

SWPP Ref. No.:	2016SYW196
DA No.:	DA16/1006
PROPOSED DEVELOPMENT:	Alterations & Additions to an Existing Educational Establishment including New Buildings, Increased Student Numbers, Car Parking & Associated Works - Lot 1 DP 1197635, Lot 16 DP 1037710,5 - 10 Quigg Place, ORCHARD HILLS NSW 2748 124 - 140 Bringelly Road, ORCHARD HILLS NSW 2748
APPLICANT:	Ingham Planning Pty Ltd
REPORT BY:	Lauren Van Etten, Environmental Planner, Penrith City Council

Assessment Report

Executive Summary

Development Application No. DA16/1006 was lodged with Council by Ingham Planning Pty Ltd for alterations and additions to an existing school at Lot 16 DP 1037710 and Lot 1 DP 1197635, No. 5-10 Quigg Place and 124-140 Bringelly Road, Orchard Hills.

The subject site is zoned RU4 Primary Production Small lots under Penrith Local Environmental Plan (LEP) 2010. Schools are permitted in the zone. Notwithstanding the provision of the LEP, the development is also permissible with consent from Council under Clause 28 of the State Environmental Planning Policy (Infrastructure) 2007 (Infrastructure SEPP).

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

The proposed development has been advertised in the local newspaper and notified to the owners and occupiers of adjoining and nearby properties. A total of 32 property owners and occupiers were notified in the surrounding area and invited to make a submission during the exhibition period from 7 October 2016 to 21 October 2016. One submission was received in relation to the proposal.

An assessment of the proposed development under Sections 23G, 79C, and 91 of the Environmental Planning and Assessment Act 1979 has been undertaken and the following key issues emerged as a result of this assessment process:

- Accessibility;
- Character Impacts associated with the proposed fencing;
- Traffic, access and parking impacts;
- Acoustic Impacts;
- Compliance with Planning for Bush Fire Protection 2006;
- Water Sensitive Urban Design; and
- Stormwater and Overland Flow management.

These matters are discussed in detail in this report.

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 an adverse impact on the surrounding environment. The proposed development will provide the delivery of educational services and facilities. The proposed alterations and additions involve an increase in the number of students enrolled from 440 to 800 and staff employed at the school from 31 to 62, however the increased provision of parking is considered satisfactory to cater for the additional traffic demand generated. The site is suitable for the proposed development and the proposal is considered to be in the public interest. As a result, this report recommends that the application at the school be approved, subject to recommended conditions of consent.

There are 7 appendices to this report, as detailed below.

- Appendix 1 – Recommended Conditions of Consent;
- Appendix 2 – Site Plan;
- Appendix 3 – Floor Plans;
- Appendix 4 – Elevations;
- Appendix 5 – Landscape Plan; and
- Appendix 6 – Statement of Environmental Effects.
- Appendix 7 - NSW RFS Comments.
- Appendix 8 - NSW RMS Comments

Background

A pre-lodgement meeting was held with Council officers on 15 April 2016 and the issues raised at the meeting have been suitably addressed by the applicant.

Site & Surrounds

Site and Surrounds

The site is located at 124-140 Bringelly Road Orchard Hills and 5-10 Quigg Place Orchard Hills and is comprised of two lots with a total area of 3.565 hectares with the legal description of Lot 1 in Deposited Plan 1197635 and Lot 16 in Deposited Plan 1037710, as demonstrated in the site plan at Appendix 2.

The site is located on the east side of Bringelly Road, approximately 200m north of the intersection with The Northern Road. The site consists of a Kindergarten to Year 12 school, with K to 2 co-educational with large areas of cleared grassed playing fields within the northern portion of the site and mature native vegetation mid-way along the southern portion of the site.

The site sits within an area that typically contains low density housing to the north and west (Kingswood), and rural-residential development to the south and south-east (Orchard Hills), with complementary uses such as a medical centre to the south, and a commercial complex to the west. The site slopes at a gentle gradient to the west. However, throughout the centre of the site, the natural slopes have been modified by earthworks during the previous construction of the existing buildings.

The proposed building area is currently occupied by a grassed area and a pocket of mature trees which are not affected by the subject application. The proposed area currently has a steep slope with approximately 3-4m difference across the proposed building area.

Proposal

The development proposal consists of the following aspects:

- Construction of multiple additions, including three additional single storey classroom buildings (476m², 155m², 435m²), one art and technical teaching building (235m²), and an additional office/administration building (99m²).
- Construction of a two storey, 4 room kindergarten building, attached to the existing main building fronting Bringelly Road (465m²).
- Construction of an 80 car space car parking area accessed from Quigg Place that will accommodate a pick up and drop off area for cars.
- Construction of the cul-de-sac head.
- Increase in the number of students from 440 to 800 and increase in the number of staff from 31 to 62.
- Associated landscaping, including the construction of an amphitheatre and construction of a pedestrian pathway throughout the site, connecting to the existing pathways.

Refer to Appendix 2-4 for copies of the site plan and elevations which show details of the proposed works.

The following plans/documents have accompanied the Development Application:

- Survey Plan by Land Development Solutions;
- Architectural Plans by NBRS + Partners;
- Statement of Environmental Effects by Ingham Planning Pty Ltd;
- Acoustic Report by JHA Services;
- Traffic and Parking Assessment Report by Varga Traffic Planning Pty Ltd;
- BCA Compliance Report by NBRS Architecture;
- Access Report by Douglas Melloh from Stanton Dahl Architects
- Stormwater Assessment and Water Sensitive Urban Design by Eclipse Consulting Engineers;
- Landscape Plan by NBRS Architecture; and
- Bushfire Assessment Report by Bushfire Management Consultants.

Plans that apply

- Local Environmental Plan 2010 (Amendment 4)
- Development Control Plan 2014
- State Environmental Planning Policy (Infrastructure) 2007
- State Environmental Planning Policy No 55—Remediation of Land
- Sydney Regional Environmental Plan No.20 - Hawkesbury Nepean River

Planning Assessment

- **Section 23G - Sydney West Planning Panel (SWPP)**

Development applications for community facilities with a Capital Investment Value (CIV) greater than \$5 million are to be determined by the relevant regional panel. The proposed development has a CIV of \$5.678 million. The Sydney West Planning Panel Policy therefore has the function of determining the subject Development Application in accordance with Section 23G of the Environmental Planning and Assessment Act 1979 and Section 18 of the Greater Sydney Commission Act 2015.

