and out of hours surveillance via CCTV and regular security patrols.

Inspira Property Group conclude that implementation of measures contained within the CPTED assessment will maximise crime prevention in line with the aims of CPTED.

## ***Noise***

Wilkinson Murray has prepared a Noise Assessment dealing with:

- Construction Noise Impacts;
- Operational Noise Impacts; and
- Noise Intrusions from Traffic, including the post development scenario for the Werrington Arterial;

The assessment found that construction noise impacts would not exceed relevant criteria for nearby residential properties with minor impacts to the existing school to the east of the site (which will be transient). Soft management measures are recommended to minimise impacts on the adjoining school during the construction phase. Operational noise emissions, including traffic movements, will not exceed relevant criteria. Traffic noise intrusions will require windows to be closed to comply with the relevant criteria and therefore mechanical ventilation is to be provided to the affected buildings

The Noise Assessment has been reviewed by Council's Senior Environment Officer and is considered satisfactory.

### ***Stormwater Management***

Council required submission of a detailed flood impact assessment given the subject site's proximity to Claremont Creek and the potential impact on the school and the potential impact the proposed development and associated filling could have on upstream communities. The flood impact assessment has concluded that subject to a proposed drainage measures being provided on site, the proposed development will not result in significant flood impacts across adjacent properties during a 100 year ARI event. In addition the proposed buildings will comply with Council's requirements by incorporating the 500mm freeboard to ensure all finished floor levels are 500mm above the flood level applying to the site. Council's Senior Development Engineer has reviewed the flood impact assessment and raises no objection subject to conditions.

### **9. Section 79C(1)(c) – The suitability of the site for the development**

The site attributes are conducive to the proposed development for the reasons set out below:

- The site is appropriately zoned for the proposal and an existing school operates from the site;
- The site has direct frontage to Werrington Road which is a major transport corridor in the locality;
- The site is located within proximity to public transport;
- The proposal is designed to address the flooding constraints on the site;
- The proposal incorporates adequate on site parking;
- The proposal will not have a significant effect on threatened flora and fauna species;
- The proposal will not prejudice future development of the Werrington Arterial that runs through part of the site and the proposal is designed to incorporate mitigation measures from traffic noise that would be associated with the Werrington Arterial.

Accordingly the site is considered suitable for the development subject to conditions.

### **10. Section 79C(1)(d) – any submissions made in relation to the development**

As stated earlier in this report the proposed development was advertised in the local newspapers and notified to the owners and occupiers of adjoining and nearby properties pursuant to Council procedures. A total of 50 property owners and occupiers were notified in the surrounding area and invited to make a submission on

the proposal during the exhibition period of 25 February 2013 to 27 March 2013. No submissions were received in response.

#### *External Referral Comments*

The table below summarises the results of external referrals in relation to the proposal.

| <b>Referrals</b>            | <b>Comments</b>   |
|-----------------------------|---|
| NSW Office of Water         | General Terms of Approval were received for the development, as works are located within 40m of Claremont Creek. An advisory condition was recommended by the NSW Office of Water requiring that no Construction Certificate be issued for part of the site requiring a Controlled Activity Approval. As the development is a Crown Development and the proponent is exempt from requiring a Controlled Activity Approval no such condition is recommended. |
| Roads and Traffic Authority | No objection, subject to conditions. A number of advisory comments were made however the existing School Zones are to be retained and as such detailed conditions on these advisory matters are not recommended.  |

#### *Internal Referral Comments*

The table below summarises the results of internal Penrith City Council referrals in relation to the proposal.

| <b>Referrals</b>                                 | <b>Comments</b>   |
|--|---|
| Building Surveyor                                | No objection, subject to conditions.  |
| Senior Development Engineer                      | No objection, subject to conditions including minor revisions to flooding assessment. |
| Senior Traffic Engineer                          | No objection, subject to conditions.  |
| Senior Environmental Health Officer- Environment | No objection, subject to conditions.  |
| Senior Environmental Health Officer- Health      | No objection, subject to conditions.  |
| Senior Biodiversity Officer                      | No objection, subject to conditions.  |
| Access Committee                                 | No objection, subject to conditions.  |
| S.94 Project Coordinator                         | <i>I would agree that contributions would not be levied</i>                           |

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|---------------------------------|--|
| Development Contributions       | <i>on this DA and could be captured at a later date. The reasoning I have used is that the development is not residential (thus no increase in demand) the proposed area that falls into the WELL plan at some future point in time will need to be subdivided to allow for the extension of Gibbs St (future Werrington Arterial). I would think it would be at this stage it would be unreasonable to levy for development contributions on that area that falls within the WELL Plan.</i> |
| Senior Water Management Officer | Further detail on the water quality measures was requested. However the information is largely background information that informed the design and as such request for that information from the applicant is not considered necessary noting Councils Development Engineering Unit is satisfied with the drainage elements, including water quality devices.  |

## **11. Section 79C(1)(e) – The Public Interest**

The site is suitable for the proposed development. The proposed development is permissible in the *1(d) Rural Zone* under Interim Development Order No. 93- Penrith and the proposal meets the aims and objectives of the relevant environmental planning instruments. No public submissions were received in relation to the proposal and relevant concurrence has been granted by the NSW Office of Water and the RMS. The development proposal will provide for significant public benefit in terms of delivering a state of the art facility catering for the needs of students with disabilities. For these reasons the proposal is in the public interest.

## **Section 94 Contributions**

A small portion of the site is located within the bounds of the South Werrington Urban Village, that forms part of the broader WELL Precinct. The WELL Precinct Section 94 Contributions Plan applies to the site however as no works are proposed on the IN2 lands it is considered that there is no nexus between the development and the levying of Section 94 contributions. Comments from Councils Project Coordinator Development Contributions confirm this as detailed previously in this report.

## **Conclusion**

The proposed development is in accordance with the relevant provisions of the Environmental Planning Instruments and Development Control Plan pertaining to the land. The proposed development is unlikely to have a negative impact on the surrounding environment. The proposed development has been assessed against the relevant heads of consideration contained in Section 79C and Section 89 of the *Environmental Planning and Assessment Act 1979* and has been found to be satisfactory. The site is suitable for the proposed development and the proposal is in the public interest. The proposal is therefore worthy of support.

## Recommendation

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That:

1. Development Application No. DA13/0096 for an Educational Establishment be approved subject to the conditions outlined in Schedule 1:
2. That the RMS and NSW Office of Water be forwarded a copy of the Notice of Determination.

## SCHEDULE 1

### GENERAL

- 1 The development must be implemented substantially in accordance with the following plans and documents, except as may be amended in red on the attached plans and by the following conditions.

| Report/Document   | Prepared By             | Dwg. Ref | Rev | Dated   |
|---|-------------------------|----------|-----|---------|
| Location Plan and Drawing List  | Midson Group            | DA00     | B   | 05.3.13 |
| Landscape and Vegetation Plan Part 1  | Midson Group            | DA01     | A   | 30.1.13 |
| Landscape and Vegetation Plan Part 2  | Midson Group            | DA02     | A   | 30.1.13 |
| Shadow Diagram  | Midson Group            | DA03     | A   | 30.1.13 |
| Staging Plan  | Midson Group            | DA04     | A   | 30.1.13 |
| Site Plan and Demolition Plan Part 1  | Midson Group            | DA05     | A   | 30.1.13 |
| Site Plan and Demolition Plan Part 2  | Midson Group            | DA06     | A   | 30.1.13 |
| Site Sections   | Midson Group            | DA07     | A   | 30.1.13 |
| Overall Roof Plan   | Midson Group            | DA08     | A   | 30.1.13 |
| Block A Floor Plan & RCP and Block J Details                                | Midson Group            | DA09     | A   | 30.1.13 |
| Block E, F & G Typical Floor Plan & RCP                                     | Midson Group            | DA10     | A   | 30.1.13 |
| Block H Floor Plan and RCP  | Midson Group            | DA11     | A   | 30.1.13 |
| Block I Floor Plan and RCP  | Midson Group            | DA12     | A   | 30.1.13 |
| Block A Elevations & Sections   | Midson Group            | DA13     | A   | 30.1.13 |
| Block E, F & G Typical Elevations & Sections                                | Midson Group            | DA14     | A   | 30.1.13 |
| Block H Elevations and Sections   | Midson Group            | DA15     | A   | 30.1.13 |
| Block I Elevations and Sections   | Midson Group            | DA16     | A   | 30.1.13 |
| Door & Window Schedules 1   | Midson Group            | DA17     | A   | 30.1.13 |
| Windows & Door Schedules 2  | Midson Group            | DA18     | A   | 30.1.13 |
| Appendix C (Stormwater Flood & Drainage - HECRAS Results)                   | Taylor Thomson Whitting |          | -   |         |
| Appendix D1 (Estimated 1 in 100 Year Flood Extents Plan - Pre Development)  | Taylor Thomson Whitting | SKC01    | P1  | 1.2.13  |
| Appendix D1 (Estimated 1 in 100 Year Flood Extents Plan - Post Development) | Taylor Thomson Whitting | SKC02    | P1  | 1.2.13  |
| Appendix D2 (Existing Flood Hazard Mapping for 1 in 100 Year ARI)           | Taylor Thomson Whitting | SKC03    | P1  | 1.2.13  |
| Appendix D2 (Existing Flood Hazard Mapping for 1 in 100 Year ARI)           | Taylor Thomson Whitting | SKC04    | P1  | 1.2.13  |
| Appendix D3 (Proposed Minimum Floor Levels & Finished Levels)               | Taylor Thomson Whitting | SKC05    | P1  | 1.2.13  |