- **Section 79C - Evaluation**

The proposed development has been assessed against Sections 23G, 79C and 89 of the Environmental Planning and Assessment Act 1979 (the Act) and based on this assessment, the following issues have been identified for further consideration.

- **Section 91- Integrated development**

Initially, The Rural Fire Services (RFS) Bushfire Safety Authority required a 10 metre setback from the proposed buildings to the southern boundary of the property, which warranted the buildings to be redesigned. The configuration of buildings was then amended. In addition, the Bush Fire Safety Authority initially also required the cul-de-sac to be widened to comply with AS 2890.2 to allow medium rigid vehicles safe access. Further discussions were then undertaken between the applicant and the RFS and the Bushfire Safety Authority was subsequently amended to remove this requirement and instead provide a mountable curb to ensure the proposal complies with the relevant Australian Standard in this regard.

Section 79C(1)(a)(i) The provisions of any environmental planning instrument

State Environmental Planning Policy (Infrastructure) 2007

Division 3 Educational Establishments

Clause 28(1) states that development for the purpose of an 'educational establishment' is permitted with consent in a prescribed zone. In this case, an RU4 Primary Production Small Lots zone is considered a prescribed zone and as a result the proposed school is therefore permissible development with consent.

Clause 32(2), states that before determining a Development Application for a school the consent authority must take into consideration all relevant standards of the following State Government publications:

- (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 Department of Education and Communities (DEC) has indicated that these standards are currently under a comprehensive review. As a response to Stage 1 of the review, a new system titled 'The Educational Facilities Standards and Guidelines' has been created and can be accessed via the DEC's website. The standards provide a benchmark for all new school developments.

As such, the new standards and guidelines have been taken into consideration when preparing this application and associated architectural and landscape design plans.

Division 17 Roads and Traffic

Clause 104 of the SEPP states that any development that meets or exceeds the thresholds in Column 1 of the Table to Schedule 3 is required to be referred to Roads and Maritime Services (RMS) for comment. Schedule 3 states that an educational establishment that has a capacity of 50 or more students constitutes "traffic generating development". As the proposed school exceeds this threshold, the proposal was referred to the RMS for comment. The RMS raised no objections to the proposal subject to their conditions of consent. Refer to Appendix 8 for details.

State Environmental Planning Policy No 55—Remediation of Land

SEPP 55 aims to provide a framework for the assessment, management and remediation of contaminated land throughout the State. Clause 7 of SEPP 55 specifically 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.

Due to the historical uses of the site and considering the site has a low likelihood of contamination, the site is considered to be suitable for the proposed development and as such the provisions of Clause 7 of SEPP 55 is considered satisfied.

Sydney Regional Environmental Plan No.20 - Hawkesbury Nepean River

SREP 20 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 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.

Water quality and quantity strategies were included through a Water Sensitive Urban Design (WSUD) Strategy, incorporating treating runoff by SPEL Stormsacks and redirecting to one of 2 bio retention basins in the new landscaped areas, before redirection to the existing detention basin to ensure the amount of stormwater run-off from the site and the rate at which it leaves the site does not significantly increase as a result of development and that the quality of stormwater discharge from the site will not result in adverse environmental outcomes. Council's Waterways Officer reviewed the proposal and raised no concerns.

In addition, given the earthworks proposed, a recommended condition of consent will ensure that erosion and sediment control measures are 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.

The proposed development is therefore suitable and acceptable, as it complies with all the relevant stormwater management requirements and is acceptable in relation to Council's WSUD design criteria.

Local Environmental Plan 2010 (Amendment 4)

Provision	Compliance
Clause 2.3 Permissibility	Complies - See discussion
Clause 2.3 Zone objectives	Complies - See discussion
Clause 5.9 Preservation of trees or vegetation	Complies - See discussion
Clause 7.1 Earthworks	Complies - See discussion
Clause 7.4 Sustainable development	Complies - See discussion

Clause 2.3 Permissibility

The site is zoned RU4 Primary Production Small Lots under the Penrith Local Environmental Plan (LEP) 2010. Schools are permissible in the zone with consent.

Clause 2.3 Zone objectives

The alterations and additions to an existing school achieve the objectives for the zone as the proposal is of a scale and nature that is compatible with the environmental capabilities of the land and maintains the rural landscape character of the land. In addition, the development does not unreasonably increase the demand for public services or facilities as evidenced by the adequate parking/traffic impacts and appropriate stormwater management measures, detailed elsewhere in this report.

Clause 5.9 Preservation of trees or vegetation

It is noted that none of the existing trees within the school grounds are to be removed as part of the application and overall, the proposal will preserve the amenity of the area.

Clause 7.1 Earthworks

The earthworks will be achieved primarily through the regrading of the site through the transportation of material from the eastern section of the site where 'cutting' is proposed to the landscaped section of the site where filling is proposed. Recommended conditions of consent will ensure that any fill material brought on site is subject to a validation certificate and that any material taken off site is disposed of in accordance with Environment Protection Authority (EPA) requirements.

Given that there will be substantial cutting into the subject site along the eastern boundary, and the proposed buildings are of a single storey, it is not considered that there will be any adverse visual impacts nor adverse impact on the existing drainage corridors especially given the significant stormwater catchment infrastructure associated with the proposed works.

The site is not identified as having any heritage value or the potential for the development to disturb any relics.

Clause 7.4 Sustainable development

The proposed development incorporates principles of sustainable development through the following measures:

- Rainwater re-use for landscaping;
- Low energy lighting fixtures;
- Selection of construction materials based on minimised environmental impact;
- Orientation of buildings and play areas based on solar access;

Section 79C(1)(a)(iii) The provisions of any development control plan

Development Control Plan 2014

Provision	Compliance
C1 Site Planning and Design Principles	Complies
C2 Vegetation Management	Complies
C3 Water Management	Complies
C4 Land Management	Complies
C5 Waste Management	Complies
C6 Landscape Design	Complies
C7 Culture and Heritage	N/A
C8 Public Domain	N/A
C9 Advertising and Signage	N/A
C10 Transport, Access and Parking	Complies
C11 Subdivision	N/A
C12 Noise and Vibration	Complies
C13 Infrastructure and Services	Complies
E10 Orchard Hills controls	Complies - see Appendix - Development Control Plan Compliance

Section 79C(1)(a)(iv) The provisions of the regulations

The proposal has been assessed having regard to the Environmental Planning and Assessment Regulations 2000 where applicable as outlined below.

Fire Safety

Under Part 9 of the Environmental Planning and Assessment Regulation 2000 owners of buildings must provide the FRNSW Commissioner with a copy of the Fire Safety Certificate for the building (along with the current Fire Safety Schedule). The Fire Safety Certificate is issued when essential fire safety measures have been assessed by a qualified person as being capable of performing to the standard defined by the Schedule. A recommended condition of consent is proposed to ensure that this occurs on an annual basis.

Prescribed Conditions

The relevant prescribed conditions of the Regulations, such as the requirement for compliance with the BCA are recommended as conditions of consent where applicable.

Advertising and Notification

Advertising and neighbour notification were carried out in accordance with the requirements of the Regulations being in accordance with Penrith DCP 2014.

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 residential properties and will not pose any adverse impact on existing or future surrounding land uses.

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 as well as providing for a buffer zone between all adjoining residential boundaries.

The built form of the proposal is considered to be compatible with the surrounding and adjacent land uses considering its one storey design and generous setbacks from boundaries. Accordingly it is not considered to have any adverse impact on the visual amenity of the area. Parking areas do not dominate the streetscape and are appropriately screened by landscaping. The proposal demonstrates high quality design with appropriate use of colours, interesting architectural elements and a variety of finishes.

Natural Environment – Flora and Fauna

While the site contains some woodland, no trees identified as significant will require removal. All trees that require retention will be protected in accordance with the recommendations contained in this report. Ample additional tree planting is to be provided surrounding the buildings and car park.

Accessibility

The application has been accompanied by an assessment of Building Code of Australia (BCA) compliance, prepared by NBR Architecture and an appraisal of accessibility, prepared by Stanton Dahl Architects. The report concludes that subject to detailed design, the proposal will provide equitable access for people with disabilities. Concern was raised by Access Committee in relation to the proposed accessible ramp to the amphitheatre given the difference in ground levels between the top and bottom of the amphitheatre, however it was confirmed that there is access to the top and bottom tiers of the amphitheatre, rather than a ramp due to the level differences.

In addition, where steps were originally shown along the proposed pathway, ramps with appropriate gradients were added to the amended plans. Lastly, a recommended condition of consent will ensure hand rails are provided to the descending staircase within the amphitheatre along one side. Subject to recommended conditions of consent the proposal is considered satisfactory in terms of providing accessibility for persons with a disability.

Safety, Security and Crime Prevention

The development has been designed with direct surveillance of the Quigg Place frontage and the main new play area surrounding the amphitheatre. The proposed works will assist in improving the presentation of the site, which will improve the amenity, casual surveillance and ultimately public safety and sense of security within the site and surrounding area. The application was also referred to Council's Social Planning Officer with no concerns raised to the proposal in this regard. In addition, it is noted that a Construction Management Plan is proposed to stage construction and minimise impacts on the existing school operations.

Acoustic Impacts

The outdoor play areas have been designed and located to achieve the best possible acoustic outcome, being centrally located within the development and shielded from adjoining residences by other proposed school structures.

In regards to surrounding residences, it has been demonstrated in the accompanying Environmental Noise Impact Assessment provided by JHA that noise will not impact other sensitive receivers.

Recommendations provided in the Environmental Noise Impact Assessment include glazing, 2.1m high boundary acoustic fences and noise management strategies.

Council's Environmental Management Officer reviewed the submitted information and raise no objections subject to conditions of consent, requiring compliance with the recommendations of the acoustic report, in relation to glazing, noise management strategies and acoustic barriers, and subject to a condition requiring a noise management plan to be prepared prior to the issue of an occupation certificate.

Lastly, the acoustic report proposed 800 children, whereas the statement of environmental effects and traffic report proposed 885. Until the acoustic report is revised, a recommended condition of consent will restrict the number of children to 800.

Flooding

The site is affected by local overland flows. The engineering plans prepared by Eclipse Consulting Engineers show the locations of overland flow paths through the site, namely between the proposed buildings, however no flood modelling had been submitted with the application. In this regard, an Overland Flow Flood Report was requested. Council's Engineering Officer reviewed the information subsequently submitted and raised no objection subject to conditions of consent.

Excessive flows from the external catchment are transmitted through the site in the grass lined swale contained within the existing drainage easement. This easement has been modelled to contain all flows up to and including the 1:100 year storm event. The overland flow flood report includes confirmation of safe flows etc. The WCMP was updated to show the pre and post-development overland flow paths through the site to ensure there are no adverse impacts on neighbouring properties (both upstream and downstream).

Access, Parking and Traffic

The application has been accompanied by a Traffic and Parking Assessment Report prepared by McLaren Traffic Engineering & Road Safety Consultants which concludes that the proposed vehicle access and car parking arrangements are satisfactory.

Vehicular access to the site is via a one way driveway with separate entrance and exit points from Quigg Place. The proposed development includes the construction of 80 car parking spaces for staff and students, including 2 accessible spaces.

The traffic flows generated by the development can be accommodated by the surrounding road network.

Regarding cumulative impacts upon the existing drop off and pick up traffic volumes, The Traffic and Parking Assessment Report advises that the proposed new car park will be primarily for student and staff parking and that all other access for drop off / pick up, private vehicle parking, buses, deliveries, waste services will be from the existing car park. However, given the approximate doubling of traffic generation, this new car park off Quigg Place and sections of Quigg Place are also likely to be used for alternate drop off / pick up and parking for private vehicles and will result in congestion in the car park, cul-de-sac head and along Quigg Place if not provided for in the new car park. Therefore, the proposal was modified, as requested by Council, to include the provision of a drop off/pick up bay at the eastern end of the car park. This has been provided and is depicted on the proposed revised plans.