|  |   |       |    |          |
|--|---|-------|----|----------|
| Appendix D3 (Proposed Earthworks Within the Floodplain)                                    | Taylor Thomson Whitting                 | SKC06 | P1 | 1.2.13   |
| Appendix D3 (Concept Stormwater Strategy Plan Sheet 1)                                     | Taylor Thomson Whitting                 | SKC07 | P1 | 1.2.13   |
| Appendix D4 (Concept Stormwater Strategy Plan Sheet 2)                                     | Taylor Thomson Whitting                 | SKC08 | P1 | 1.2.13   |
| Appendix D4 (Proposed Catchment Plan)  | Taylor Thomson Whitting                 | SKC09 | P1 | 1.2.13   |
| Appendix D4 (Sediment and Erosion Control Plan)  | Taylor Thomson Whitting                 | SKC10 | P1 | 1.2.13   |
| Stormwater Flood & Drainage - Intergrated Flood Study and Stormwater Strategy Report       | Taylor Thomson Whitting                 |       | -  | 4.2.13   |
| Aboriginal Heritage Report   | Biosis                                  |       | -  | 24.01.13 |
| Acoustic Report  | Wilkinson Murray                        | 12356 | B  | Mar 13   |
| DEC Asbestos Register  |   |       | -  |          |
| BCA and Accessibility Certification  | BCA Logic                               |       | -  | 3.10.12  |
| BCA Compliance Review  | AE & D                                  |       | 1  | 14.1.13  |
| Contamination Report   | Douglas Partners                        |       | -  | Sep 12   |
| Kurrambee SSP CPTED Report   | Inspira Property Group                  |       | -  | 2013     |
| DEC Security Specification   | Department of Education and Training    |       | -  | Nov 09   |
| DEC Asbestos Management Plan   | Department of Education and Training    |       | -  | Sep 08   |
| DEC Structured Cabling System Specification  | Department of Education and Communities |       | -  | July 12  |
| External Colour and Finishes Schedule  |   |       | -  |          |
| Fauna Assessment Report)   | Abel Ecology                            |       | -  | 4.3.13   |
| Geotechnical Report  | Douglas Partners                        |       | -  | Sep 12   |
| Hydrotherapy Pool Specification  |   |       | -  |          |
| Internal Colour and Finishes Board   |   |       | -  |          |
| Internal Colour Schedule   | NSW Government Architect                |       | A  | 10.4.12  |
| Internal Hydrotherapy Pool Colour Schedules  |   |       | -  |          |
| Kurrambee Construction Management Plan   | A W Edwards                             |       | 1  | 30.1.13  |
| Kurrambee Waste Management Plan  | A W Edwards                             |       | 1  | 15.1.13  |
| SEE_Feb13_revO (Kurrambee SSP Statement of Environmental Effects)                          | Inspira Group                           |       | -  | Feb 13   |
| Kurrambee Traffic and Parking Report   | TTW Consulting Services                 |       | -  | Jan 13   |
| 15980.A.W.Edwards.Kurrambee.Flora.Report.20130311 (Kurrambee Terrestrial Flora Assessment) | Biosis                                  |       | -  | 11.3.12  |

- 2 Any kitchen areas shall be constructed in accordance with the requirements of AS4674-2004 "Design, Construction and Fitout of Food Premises," the Food Act 2003 and Food Regulation 2010.
- 3 The building shall not be used under any circumstances for any commercial, industrial or habitable residential activity.

- 4 The finishes of all structures and buildings are to be maintained at all times and any graffiti or vandalism immediately removed/repaired.
- 5 The following requirements of the NSW Roads and Maritime Services Department are to be complied with:
  1. All works/regulatory signposting associated with the proposed development are to be at no cost to RMS.
  2. The developer must obtain written authorisation from RMS, before occupancy, to remove/relocate any existing Speed Limit Signs and/or associated pavement markings.
  3. The Developer must contact RMS at least 6 weeks prior to the completion of the development, for RMS to then undertake an assessment for the installation of any Speed Limit signs and/or associated pavement markings.

## **DEMOLITION**

- 6 All demolition works are to be conducted in accordance with the provisions of AS 2601-1991 "The Demolition of Structures". **Prior to demolition**, all services shall be suitably disconnected and capped off or sealed to the satisfaction of the relevant service authority requirements.

All demolition and excavated material shall be disposed of at a Council approved site or waste facility. Details of the proposed disposal location(s) of all excavated material from the development site shall be retained.

- 7 You should read Council's Fact Sheet titled "Handling and Disposal of Fibrous Cement Products" **before any demolition works commence on the site.**

**Prior to commencement of demolition works on site**, a portaloo with appropriate washing facilities shall be located on the site to ensure that:

- ☐ Measures are in place so as to comply with the WorkCover Authority's "Short Guide to Working with Asbestos Cement" and
- ☐ The person employed to undertake the works is a licensed asbestos removal contractor and is holder of a current WorkCover Asbestos Licence.

Any demolition works involving the removal of all asbestos shall only be carried out by a licensed asbestos removal contractor who has a current WorkCover Asbestos Licence.

All asbestos laden waste, including asbestos cement flat and corrugated sheeting must be disposed of at a tipping facility licensed by the Environmental Protection Authority to receive asbestos wastes.

- 8 Dust suppression techniques are to be employed during demolition to reduce any potential nuisances to surrounding properties.
- 9 Mud and soil from vehicular movements to and from the site must not be deposited on the road.



## HERITAGE/ARCHAEOLOGICAL RELICS

- 10 If any further archaeological relics are uncovered during the course of the work no further work shall be undertaken until further directed by Penrith City Council or the NSW Heritage Office.

The applicant is advised that depending on the possible significance of the relics, an archaeological assessment and an excavation permit under the Heritage Act, 1977 may be required before any further work can be recommenced in that area of the site.

- 11 The recommendations contained within the Due Diligence Advice: Aboriginal Archaeological Heritage report prepared by Biosis and dated 24 January 2013 are to be implemented as part of the works. Prior to works commencing mitigation measures are to be implemented to ensure that the area containing the artefact is to be protected. A further report is to be prepared dealing with the operational management of the isolated find in the context of the operations of the school. This is to be prepared prior to the commencement of operations from the site and implemented as part of the operation of the school.

## ENVIRONMENTAL MATTERS

- 12 Erosion and sediment control measures shall be installed **prior to the commencement of works on site** including approved clearing of site vegetation. The erosion and sediment control measures are to be maintained in accordance with the approved erosion and sediment control plan(s) for the development and the Department of Housing's "Managing Urban Stormwater: Soils and Construction" 2004.

(Note: To obtain a copy of the publication, you should contact Landcom on (02) 98418600).

The approved sediment and erosion control measures are to be installed prior to and maintained throughout the construction phase of the development until the landscaping, driveway and on-site parking areas have been completed for the development. These measures shall ensure that mud and soil from vehicular movements to and from the site does not occur during the construction of the development.

- 13 All land that has been disturbed by earthworks is to be spraygrassed or similarly treated to establish a grass cover.
- 14 No fill material, other than that identified on the approved plans, is to be imported to the site without the prior approval of Penrith City Council in accordance with Sydney Regional Environmental Plan No.20 (Hawkesbury-Nepean River) (No.2-1997). No recycling of material for use as fill material shall be carried out on the site without the prior approval of Council.
- 15 All waste materials stored on-site are to be contained within a designated area such as a waste bay or bin to ensure that no waste materials are allowed to enter the stormwater system or neighbouring properties. The designated waste storage areas shall provide at least two waste bays / bins

so as to allow for the separation of wastes, and are to be fully enclosed when the site is unattended.