Regarding likely cumulative impacts upon the existing bus services, the Traffic and Parking Assessment Report traffic counts show that there are an existing 8 or more "mini buses" in the morning and afternoon. These buses enter and leave the existing car park, sharing a queue with a pick-up service for private vehicles, in the outer aisle kerbside fronting the school which does not have passing provision. The Traffic

and parking assessment report does not comment on how the 18 metre long existing bus bay area accommodates the existing conflicting uses in a narrow aisle and how it will accommodate the approximately doubled traffic and doubled bus use from the proposed development. The likely traffic queues will be addressed by recommended conditions of consent to ensure that the existing car park is appropriately signposted to zone buses and private car use areas. More specifically, a "Bus and Mini Buses Only School Days" zone sign shall be provided along the full outer aisle kerbside fronting the school and the first three rows of parking shall be signposted as "10 minute Parking 8am - 9:30 am 2:30 pm - 4pm School Days" zone to allow parents and carers to park private vehicles and walk into the school to collect their child rather than create a queue onto Bringelly Road.

The applicant also noted that the school now has staggered finishing times for the primary and secondary school to reduce queuing of traffic onto Bringelly Road.

Penrith DCP 2014 also requires accessible parking to comply with AS 2890.6 and the BCA. A secondary school is a Class 9b building and as such requires the provision of 1 accessible parking space per 100 parking spaces provided, or part thereof. Therefore, the site requires one (1) accessible space which has been provided as per AS 2890.6: 2009 AND as 4288 design requirements.

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

Waste Management

Waste Services, other service vehicle and delivery vehicle facilities for the development are proposed to be combined with the existing waste service bay in the existing car park. This waste service bay relies on waste trucks reversing in the car park aisle in conflict with vehicles and pedestrians however this is an existing arrangement.

The existing car park and waste collection area is not proposed to be modified as part of this application, however a recommended condition of consent will ensure that waste collection hours are outside of school hours to mitigate the potential conflict and safety consideration.

Section 79C(1)(c) The suitability of the site for the development

The subject site is deemed suitable for the development for the following reasons:

- The use is permissible with consent and consistent with the zone objectives.
- The use is compatible with surrounding/adjoining land uses.
- Stormwater from the site is able to drain to Council's satisfaction.
- The site is adequately serviced by transport, water and sewer infrastructure which has the capacity to cope with any increase in demand associated with the proposed development.

Section 79C(1)(d) Any Submissions

Community Consultation

The proposed development was advertised in the local newspaper and notified to the owners and occupiers of adjoining and nearby properties pursuant to the requirements of the EP&A Regulations. Affected property owners and occupiers were notified in the surrounding area and invited to make a submission on the proposal during the exhibition period from 7 October to 21 October 2016.

In response, one submission was received and the response to the issues raised is discussed below.

Building Height

Under DA08/0886 the buildings were approved as one storey. It is noted, however, that under State Environmental Planning Policy (Infrastructure) 2007, Part 3, Division 3, Clause 31A, constructions and alterations and additions to existing educational establishments is complying development subject to certain development standards, including a maximum building height of 12m. Further, Council's records indicate several complying development certificates have been issued in relation to the existing buildings, all with a two storey height. Notwithstanding, this matter is not the subject of the application, which is for one storey buildings providing an appropriate transition with the rural-residential interface.

Fencing

Acoustic fencing is required to provide effective noise attenuation to surrounding residences. Hedging alone is not considered an appropriate interface, as was requested, given the bushfire prone nature of the land. However, trees will be provided, with appropriate spacing, to provide an adequate landscaped buffer between the adjoining properties. The landscaping, coupled with a fence of an appropriate colour, will provide a boundary interface that remains appropriate to the character of the area.

Council's Environmental Management Officer reviewed the submitted information and raised no objections subject to conditions of consent, requiring compliance with the recommendations of the acoustic report, in relation to glazing, noise management strategies and 2.1m high boundary acoustic fences, and subject to a condition requiring a noise management policy to be prepared prior to the issue of an occupation certificate.

Acoustic Impacts

It is noted that the potential use of amplified music and PA systems has not been addressed in the application. A recommended condition of consent will ensure that amplified music and public address systems associated with the development are not to be audible from surrounding habitable dwellings. No amplified music or public address systems are to be used in the carparks.

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

Lighting

A recommended condition of consent will ensure that exterior lighting shall be located and directed in such a manner so as not to create a nuisance to surrounding land uses. The lighting shall be the minimum level of illumination necessary for safe operation. The lighting shall be in accordance with AS 4282 "Control of the obtrusive effects of outdoor lighting" (1997).

Tree Species

An alternative tree species and its location is identified in red on the proposed landscape plan to provide a lower tree and retain views of the Blue Mountains from properties within Wakefield Place as requested in the received submission.

Referrals

The application was referred to the following stakeholders and their comments have formed part of the assessment:

Referral Body	Comments Received
Building Surveyor	No objections - subject to conditions
Development Engineer	No objections - subject to conditions
Environmental - Environmental management	No objections - subject to conditions
Environmental - Waterways	No objections - subject to conditions
Environmental - Public Health	No objections - subject to conditions
Traffic Engineer	Awaiting additional information x (deleted)
Social Planning	No objections - subject to conditions

Section 79C(1)(e)The public interest

The site is suitable for the proposed development. The proposed development is permissible with consent and the proposal meets the aims and objectives of the relevant environmental planning instruments. The matters raised in the public submissions have been considered and addressed. External agencies including the RFS have been consulted and raised no objections. The development proposal will provide for significant public benefit in terms of teaching facilities catering for the needs of students. For these reasons the proposal is in the public interest.

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 Sections 23G, 79C, 89 and 91 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

That Development Application No. DA16/1006 for Alterations & Additions to Existing Educational Establishment including New Buildings, Increased Student Numbers, Car Parking & Associated Works at 5 - 10 Quigg Place ORCHARD HILLS be approved subject to the recommended conditions outlined in Appendix 1.

CONDITIONS

General

1 A001

The development must be implemented substantially in accordance with the following plans stamped approved by Council, the application form, and any supporting information received with the application, except as may be amended in red on the approved plans and by the following conditions.

Description	Prepared by	Reference	Rev.	Dated
Site Plan	NBRS + Partners	14497 – DA050	D	06/06/17
Site Plan – Level 1	NBRS + Partners	14497 – DA051	B	18/05/16
Elevations	NBRS + Partners	14497 – DA300	B	26/08/16
Campus Aerial Perspective South	NBRS + Partners	14497 – DA950	C	26/08/16
Campus Aerial Perspective North	NBRS + Partners	14497 – DA951	C	26/08/16
External Finishes Schedule				09/06/16
Landscape Plan	NBRS Architecture	14497 – LDA01 - 3	-	06/04/17
Landscape Plan	NBRS Architecture	14497 – LDA02- 2	-	06/04/17
Civil Plans	Eclipse Consulting Engineers	C01 to C20	D	05/04/17
Drainage Swale Chainage Plan	Eclipse Consulting Engineers	C21	A	05/04/17
External Site Catchment Plan	Eclipse Consulting Engineers	C22	A	05/04/17
Construction Management Plan- Phase 5 & 6	NBRS + Partners	14497- DA501	B	26/08/16
Construction Management Plan- Phase 7	NBRS + Partners	14497- DA502	B	26/08/16
Construction Management Plan- Phase 8	NBRS + Partners	14497- DA503	B	26/08/16
Construction Management Plan- Phase 9	NBRS + Partners	14497- DA504	B	26/08/16
Waste Management Plan	NBRS Architecture	Project No. 14497	-	29/08/16

2 [A014 - LOT CONSOLIDATION](#)

Lot 16 in Deposit Plan 1037710 and Lot 1 DP 1197635 are to be consolidated as one lot. Written evidence that the request to consolidate the lots has been lodged with Land and Property Information division of the Department of Lands is to be submitted to the certifying authority before the Construction Certificate for the development can be issued by the certifier.

A copy of the registered plan of consolidation from Land and Property Information division of the Department of Lands is to be submitted to the Principal Certifying Authority (PCA) and Penrith City Council, if Council is not the PCA, prior to the issue of the Occupation Certificate for the development.

3 [A019 - OCCUPATION CERTIFICATE \(ALWAYS APPLY\)](#)

The development shall not be used or occupied until an Occupation Certificate has been issued.

4 [A020 - Use of building](#)

The building shall not be used under any circumstances for any industrial or habitable residential activity. The building may be hired to small organisations for the purposes of community and cultural services. The building shall not be used under any circumstances for any other commercial activity.

5 [A038 - LIGHTING LOCATIONS](#)

Prior to the issue of an Occupation Certificate, a lighting system shall be installed for the development to provide uniform lighting across common areas and driveways. Exterior lighting shall be located and directed in such a manner so as not to create a nuisance to surrounding landuses. The lighting shall be the minimum level of illumination necessary for safe operation. The lighting shall be in accordance with AS 4282 "Control of the obtrusive effects of outdoor lighting" (1997).

6 [A044 - Compliance with NSW Rural Fire Service conditions of consent](#)

The conditions imposed by the NSW Rural Fire Service in the Integrated Development consent and in the Bush Fire Safety authority dated 1 May 2017 for the said development are to be completed prior to the issue of an Occupation Certificate.

7 [A046 - Obtain Construction Certificate before commencement of works](#)

A **Construction Certificate** shall be obtained prior to commencement of any building works.

8 [A Special](#)

Stair, ramps and walkways shall be provided in accordance with the requirements of AS 1428.1 and the Building Code of Australia.

9 [A Special \(RMS requirements\)](#)

The conditions imposed by the NSW Roads and Maritime Services in their correspondence dated 17 November 2016 for the said development are to be completed prior to the issue of an Occupation Certificate.

10 [A Special \(Student Max\)](#)

The school is to have a maximum of 800 students.

11 [A special BLANK](#)

Amplified music and public address systems associated with the development are not to be audible from surrounding habitable dwellings. No amplified music or public address systems are to be used in the carpark.

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

12 [A special BLANK](#)

A Noise Management Policy is to be prepared prior to the issue of an Occupation Certificate. The Noise Management Policy shall:

- Recommend systems and/or controls to be implemented to minimise the potential for any adverse noise and vibration impacts, with consideration given to
 - Management of traffic movements
 - Noise generated by children activity
 - Events outside of core operating hours
- Address the relevant conditions of this consent

Neighbouring residents are to be informed of upcoming events likely to increase noise levels at the residence, and neighbouring residents shall be provided with a contact name and contact number of a school staff member that can be contacted regarding noise issues emanating from the school.

The Noise Management Policy is to be implemented and complied with at all times.

13 [A special BLANK](#)

All external cleaning, gardening and maintenance is to occur between 10:00am - 3:00pm.

14 [A Special BLANK](#)

A 2.1 metre high acoustic fence is to be constructed on the north, east and south-east boundaries of the property in accordance with the Environmental Noise Impact Assessment: Montgrove College Orchard Hills, NSW, (prepared by JHA, dated 11/03/2016).

The acoustic fence is to be of solid composition, fire-retardant, and must be suitable in colour with respect to the surrounding rural character. Detailed plans and specifications of the acoustic fence are to be submitted to Council **prior to the issue of the Construction Certificate**. The fence is to be satisfactorily installed **prior to the issue of the Occupation Certificate**.

Demolition

15 [B004 - Dust](#)

Dust suppression techniques are to be employed during demolition and construction to reduce any potential nuisances to surrounding properties.

16 [B005 - Mud/Soil](#)

Mud and soil from vehicular movements to and from the site must not be deposited on the road.

Environmental Matters

17 **D001 - Implement approved sediment& erosion control measures**

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.

18 **D002 - Spraygrass**

All land that has been disturbed by earthworks is to be spray grassed or similarly treated to establish a grass cover.

19 **D005 – No filling without prior approval (may need to add D006)**

No fill material 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.

20 **D006 - No filling without prior approval (Use always, except for bulk earthworks/ major fill operations)**

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 submitted to, considered and approved by Council. 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.

{Note: Penrith Contaminated Land Development Control Plan defines an appropriately qualified person as "a person who, in the opinion of Council, has a demonstrated experience, or access to experience in hydrology, environmental chemistry, soil science, eco-toxicology, sampling and analytical procedures, risk evaluation and remediation technologies. In addition, the person will be required to have appropriate professional indemnity and public risk insurance."}.

If the Project Manager or Penrith City Council is not satisfied that suitable fill materials have been used on the site, further site investigations or remediation works may be requested. In these circumstances the works shall be carried out prior to any further approved works.