- 16 All excavated material and other wastes generated as a result of the development are to be re-used, recycled or disposed of in accordance with the approved waste management plan.

Waste materials not specified in the approved waste management plan are to be disposed of at a lawful waste management facility. Where the disposal location or waste materials have not been identified in the waste management plan, details shall be provided prior to works commencing.

All receipts and supporting documentation must be retained in order to verify lawful disposal of materials and are to be made available to Penrith City Council on request.

- 17 Noise levels from the premises shall not exceed the relevant noise criteria detailed in "Kurrambee SSP - DA Noise Assessment" (Report No. 12356 Version C prepared by Wilkinson Murray Pty Limited dated April 2013. The recommendations provided in the above-mentioned acoustic report shall be implemented and incorporated into the design and construction of the development.

A certificate is to be obtained from a qualified acoustic consultant certifying that the building has been constructed to meet the noise criteria in accordance with the approved acoustic report. This certificate is to be submitted prior to operation of the development.

The provisions of the Protection of the Environment Operations Act 1997 apply to the development, in terms of regulating offensive noise.

- 18 **No fill material shall be imported to the site until such time as a Validation Certificate (with a copy of any report forming the basis for the validation) for the fill material has been obtained.** The Validation Certificate shall:

- ☐ state the legal property description of the fill material source site,
- ☐ be prepared by an appropriately qualified person (as defined in Penrith Contaminated Land Development Control Plan) with consideration of all relevant guidelines (e.g. EPA, ANZECC, NH&MRC), standards, planning instruments and legislation,
- ☐ clearly indicate the legal property description of the fill material source site,
- ☐ provide details of the volume of fill material to be used in the filling operations,
- ☐ provide a classification of the fill material to be imported to the site in accordance with the Environment Protection Authority's "Environmental Guidelines: Assessment, Classification & Management of Non-Liquid Wastes" 1997, and
- ☐ (based on the fill classification) determine whether the fill material is suitable for its intended purpose and land use and whether the fill material will or will not pose an unacceptable risk to human health or the environment.

An appropriately qualified person/s (as defined in the Penrith City Council Contaminated Land Development Control Plan) shall:

- ☐ Supervise the filling works,

- ☐ (On completion of filling works) carry out an independent review of all documentation relating to the filling of the site, and shall submit a review findings report to Council.
- ☐ Certify by way of certificate or written documentation that fill materials have been placed on the site in accordance with all conditions of this consent and that the site will not pose an unacceptable risk to human health or the environment. A copy of the Certificate or other documentation shall be submitted to Council.

The contact details of any appropriately qualified person/s engaged for the works shall be provided with the Notice of Commencement.

- 19 The Asbestos Management Plan prepared by NSW Department of Education and Training dated September 2008 is to be implemented during the construction phase of the development.
- 20 All recommendation and activities contained within the Vegetation Management Plan prepared by Biosis, January 2013, are to be complied with. This includes fencing, regeneration and revegetation in vegetation management zones, noxious weed control, monitoring and reporting. All weeding and bush regeneration activities must be undertaken in accordance with *Recovering Bushland on the Cumberland Plain: Best practice guidelines for the management and restoration of bushland* (DEC, 2005). It is the responsibility of the landowner to obtain appropriate licences for working in a threatened community (S132C licence from OEH).
- 21 As per the approved Vegetation Management Plan (VMP) an annual report on the progress of the VMP is to be submitted to Council every year for a period of 5 years from commencement of construction, or once minimal maintenance is required, whichever comes last. Reports are to be prepared by a suitably qualified bush regenerator.

## BCA ISSUES

- 22 Access and sanitary facilities for persons with disabilities are to be provided and maintained in accordance with the requirements of the Building Code of Australia and AS 1428 "Design for Access and Mobility".
- 23 The owner of a building, to which an essential fire safety measure is applicable, shall provide Penrith City Council with an annual fire safety statement for the building. The annual fire safety statement for a building must:
  - (a) deal with each essential fire safety measure in the building premises, and
  - (b) be given:
    - ☐ within 12 months after the last such statement was given, or
    - ☐ if no such statement has previously been given, within 12 months after a final fire safety certificate was first issued for the building.

As soon as practicable after the annual fire safety statement is issued, the owner of the building to which the statement relates:

  - ☐ must also provide a copy of the statement (together with a copy of the current fire safety schedule) to the Commissioner of New South Wales Fire Brigades, and

- ☐ prominently display a copy of the statement (together with a copy of the current fire safety schedule) in the building.

- 24 In accordance with Section 109R of the Environmental Planning and Assessment Act 1979 Crown building work cannot be commenced unless the Crown building work is certified by or on behalf of the Crown to comply with the technical provisions of the State's building laws in force as at:
- (a) the date of the invitation for tenders to carry out the Crown building work, or
  - (b) in the absence of tenders, the date on which the Crown building work commences, except as provided by this section.
- 25 The following accessibility matters are to be implemented:
- 1. All doors with glazing are to extend the glazing to a minimum 850mm above finished ground level to ensure that persons in a wheelchair can see through the glazing.
  - 2. The accessible toilets in Block H are to be revised to provide for one left hand approach and one right hand approach.

## **CONSTRUCTION**

- 26 All construction works that involve the use of heavy vehicles, heavy machinery and other equipment likely to cause offence to adjoining properties, are restricted to the following hours in accordance with the NSW Department of Environment and Climate Change's (2009) "Interim Construction Noise Guideline":
- o Mondays to Fridays, 7am to 6pm
  - o Saturdays, 7am to 1pm (if inaudible on neighbouring residential premises), otherwise 8am to 1pm
  - o No work is permitted on Sundays and Public Holidays.
- Other construction works that are carried out inside a building that do not involve the use of equipment that emits noise are not restricted to the construction hours stated above.
- The provisions of the Protection of the Environment Operations Act 1997 in regulating offensive noise also apply to construction works.

## **SWIMMING POOLS ACT**

- 27 Public swimming pool and spa pools (as defined in the Public Health Act 2010) are to be registered with Penrith City Council by completing the registration form for public swimming pool and spa pools. This form is to be returned to Council prior to the operation of the premises.
- The occupier of any premises at which a public swimming pool or spa pool is situated must notify Council using the NSW Ministry of Health Notification Form available from [www.health.nsw.gov.au](http://www.health.nsw.gov.au) <<http://www.health.nsw.gov.au>>

prior to the pool or spa being used. The occupier of the premises must notify Council within 7 days of any change of details.

The construction and operation of the public swimming pool/s and spa pool/s and associated premises shall comply with the Public Health Act 2010, Public Health Regulation 2012 and any relevant standards, guidelines or codes of practice published or endorsed by the NSW Ministry of Health.

The occupier of premises at which a public swimming pool or spa pool is situated must not allow a person to use the pool unless the water in the pool is disinfected in such a way as to minimise the transmission of disease to the other users of the pool as required by the Public Health Act 2010 and Public Health Regulation 2012.

The occupier of premises at which a public swimming pool or spa pool is situated must ensure that the pool surrounds, including any toilets or change rooms, are kept clean and in such condition as to minimise the transmission of disease.

## **ENGINEERING**

- 28 All roadworks, drainage works and dedications, required to effect the consented development shall be undertaken at no cost to Penrith City Council.
- 29 Prior to works commencing plans and details for erosion and sediment control are to be formulated in accordance with the Department of Housing's "Managing Urban Stormwater: Soils and Construction" 2004.
- 30 Civil works shall be provided generally in accordance with the concept plan/s lodged for development approval, prepared by Taylor Thomson Whitting Job No. 121721 Dwg SKC06-SCK10 Rev P1 and dated 1 February 2013 and any relevant Australian Standards.

Engineering plans, supporting calculations and relevant certification for the works shall be prepared by suitably qualified people.

- 31 The stormwater drainage system shall be provided generally in accordance with the concept plan/s lodged for development approval, prepared by Taylor Thomson Whitting Job No. 121721 Dwg SKC07-SCK10 Rev P1 and dated 1 February 2013 and any relevant Australian Standards.

The proposed development and stormwater drainage system shall be designed to ensure that stormwater runoff from upstream properties is conveyed through the site without adverse impact on the development or adjoining properties.