21 **D009 - Covering of waste storage area**

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.

22 **D010 – Appropriate disposal of excavated or other waste**

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 to the Certifying Authority as part of the waste management documentation accompanying the Construction Certificate application.

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.

23 **D013 - Approved noise level 1**

Noise levels from the premises shall not exceed the relevant noise criteria detailed in the Environmental Noise Impact Assessment: Montgrove College Orchard Hills, NSW, prepared by JHA, dated 11/03/2016 . The recommendations provided in the above-mentioned acoustic report shall be implemented and incorporated into the design and construction of the development, and shall be shown on plans accompanying the Construction Certificate application. 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 to the Principal Certifying Authority prior to the issue of an Occupation Certificate.

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

24 **D025 - Stormwater disposal**

Stormwater runoff from parking and open areas shall be directed to the stormwater drainage system.

25 **D Special (BLANK)**

Should any "unexpected finds" occur during site excavation and earthworks including, but not limited to, the identification/finding of contaminated soils, buried building materials, asbestos, odour and/or staining, works on the site are to cease immediately and Council is to be notified. Any such "unexpected finds" shall be investigated and addressed by an appropriately qualified environmental consultant, in line with the relevant EPA Guidelines and the National Environment Protection (Assessment of Site Contamination) Measure 2013.

All remediation works within the Penrith Local Government Area are considered to be Category 1 works under State Environmental Planning Policy No. 55-Remediation of Land. Should any contamination be found during development works and should remediation be required, development consent is to be sought from Penrith City Council before the remediation works commence.

26 **D Special (BLANK)**

The collection of waste from the site is to occur outside of school hours to minimise conflicts in manoeuvring and drop off/pick up arrangements.

BCA Issues

27 E009 - Annual fire safety-essential fire safety (Class 2-9 buildings)

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.

28 E01A - BCA compliance for Class 2-9

All aspects of the building design shall comply with the applicable performance requirements of the Building Code of Australia so as to achieve and maintain acceptable standards of structural sufficiency, safety (including fire safety), health and amenity for the on-going benefit of the community. Compliance with the performance requirements can only be achieved by:

(a) complying with the deemed to satisfy provisions, or

(b) formulating an alternative solution which:

- complies with the performance requirements, or
 - is shown to be at least equivalent to the deemed to satisfy provision, or
- (c) a combination of (a) and (b).

It is the owner's responsibility to place on display, in a prominent position within the building at all times, a copy of the latest fire safety schedule and fire safety certificate/ statement for the building.

29 E Special (Accessibility requirements)

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".

Health Matters and OSSM installations

30 F005 - Legionnaires disease

Air-handling systems, hot-water systems, humidifying systems, warm-water systems and water-cooling systems shall be operated and maintained in accordance with the Public Health Act 2010, Public Health Regulation 2012, AS3666.2:2011 *Air-handling and water systems of buildings – Microbial control - Operation and maintenance* and the current edition of the NSW Code of Practice for the Control of Legionnaires Disease

The water-cooling system shall be operated and maintained in accordance with the Public Health Act 2010, Public Health Regulation 2012, AS3666.3:2011 *Air-handling and water systems of buildings – Microbial control – Performance-based maintenance of cooling water systems* and the current edition of the NSW Code of Practice for the Control of Legionnaires Disease.

Utility Services

31 [G002 - Section 73 \(not for](#)

A Section 73 Compliance Certificate under the Sydney Water Act 1994 shall be obtained from Sydney Water prior to the commencement of the school's operation. The application must be made through an authorised Water Servicing Coordinator. Please refer to "Your Business" section of Sydney Water's website at www.sydneywater.com.au then the "e-developer" icon, or telephone 13 20 92.

32 [G004 - Integral Energy](#)

Prior to the commencement of works, a written clearance is to be obtained from Endeavour Energy stating that electrical services have been made available to the development or that arrangements have been entered into for the provision of services to the development.

Construction

33 [H001 - Stamped plans and erection of site notice](#)

Stamped plans, specifications, a copy of the development consent, the Construction Certificate and any other Certificates to be relied upon shall be available on site at all times during construction.

The following details are to be displayed in a maximum of 2 signs to be erected on the site:

- the name of the Principal Certifying Authority, their address and telephone number,
- the name of the person in charge of the work site and telephone number at which that person may be contacted during work hours,
- that unauthorised entry to the work site is prohibited,
- the designated waste storage area must be covered when the site is unattended, and
- all sediment and erosion control measures shall be fully maintained until completion of the construction phase.

Signage but no more than 2 signs stating the above details are to be erected:

- at the commencement of, and for the full length of the, construction works onsite, and
- in a prominent position on the work site and in a manner that can be easily read by pedestrian traffic.

All construction signage is to be removed when the Occupation Certificate has been issued for the development.

34 **H002 - All forms of construction**

Prior to the commencement of construction works:

(a) Toilet facilities at or in the vicinity of the work site shall be provided at the rate of one toilet for every 20 persons or part of 20 persons employed at the site. Each toilet provided must be:

- a standard flushing toilet connected to a public sewer, or
- if that is not practicable, an accredited sewage management facility approved by the council, or
- alternatively, any other sewage management facility approved by council.

(b) All excavations and backfilling associated with the erection or demolition of a building must be executed safely and in accordance with the appropriate professional standards. All excavations associated with the erection or demolition of a building must be properly guarded and protected to prevent them from being dangerous to life or property.

(c) If an excavation associated with the erection or demolition of a building extends below the level of the base of the footings of a building on an adjoining allotment of land, the person causing the excavation to be made:

- must preserve and protect the building from damage, and
- if necessary, must underpin and support the building in an approved manner, and
- must, at least 7 days before excavating below the level of the base of the footings of a building on an adjoining allotment of land, give notice of intention to do so to the owner of the adjoining allotment of land and furnish particulars of the excavation to the owner of the building being erected or demolished. The owner of the adjoining allotment of land is not liable for any part of the cost of work carried out for the purposes of this condition, whether carried out on the allotment of land being excavated or on the adjoining allotment of land, (includes a public road and any other public place).