Engineering plans and supporting calculations for the stormwater drainage system are to be prepared by a suitably qualified person and shall be prepared prior to works commencing on site.

- 32 Stormwater runoff from parking, uncovered paved areas shall be directed to a stormwater pre-treatment system. The treatment devices shall be designed

to remove expected pollutant loadings in accordance with the Department of Environment, Climate Change & Water's 'Managing Urban Stormwater - Environmental Targets/ Treatment Techniques- October 2007' publications.

Prior to the operation of the school the following details are to be submitted to Council:

- Specification & installation details of the stormwater pre-treatment system
  - The approval of an operation and maintenance manual/ schedule for the proposed device
- 33 **Prior to the works commencing** the proponent shall ensure that vehicular access, circulation, manoeuvring, pedestrian and parking areas associated with the subject development are in accordance with AS 2890.1, AS2890.2, AS2890.6 and Penrith City Council's Development Control Plan.
- 34 **Prior to the commencement of works on site**, including approved clearing of site vegetation, erosion and sediment control measures shall be installed. The erosion and sediment control measures are to be installed in accordance with the approved erosion and sediment control plan(s) for the development and the Department of Housing's "Managing Urban Stormwater: Soils and Construction" 2004.
- 35 Erosion and sediment control measures shall remain in place and be maintained until all disturbed areas have been rehabilitated and stabilised.
- 36 A certificate by a registered surveyor verifying that all habitable floor levels are at or above RL 25.3m AHD (standard flood level + 0.5m) shall be submitted upon completion of the building to that level. No further construction of the building is to be carried out until these levels are confirmed.
- 37 **Prior to the operation of the school** all works within the road reserve are to be inspected and approved by Penrith City Council.
- 38 Prior to the operation of the school the proponent shall ensure that the:
- a) Stormwater pre-treatment system/s
  - b) Flood control works
- Have been satisfactorily completed in accordance with the approved plans and the requirements of this consent.
  - Have met the design intent with regard to any construction variations to the approved design.
  - Any remedial works required to been undertaken have been satisfactorily completed.
- Details of the approved and constructed system/s shall be provided as part of the works-as-executed drawings.
- 39 Prior to the commencement of operations of the school a restriction as to user and positive covenant relating to the:

- a) Stormwater pre-treatment system/s
- b) Flood control works

Shall be registered on the title of the property. The restriction as to user and positive covenant shall be in Penrith City Council's standard wording as detailed in Penrith City Council's Design and Construction Guidelines and Construction Specification for Civil Works.

- 40 Prior to the commencement of operations of the school the following compliance documentation shall be prepared. A copy of the following documentation shall be provided to Council:
  - a) Work as Executed (WAE) drawings of all civil works. The WAE drawings shall be marked in red on copies of the stamped drawings signed, certified and dated by a registered surveyor or the design engineer. The Work as Executed drawings shall be prepared in accordance with Council's Design Guidelines.
  - b) The WAE drawings shall clearly indicate the 1% Annual Exceedence Probability flood lines (local and mainstream flooding).
  - c) The WAE drawings shall be accompanied by plans indicating the depth of fill for the entire development site. The plans must show, by various shadings or cross hatchings, the depth of any fill within 0.3m depth ranges.
  - d) CCTV footage in DVD format to Council's requirements and a report in "SEWRAT" format for all drainage within future public roads and public land. Any damage that is identified is to be rectified in consultation with Penrith City Council.
- 45 All car parking and manoeuvring must be in accordance with AS 2890.1-2004, AS2890.6-2009 and Councils requirements.

## **LANDSCAPING**

- 41 The required sight lines around the driveway entrances are not to be compromised by street trees, landscaping or fencing.
- 42 Revegetation is to include a wide variety of species from the revegetation species list on page 37 of the approved VMP only.
- 43 The construction of the permanent fencing around the bushland/riparian corridor is to be carried out to ensure that damage to the root zones of mature trees is avoided.