(d) If the work involved in the erection or demolition of a building is likely to cause pedestrian or vehicular traffic in a public place to be obstructed or rendered inconvenient, or involves the enclosure of a public place, a hoarding or fence must be erected between the work site and the public place:

- if necessary, an awning is to be erected, sufficient to prevent any substance from, or in connection with, the work falling into the public place,
- the work site must be kept lit between sunset and sunrise if it is likely to be hazardous to persons in the public place, and
- any such hoarding, fence or awning is to be removed when the work has been completed.

35 **H036 - Rainwater Tank**

The rainwater tank(s) is to be:

- erected on a self-supporting base in the approved location on the property in accordance with the stamped-approved site plans for the development,
- structurally sound and constructed in accordance with AS/NZS 3500 1.2- 1998: National Plumbing and Drainage - Water Supply - Acceptable Solutions,
- fully enclosed and all openings sealed to prevent access by mosquitoes,
- fitted with a first flush device,
- fitted with a changeover valve to top up from mains water,
- provided with an air gap, and
- installed by a licensed plumber in accordance with Sydney Water's "Plumbing requirements Information for rainwater tank suppliers and plumbers April 2003" and the NSW Code of Practice: Plumbing and Drainage.

Additionally, the following are to be provided:

- A back flow prevention device shall be provided at the water meter in accordance with Sydney Water requirements.
- The rainwater tank(s) and associated piping is to be labelled 'Rainwater - Not for Drinking' in accordance with Sydney Water requirements.
- The rainwater tank and pipework is to be painted in colours matching the external finishes of the building and is to be of non-reflective finish.
- The overflow for the rainwater tank is to be connected into the existing stormwater disposal system on the site.

Before a rainwater tank(s) can be used, a certificate or suitable document is to be submitted to the Proponent stating that the rainwater tank has been installed in accordance with:

- the Manufacturer's Specifications, and
- Sydney Water and NSW Health requirements.

This certificate or documentation is to be provided by the licensed plumber who installed the rainwater tank on the property, and is to be submitted prior to the commencement of the school's operation.

36 **H037 - Safe supply of water from catchment areas (Also impose H036, H038 & H039)**

The catchment area (for the rainwater tank) includes the parts of the roof of the building(s) from which water is collected and includes gutters. To ensure a safe supply of water:

- roof catchment areas must be kept clear of overhanging vegetation,
- gutters must have sufficient fall to downpipes to prevent pooling of water,
- overflow, discharge from bleed off pipes from roof mounted appliances such as airconditioners, hot water services and solar heaters must not discharge into the rainwater catchment area,
- appropriate measures must be installed to prevent foreign materials from contaminating the water which enters the rainwater tank.

37 **H038 - Connection of rainwater tank supply (Also impose H036, H037 & H039)**

The rainwater tank supply must not be connected to drinking and bathing water tap outlets.

38 **H039 - Rainwater tank pumps (Also impose H036, H037 & H038)**

The rainwater tank pump must not exceed 5dBA above ambient background noise level at the nearest residential property boundary. The provisions of the Protection of the Environment Operations Act 1997 apply to the development, in terms of regulating offensive noise.

39 [H041 - Hours of work \(other devt\)](#)

Construction works or subdivision works that are carried out in accordance with an approved consent that involve the use of heavy vehicles, heavy machinery and other equipment likely to cause offence to adjoining properties shall be restricted to the following hours in accordance with the NSW Environment Protection Authority Noise Control Guidelines:

- Mondays to Fridays, 7am to 6pm
- Saturdays, 7am to 1pm (if inaudible on neighbouring residential premises), otherwise 8am to 1pm
- No work is permitted on Sundays and Public Holidays.

Other construction works carried out inside a building/tenancy and 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 all construction works.

Roads Act Requirements

40 [I Special BLANK](#)

Prior to Construction Certificate, the Principal Certifying Authority shall ensure that the application shall demonstrate that access, car parking and manoeuvring details comply with AS2890, Parts 1, 2 and 6, and Council's Development Control Plan 2014.

41 [I Special BLANK](#)

Prior to Construction Certificate, the Principal Certifying Authority shall ensure that the accessible car spaces shall be provided in accordance with AS 2890.6:2009.

42 [I Special BLANK](#)

Prior to Construction Certificate, the Principal Certifying Authority shall ensure that all on-site car parking is provided in accordance with Section C10 (Parking) of Penrith Development Control Plan (DCP) 2014 and AS 2890.

Engineering

43 [K101 - Works at no cost to Council](#)

All roadworks, stormwater drainage works, associated civil works and dedications, required to effect the consented development shall be undertaken at no cost to Penrith City Council.

44 [K201 - Infrastructure Bond](#)

An Infrastructure Restoration Bond is to be lodged with Penrith City Council for development involving works around Penrith City Council's Public Infrastructure Assets. The bond is to be lodged with Penrith City Council prior to the issue of any Construction Certificate. The bond and applicable fees are in accordance with Council's adopted Fees and Charges.

An application form together with an information sheet and conditions are available on Council's website.

Contact Penrith City Council's City Works Department on (02) 4732 7777 or visit Penrith City Council's website for more information.

45 **K202 - S138 Roads Act – Works and Structures - Minor Works in the public road DRIVEWAYS ROAD OPENINGS**

Prior to the issue of any Construction Certificate, a Section 138 Roads Act applications, including payment of application and inspection fees, shall be lodged and approved by Penrith City Council (being the Roads Authority for any works required in a public road). These works may include but are not limited to the following:

- a) Vehicular crossings (including kerb reinstatement of redundant vehicular crossings)
- b) Concrete footpaths and or cycleways
- c) Road opening for utilities and stormwater (including stormwater connection to Penrith City Council roads and other Penrith City Council owned drainage)
- d) Road occupancy or road closures
- e) The placement of hoardings, structures, containers, waste skips, signs etc. in the road reserve
- f) Temporary construction access

All works shall be carried out in accordance with the Roads Act approval, the development consent, including the stamped approved plans, and Penrith City Council's specifications, guidelines and best engineering practice.

Contact Penrith City Council's City Works Department on (02) 4732 7777 or visit Penrith City Council's website for more information.