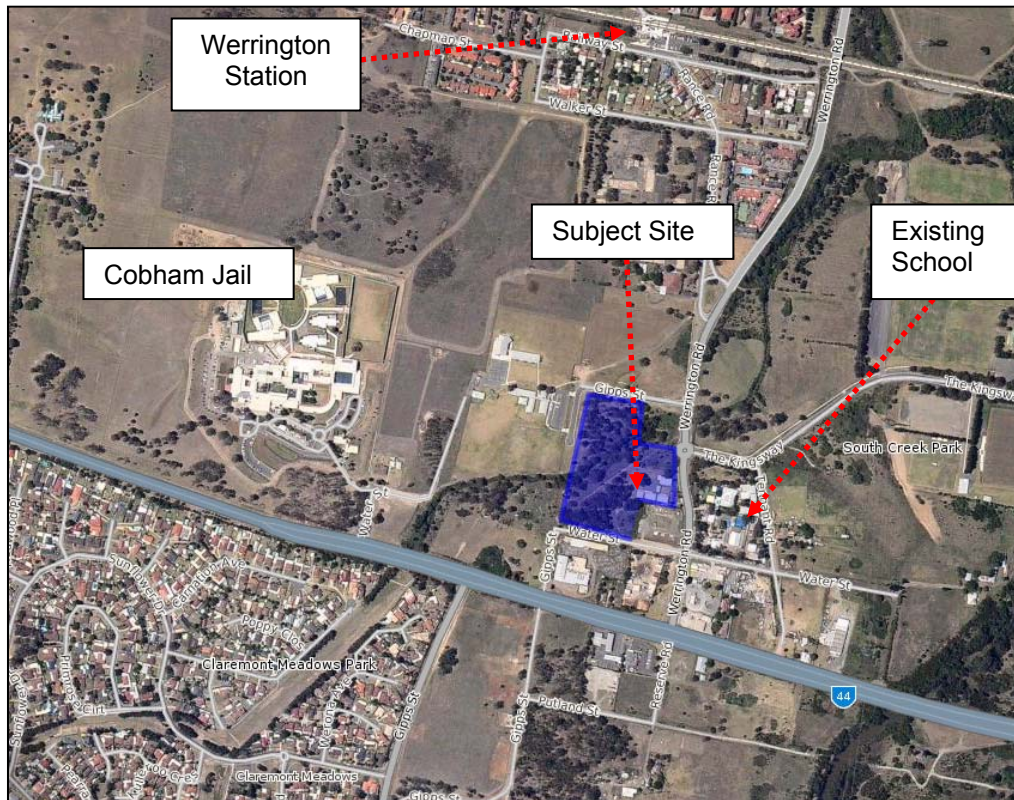


## Appendix No. 1 – Location Plan





## Appendix No. 2 – Aerial Views of Site



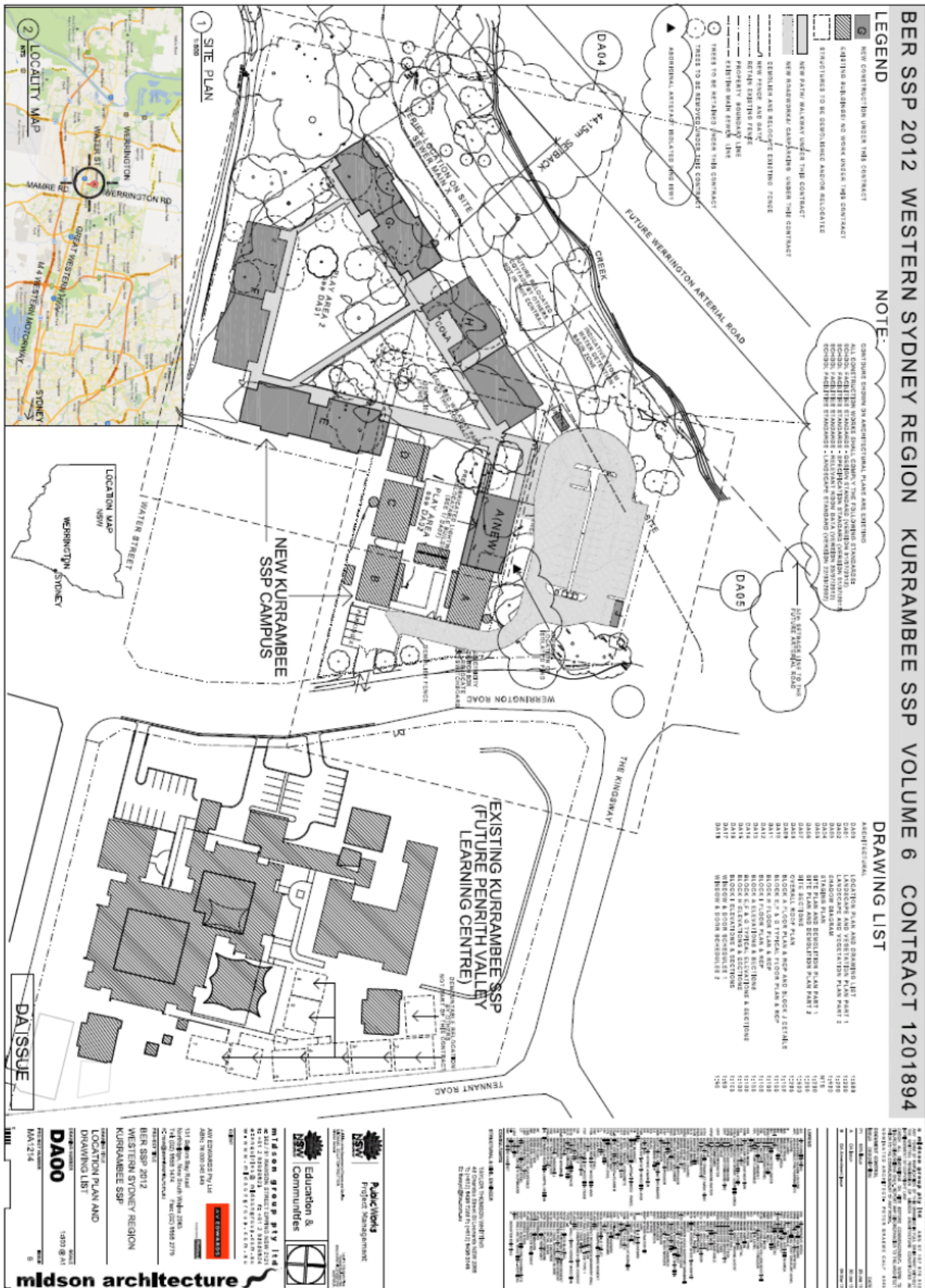
*Aerial Photo of Development Site Showing Locality Context*

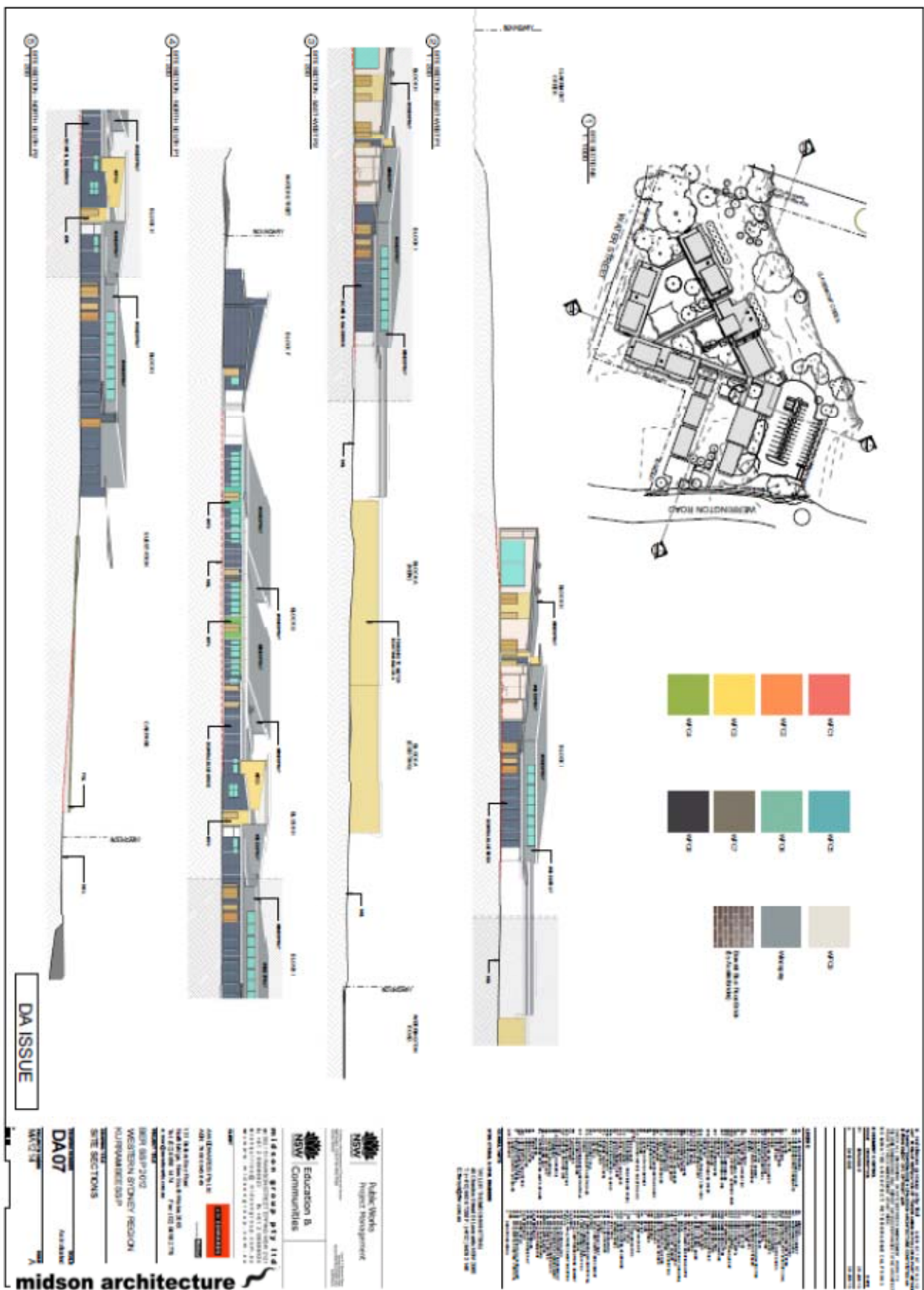


*Aerial Photo of Development Site*



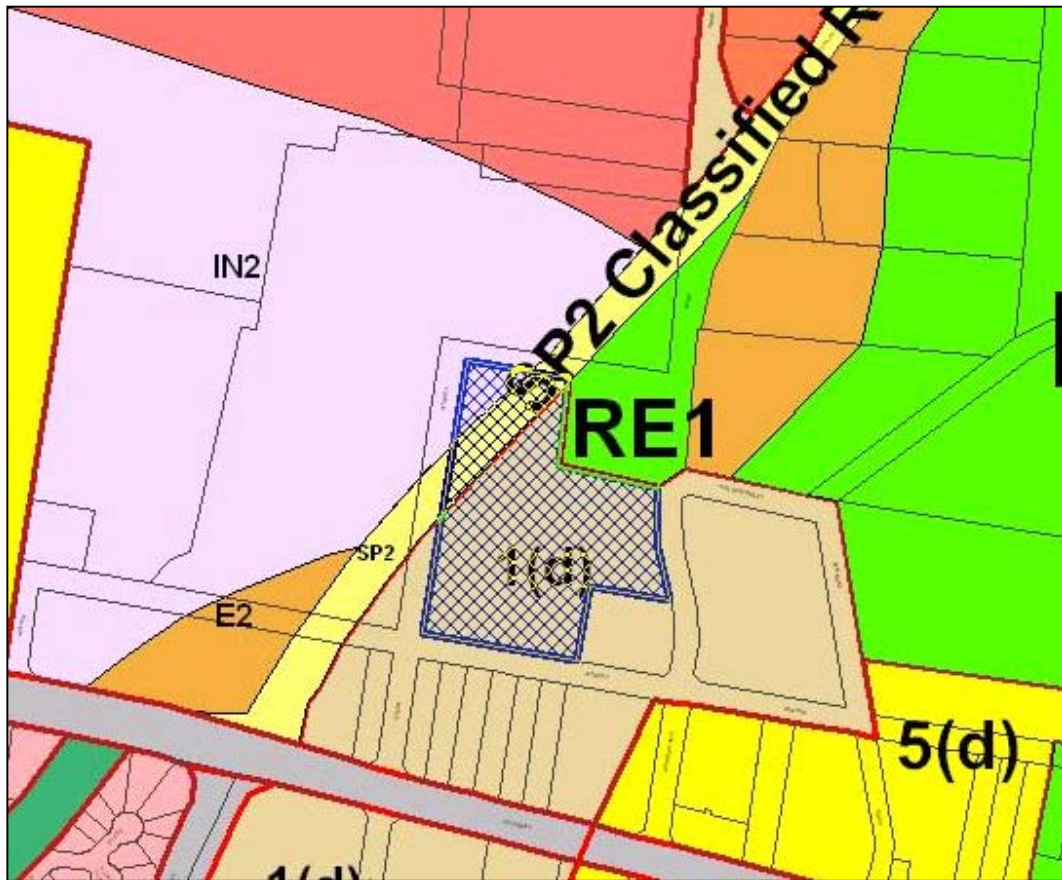
## Appendix No. 3 – Site Plan & Elevations





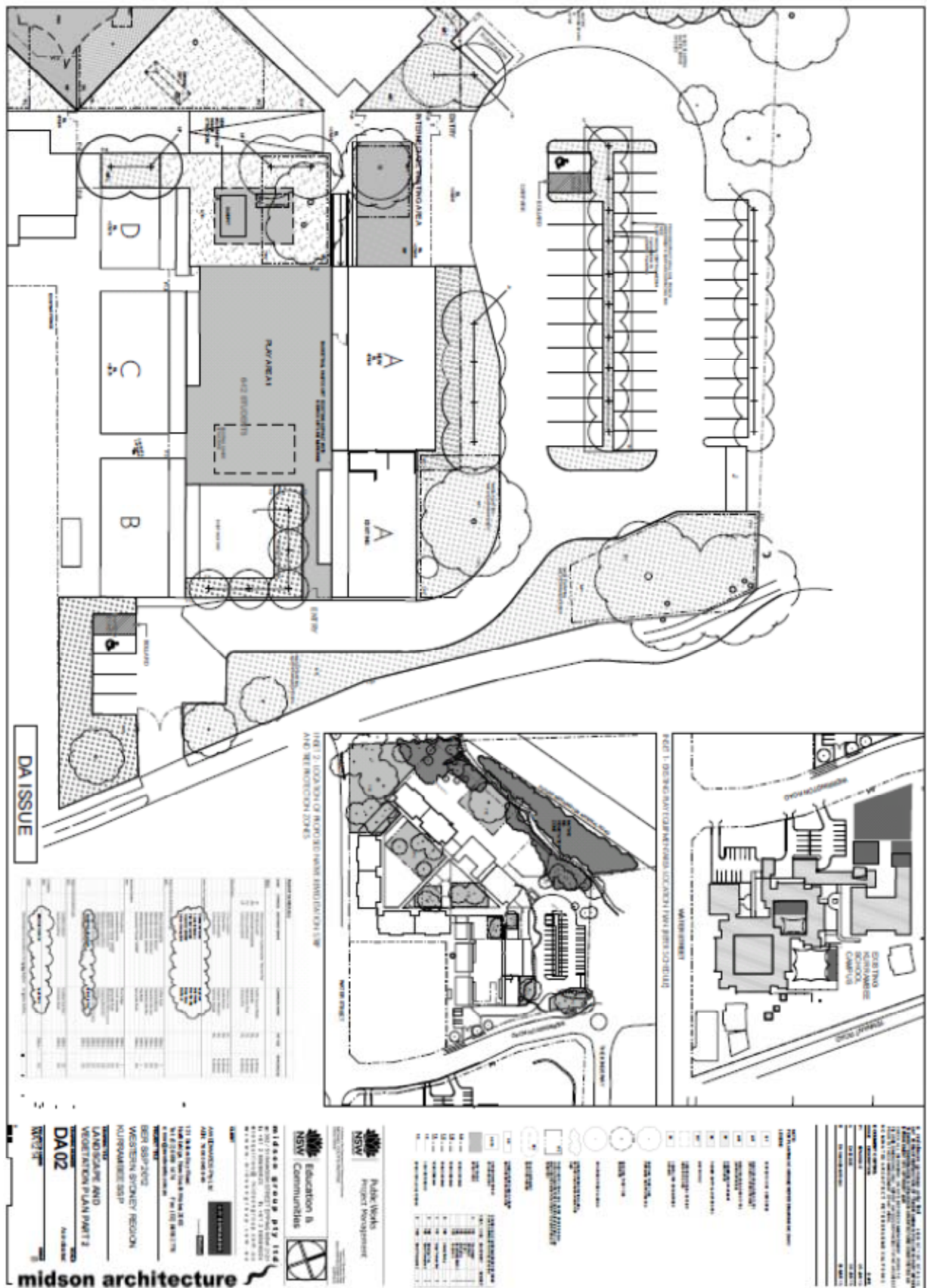


## Appendix No. 4 – Zoning Extract



*Zoning Extract: IDO 93, Penrith LEP 2010, Penrith LEP (SWUV) 2009*

## Appendix No. 5 – Landscape Plan



## Appendix No. 6 – Roads and Traffic Authority's Requirements

|  |  |
|--|--|
| <p>Your Reference: DA13/0096<br/>Our Reference: SYD13/00294<br/>Contact: Dianne Rees<br/>Telephone: 8849 2237</p>  | <p><b>SYDNEY<br/>REGIONAL<br/>DEVELOPMENT<br/>ADVISORY<br/>COMMITTEE</b></p> |
|  | <p><b>SRDAC</b></p>  |
| <p>The General Manager<br/>Penrith City Council<br/>PO Box 60<br/>PENRITH NSW 2750</p> <p><b>Attention: Schandel Jefferys</b></p> <p><b>PROPOSED COMMUNITY FACILITY (SCHOOL)<br/>LOT 11 DP802940, WATER STREET, WERRINGTON</b></p> <p>Dear Sir/Madam</p> <p>I refer to your letter of 25 February 2013 (Council Ref: DA13/0096) concerning the abovementioned Development Application which was referred to Roads and Maritime Services (RMS) for comment in accordance with Clause 104 of State Environmental Planning Policy (Infrastructure) 2007. I wish to advise that the Sydney Regional Development Advisory Committee (SRDAC) considered the traffic impact of this application at its meeting on 6 March 2012.</p> <p><b>Proposed Werrington Arterial</b></p> <p>RMS has no approved proposal that requires any part of the subject property for road purposes, however the subject property is within the study area for corridor reservation for both Stage 2 of the Werrington Arterial and the Outer Sydney Orbital. Investigations to develop a corridor for Stage 2 of the Werrington Arterial are expected to commence during the 2013/14 financial year.</p> <p>RMS raises no objection to the proposed access to Werrington Street, however vehicular and pedestrian access to the school will not be granted along the full frontage of the Werrington Arterial, the Outer Sydney Orbital or to any local road connection from the local precinct to the Werrington Arterial or Outer Sydney Orbital.</p> <p>Any changes to the access arrangements as a result of the design and construction of the Werrington Arterial, the Outer Sydney Orbital and the local precinct are to be at no cost to RMS.</p> <p><b>General</b></p> <p>RMS has reviewed the development application under <i>State Environmental Planning Policy (Infrastructure) 2007</i> and the following requirements should be included in Council's determination of the development application:</p> <hr/> <p><small>Roads and Maritime Services of New South Wales</small></p> <hr/> <p><small>LEVEL 11, 27-31 ARGYLE STREET PARRAMATTA NSW 2150<br/>PO BOX 973 PARRAMATTA CBD NSW 2150 DX 28555<br/>www.rmsservices.nsw.gov.au   13 22 13</small></p> |  |



1. All works/regulatory signposting associated with the proposed development are to be at no cost to RMS.

Reason: To comply with RMS requirements.

2. The Developer must obtain written authorisation from RMS, before occupancy, to remove/relocate any existing Speed Limit signs and/or associated pavement markings.

Reason: To comply with RMS requirements.

3. The Developer must contact RMS at least 6 weeks prior to the completion of the development, for RMS to then undertake an assessment for the installation of any Speed Limit signs and/or associated pavement markings.

Reason: To comply with RMS requirements.

In addition to the above, the Committee and RMS provide the following advisory comments to Council for its consideration in the determination of the application:

1. The car parking provision is to be to Council's satisfaction.
2. The layout of the proposed car parking areas associated with the subject development (including, driveways, grades, turn paths, sight distance requirements, aisle widths, aisle lengths, and parking bay dimensions) should be in accordance with AS 2890.1- 2004 and AS 2890.2 – 2002 for heavy vehicle usage.
3. The swept path of the longest vehicle (including garbage trucks) entering and exiting the subject site, as well as manoeuvrability through the site, shall be in accordance with AUSTROADS. In this regard, a plan shall be submitted to Council for approval, which shows that the proposed development complies with this requirement.
4. A significant number of vehicles and pedestrians will access the site at the start and end of the school day. School Zones must be installed along all roads with a direct access point (either pedestrian or vehicular) from the school. School Zones must not to be provided along roads adjacent to the school without a direct access point. Road Safety precautions and parking zones should be incorporated into the neighbouring local road network:
  - 40km/hr School Zones are to be installed in Werrington Road in accordance with the following requirements.
  - Council should ensure that parking, drop-off and pick-up zones and bus zones incorporated are in accordance with RMS standards.
5. Roads and Maritime Services (RMS) is responsible for speed management along all public roads within the state of New South Wales. RMS is the only delegated authority to assess and authorise speed limits and install speed limit signage on all roads in NSW.

The Developer must obtain written authorisation from RMS in relation to any School Zone signs and associated pavement markings and/or remove/relocate any existing Speed Limit signs.

To obtain authorisation, the Developer must submit the following for review and approval by RMS, at least six (6) weeks prior to student occupation of the site:

- a) A copy of Council's development Conditions of Consent,
- b) The proposed school commencement/opening date,
- c) Two (2) sets of detailed design plans showing the following:
  - School property boundaries
  - All adjacent road carriageways to the school property
  - All proposed school access points to the public road network and any conditions imposed/proposed on their use
  - All existing and proposed pedestrian crossing facilities on the adjacent road network
  - All existing and proposed traffic control devices and pavement markings on the adjacent road network (including School Zone signs and pavement markings).
  - All existing and proposed street furniture and street trees.

6. School Zone signs and associated pavement markings must be in accordance with RMS School Zone Guidelines.
7. All School Zone signs and associated pavement markings must be installed prior to student occupation of the site.
8. All School Zone signs and associated pavement markings are to be assessed and installed by RMS.
9. The Developer must maintain records of all dates in relation to installing/ altering/ removing traffic control devices related to speed.

**Note:** All School Zone signs and associated pavement markings are the responsibility of RMS. Once installed, no changes/relocation/removal of the school zone signs and associated pavements markings can be made without prior approval from RMS.

Any inquiries can be directed to Dianne Rees by telephone on 8849 2237.

Yours sincerely




Chris Goudanäs  
Chairman, Sydney Regional Development Advisory Committee  
Land Use Planning and Assessment Manager

21 March 2013





## Appendix No. 7 – NSW Office of Water Requirements

|  |   |  |
|--|---|--|
|       | <b>Department of<br/>Primary Industries<br/>Office of Water</b>   | <b>Contact:</b> Gina Potter<br><b>Phone:</b> 02 8838 7566<br><b>Fax:</b> 02 8838 7554<br><b>Email:</b> gina.potter@water.nsw.gov.au<br><b>Our ref:</b> 10 ERM2013/0122<br><b>Our file:</b> 9056737<br><b>Your ref:</b> DA2013/0096 |
| <b>The General Manager<br/>Penrith City Council<br/>PO Box 60<br/>Penrith NSW 2751</b> | <div style="border: 1px solid black; padding: 5px; text-align: center;"><b>RECEIVED</b><br/>D/MGT<br/><br/>5 APR 2013<br/><br/>PENRITH CITY COUNCIL</div> |  |
|  |   |  |

**Attention:** Development Services

**3 April 2013**

Dear Sir/Madam

**Re: Integrated Development Referral – General Terms of Approval**  
**Dev Ref: DA2013/0096**  
**Description of proposed activity: Community facility - education facility**  
**Site location: Lot 11 Water Street Werrington**

I refer to your recent letter regarding an integrated Development Application (DA) proposed for the subject property. Attached, please find the Office of Water's General Terms of Approval (GTA) for works requiring a controlled activity approval under the *Water Management Act 2000* (WM Act), as detailed in the subject DA.

Please note Council's statutory obligations under section 91A (3) of the *Environmental Planning and Assessment Act 1979* (EPA Act) which requires a consent, granted by a consent authority, to be consistent with the general terms of any approval proposed to be granted by the approval body.

If the proposed development is approved by Council, the Office of Water requests that these GTA be included (in their entirety) in Council's development consent. Please also note the following:

- The Office of Water should be notified if any plans or documents are amended and these amendments significantly change the proposed development or result in additional works on waterfront land (which includes (i) the bed of any river together with any land within 40 metres inland of the highest bank of the river, or (ii) the bed of any lake, together with any land within 40 metres of the shore of the lake, or (iii) the bed of any estuary, together with any land within 40 metres inland of the mean high water mark of the estuary).
- Once notified, the Office of Water will ascertain if the amended plans require review or variation/s to the GTA. This requirement applies even if the proposed works are part of Council's proposed consent conditions and do not appear in the original documentation.

- The Office of Water should be notified if Council receives an application to modify the development consent and the modifications change any activities on waterfront land.
- The Office of Water requests notification of any legal challenge to the consent.

As the controlled activity to be carried out on waterfront land cannot commence before the applicant applies for and obtains a controlled activity approval, the Office of Water recommends the following condition be included in the development consent:

"The Construction Certificate will not be issued over any part of the site requiring a controlled activity approval until a copy of the approval has been provided to Council".

**The attached GTA are not the controlled activity approval.** The applicant must apply (to the Office of Water) for a controlled activity approval **after consent** has been issued by Council **and before** the commencement of any work or activity on waterfront land.

Finalisation of a controlled activity approval can take up to eight (8) weeks from the date the Office of Water receives all documentation (to its satisfaction). Applicants must complete and submit (to the undersigned) an application form for a controlled activity approval together with any required plans, documents, the appropriate fee and security deposit or bank guarantee (if required by the Office of Water) and proof of Council's development consent.

Application forms for the controlled activity approval are available from the undersigned or from the Office of Water's website:

[www.water.nsw.gov.au](http://www.water.nsw.gov.au)      [Water licensing](#) » [Approvals](#) » [Controlled activities](#)

The Office of Water requests that Council provide a copy of this letter to the applicant.

The Office of Water also requests that Council provides the Office of Water with a copy of the determination for this development application as required under section 91A (6) of the EPA Act.

Yours Sincerely



Gina Potter  
Water Regulation Officer  
Office of Water - Hunter, Sydney & South Coast



## General Terms of Approval

for work requiring a controlled activity approval  
under s91 of the Water Management Act 2000

**Our Reference:** 10 ERM2013/0122 **File No:** 9056737  
**Site Address:** Lot 11 Water Street Werrington  
**DA Number:** DA2013/0096  
**LGA:** Penrith City Council

| Number                                 | Condition  |
|--|--|
| <b>Plans, standards and guidelines</b> |  |
| 1                                      | These General Terms of Approval (GTA) only apply to the controlled activities described in the plans and associated documentation relating to DA2013/0096 and provided by Council:<br>(i) Site plan, map and/or surveys<br>Any amendments or modifications to the proposed controlled activities may render these GTA invalid. If the proposed controlled activities are amended or modified the NSW Office of Water must be notified to determine if any variations to these GTA will be required.        |
| 2                                      | Prior to the commencement of any controlled activity (works) on waterfront land, the consent holder must obtain a Controlled Activity Approval (CAA) under the Water Management Act from the NSW Office of Water. Waterfront land for the purposes of this DA is land and material in or within 40 metres of the top of the bank or shore of the river identified.   |
| 3                                      | The consent holder must prepare or commission the preparation of:<br>(i) Vegetation Management Plan<br>(ii) Erosion and Sediment Control Plan<br>(iii) Soil and Water Management Plan  |
| 4                                      | All plans must be prepared by a suitably qualified person and submitted to the NSW Office of Water for approval prior to any controlled activity commencing. The following plans must be prepared in accordance with the NSW Office of Water's guidelines located at <a href="http://www.water.nsw.gov.au/Water-Licensing/Approvals/default.aspx">www.water.nsw.gov.au/Water-Licensing/Approvals/default.aspx</a><br>(i) Vegetation Management Plans<br>(ii) Riparian Corridors<br>(iii) Outlet structures |
| 5                                      | The consent holder must (i) carry out any controlled activity in accordance with approved plans and (ii) construct and/or implement any controlled activity by or under the direct supervision of a suitably qualified professional and (iii) when required, provide a certificate of completion to the NSW Office of Water.   |
| <b>Rehabilitation and maintenance</b>  |  |
| 6                                      | The consent holder must carry out a maintenance period of two (2) years after practical completion of all controlled activities, rehabilitation and vegetation management in accordance with a plan approved by the NSW Office of Water.   |
| 7                                      | The consent holder must reinstate waterfront land affected by the carrying out of any controlled activity in accordance with a plan or design approved by the NSW Office of Water.   |

[www.water.nsw.gov.au](http://www.water.nsw.gov.au)  
 Macquarie Tower, 10 Valentine Avenue, Parramatta NSW 2150 PO Box 3720 Parramatta NSW 2124 Australia | t + 61 2 8261 7777 |  
 f + 61 2 8638 7554 | e [information@water.nsw.gov.au](mailto:information@water.nsw.gov.au) | ABN 47 661 556 763  
 170912

**Our Reference:** 10 ERM2013/0122 **File No:** 9056737  
**Site Address:** Lot 11 Water Street Werrington  
**DA Number:** DA2013/0096  
**LGA:** Penrith City Council

| Number  | Condition  |
|---|--|
| <b>Reporting requirements</b>                   |  |
| 8   | The consent holder must use a suitably qualified person to monitor the progress, completion, performance of works, rehabilitation and maintenance and report to the NSW Office of Water as required.   |
| <b>Security deposits</b>                        |  |
| 9   | The consent holder must provide a security deposit (bank guarantee or cash bond) - equal to the sum of the cost of complying with the obligations under any approval - to the NSW Office of Water as and when required.  |
| <b>Access-ways</b>                              |  |
| 10  | N/A  |
| 11  | The consent holder must not locate ramps, stairs, access ways, cycle paths, pedestrian paths or any other non-vehicular form of access way in a riparian corridor other than in accordance with a plan approved by the NSW Office of Water.  |
| <b>Bridge, causeway, culverts, and crossing</b> |  |
| 12-13   | N/A  |
| <b>Disposal</b>                                 |  |
| 14  | The consent holder must ensure that no materials or cleared vegetation that may (i) obstruct flow, (ii) wash into the water body, or (iii) cause damage to river banks; are left on waterfront land other than in accordance with a plan approved by the NSW Office of Water.  |
| <b>Drainage and Stormwater</b>                  |  |
| 15  | The consent holder is to ensure that all drainage works (i) capture and convey runoffs, discharges and flood flows to low flow water level in accordance with a plan approved by the NSW Office of Water; and (ii) do not obstruct the flow of water other than in accordance with a plan approved by the NSW Office of Water.     |
| 16  | The consent holder must stabilise drain discharge points to prevent erosion in accordance with a plan approved by the NSW Office of Water.   |
| <b>Erosion control</b>                          |  |
| 17  | The consent holder must establish all erosion and sediment control works and water diversion structures in accordance with a plan approved by the NSW Office of Water. These works and structures must be inspected and maintained throughout the working period and must not be removed until the site has been fully stabilised. |
| <b>Excavation</b>                               |  |
| 18  | The consent holder must ensure that no excavation is undertaken on waterfront land other than in accordance with a plan approved by the NSW Office of Water.   |
| 19-21   | N/A  |
| <b>Maintaining river</b>                        |  |

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**Our Reference:** 10 ERM2013/0122

**File No:** 9056737

**Site Address:** Lot 11 Water Street Werrington

**DA Number:** DA2013/0096

**LGA:** Penrith City Council

| Number                               | Condition  |
|--------------------------------------|--|
| <b>River bed and bank protection</b> |  |
| 22                                   | The consent holder must clearly mark (with stakes using a GPS or peg out survey), protect and maintain an average riparian corridor with a width of 20 metres measured horizontally landward from (both) the highest banks of the river for the length of the site directly affected by the controlled activity in accordance with a plan approved by the NSW Office of Water. |
| 23                                   | The consent holder must establish a riparian corridor along the Claremont Creek in accordance with a plan approved by the NSW Office of Water.   |
| <b>END OF CONDITIONS</b>             |  |

[www.water.nsw.gov.au](http://www.water.nsw.gov.au)

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## Appendix No. 8 – Penrith DCP 2006 Development Control Table

|  | DCP Provision   | Comment   | Compliance |
|--|---|---|------------|
| <b>2.1 Contaminated Land</b>                             |   |   |            |
|  | Consider whether land is contaminated.  | Contamination Assessment provided that demonstrates the land is not contaminated and the site is suitable for the proposed use.   | Yes        |
| <b>2.2 Crime Prevention Through Environmental Design</b> |   |   |            |
|  | CPTED principles should be incorporated into the design addressing surveillance, access control and territorial reinforcement   | CPTED report provided that provides for further recommendations to maximise crime prevention measures and ensuring safety for persons attending the site.   | Yes        |
| <b>2.3 Engineering Works</b>                             |   |   |            |
|  | Works to be consistent with Councils 'Guidelines for Engineering Works for Subdivisions and Developments-Part 1- Design' and "Guidelines for Engineering Works for Subdivisions and Development-Part 2- Construction. | The proposal has been reviewed by Councils Development Engineer and found to be satisfactory. Conditions of consent reinforce this.   | Yes        |
| <b>2.4 Erosion and Sediment Control</b>                  |   |   |            |
| A1   | Erosion and Sediment Control Plan to be submitted as part of DA and carried out during development.   | Erosion and Sediment Control measures shown on plans and the provision of these measures through construction is reinforced by conditions of consent.   | Yes        |
| <b>2.5 Heritage Management</b>                           |   |   |            |
| 3.3  | Development within the vicinity of a heritage item  | The artefact scatter is not a heritage item but is an 'isolated find' that is regulated by the NSW National Parks and Wildlife Act 1974. The report prepared by Biosis provides sufficient detail to outline that the isolated find will be protected and conditions of consent reinforce this. | Yes        |
| <b>2.6 Landscape</b>                                     |   |   |            |
| B3   | Landscape Plan required.  | A landscape plan accompanies the development application providing for landscape works along boundaries and the revegetation of land in the vicinity of Claremont Creek.  | Yes        |
| <b>2.7 Notification and Advertising</b>                  |   |   |            |
| Part B   | Advertised Development- 30 day exhibition   | The development was advertised in local papers and notified to adjoining property   | Yes        |

|                               | DCP Provision   | Comment  | Compliance |
|-------------------------------|---|--|------------|
|                               |   | owners for a period of 30 days with no submissions received in response.   |            |
| <b>2.9 Waste Planning</b>     |   |  |            |
|                               |   | Waste storage areas noted on plans and existing waste collection arrangements will occur- i.e. commercial contract engaged by school. Conditions provided to reinforce appropriate disposal of waste.  | Yes        |
| <b>2.10 Flood Liable Land</b> |   |  |            |
|                               | Flood Report Required   | A flood report was prepared by Taylor Thomson Whitting that provided analysis of the impact of the development on flood behaviour and also the impact of flooding on the site. Both measures were deemed to be satisfactory and consistent with relevant standards. This was reviewed by Councils Development Engineer and found to be satisfactory. | Yes        |
|                               | 500mm freeboard above flood level (24.8 AHD Flood Level, + 500mm = 25.3 AHD).                               | The proposal has been designed to incorporate the 500mm freeboard to finished floor levels and conditions reinforce that finished floor levels are to achieve the 25.3m AHD level with a survey to confirm this.   | Yes        |
| <b>2.11 Car Parking</b>       |   |  |            |
|                               | Absence of specific requirements the RMS Guide to Traffic Generating Development should be used as a guide. | A traffic report was prepared by TTW Consulting Services that provided an analysis of proposed parking and outlined that the provision of 29 on-site spaces and 10 mini bus spaces was sufficient to cater for the demand. This was peer reviewed by Councils Traffic Engineer and found to be acceptable.   | Yes        |
|                               | Parking and Manoeuvring to be consistent with AS2890.   | The proposal has been reviewed by Councils Development Engineer and found to be satisfactory.  | Yes        |
| <b>2.13 Tree Preservation</b> |   |  |            |
|                               | Tree Preservation Order Applies.  | A number of trees are to be removed to enable the expansion of the existing facility. A flora assessment report has been prepared by Biosis and outlined the removal of trees would not result in significant impact on CPW. The loss of   | Yes        |



|   | DCP Provision | Comment   | Compliance |
|---|---------------|---|------------|
|   |               | vegetation is also offset through the planting on new trees in accordance with the Vegetation Management Plan.                        |            |
| <b>6.32 South Werrington Urban Village (SWUV)</b> |               |   |            |
|   |               | The portion of the site to which the SWUV applies involves no work and therefore the DCP provisions are not relevant to the proposal. | N/A        |