Note:

- a) Where Penrith City Council is the Certifying Authority for the development, the Roads Act approval for the above works may be issued concurrently with the Construction Certificate.
- b) Separate approvals may also be required from the Roads and Maritime Services for classified roads.
- c) All works associated with the Roads Act approval must be completed prior to the issue of any Occupation Certificate or Subdivision Certificate as applicable.
- d) On completion of any awning over the road reserve, a certificate from a practising structural engineer certifying the structural adequacy of the awning is to be submitted to Council before Council will inspect the works and issue its final approval under the Roads Act

46 **K203 - S138 Roads Act – Works and structures - Roadworks requiring approval of civil drawings. CIVIL CONSTRUCTION IN THE ROAD RESERVE**

Prior to the issue of any Construction Certificate, the Certifying Authority shall ensure that a Section 138 Roads Act application, including payment of application and inspection fees, has been lodged with, and approved by Penrith City Council (being the Roads Authority under the Roads Act), for provision of:

- a) Cul-de-sac in Quigg Place, Orchard Hills.
- b) Provision of "No Parking" restrictions along the eastern side of Quigg Place and "No Stopping" restrictions around the bulb of the proposed cul-de-sac. The signage and linemarking plans will be lodged with Council and approved by the Local Traffic Committee.

Engineering plans are to be prepared in accordance with the development consent, Penrith City Council's Design Guidelines for Engineering Works for Subdivisions and Developments, Engineering Construction Specification for Civil Works, Austroads Guidelines, and best engineering practice.

Contact Penrith City Council's Development Engineering Department on (02) 4732 7777 or visit Penrith City Council's website for more information.

Note:

- a) Where Penrith City Council is the Certifying Authority for the development the Roads Act approval for the above works may be issued concurrently with the Construction Certificate.
- b) Separate approvals may also be required from the Roads and Maritime Services for classified roads.
- c) All works associated with the Roads Act approval must be completed prior to the issue of any Occupation Certificate or Subdivision Certificate as applicable.

47 **K209 - Stormwater Concept Plan**

The stormwater management system shall be provided generally in accordance with the concept plan/s lodged for development approval, prepared by (Eclipse Consulting Engineers Pty Ltd), Project number 8187, Drawing Numbers C01-C20 Issue D, dated 5/4/2017.

Engineering plans and supporting calculations for the stormwater management systems are to be prepared by a suitably qualified person and shall accompany the application for a Construction Certificate.

Prior to the issue of a Construction Certificate the Certifying Authority shall ensure that the stormwater management system has been designed in accordance with Council's Stormwater Drainage for Building Developments and Water Sensitive Urban Design Policy.

48 **K210 - Stormwater Management**

The stormwater management system shall be provided generally in accordance with the concept plans lodged for development approval, prepared by Eclipse Consulting Engineers, reference number 8187/C11 - 8187/C19, revision D, dated 05/04/17 and 8187/C21 - 8187/C22, revision A, dated 05/04/17.

Engineering plans and supporting calculations for the stormwater management systems are to be prepared by a suitably qualified person and shall accompany the application for a Construction Certificate.

Prior to the issue of any Construction Certificate, the Certifying Authority shall ensure that the 1% Annual Exceedance Probability local overland flow flood on the site is wholly contained within the proposed swale system.

Prior to the issue of any Construction Certificate, the Certifying Authority shall ensure that the stormwater management system has been designed in accordance with Penrith City Council's Stormwater Drainage for Building Developments and Water Sensitive Urban Design (WSUD) policies.

49 **K212 - No loading on easements**

Prior to the issue of any Construction Certificate, the Certifying Authority shall ensure that the foundations of proposed structures adjoining the drainage and/ or services easement have been designed clear of the zone of influence.

50 **K223 - Access, Car Parking and Manoeuvring – Minor Development**

Prior to the issue of any Construction Certificate, the Certifying Authority shall ensure that:

- a) Off street access and parking complies with AS2890.1.
- b) Vehicular access and internal manoeuvring has been designed for a Medium Rigid vehicle in accordance with AS2890.2.
- c) Sight distances at the street frontage have been provided in accordance with AS2890.1.
- d) All vehicles can enter and exit the site in a forward direction.

51 **K224 - Construction Traffic Management Plan**

Prior to the issue of a Construction Certificate, the Certifying Authority shall ensure that a Construction Traffic Management Plan (CTMP) has been submitted to and approved by Penrith City Council. Approval of the CTMP may require endorsement from the Local Traffic Committee. The CTMP shall include, but not limited to the following: vehicle routes, number of construction vehicles, hours of operation, access arrangements, pedestrian management, turning templates for narrow streets and intersections and parking management for workers. The CTMP shall be certified by an appropriately accredited person and/or Roads and Traffic Authority Traffic Controller for patrons. The CTMP shall be certified by an appropriately accredited person and/or Roads and Traffic Authority Traffic Controller. The CTMP shall ensure that adequate parking is provided for the development and not severely impacted by the construction of this development.

The TMP shall be supported by a traffic control plan, designed in accordance with the requirements of the Roads and Traffic Authority's Manual, Traffic Control at Work Sites Version 2, and the current Australian Standards, Manual of Uniform Traffic Control Devices Part 3, 'Traffic Control Devices for Works on Roads'.

The traffic control plan must be prepared by a suitably qualified and RTA accredited Work Site Traffic Controller.

52 [K225 - Performance Bond](#)

Prior to the issue of a Roads Act Approval, a Performance Bond is to be lodged with Penrith City Council for:

- a) Cul-de-sac works

The value of the bond shall be determined in accordance with Penrith City Council's adopted Fees and Charges.

Note:

Contact Penrith City Council's Development Engineering Department on (02) 4732 7777 for further information relating to bond requirements.

53 [K301 - Sediment & Erosion Control](#)

Prior to commencement of works sediment and erosion control measures shall be installed in accordance with the approved Construction Certificate and to ensure compliance with the Protection of the Environment Operations Act 1997.

The erosion and sediment control measures shall remain in place and be maintained until all disturbed areas have been rehabilitated and stabilised.

54 [K403 - Major Filling/ Earthworks](#)

All earthworks shall be undertaken in accordance with AS 3798 and Penrith City Council's Design Guidelines for Engineering Works for Subdivisions and Developments and Engineering Construction Specification for Civil Works.

The level of testing shall be determined by the Geotechnical Testing Authority/ Superintendent in consultation with the Principal Certifying Authority.

55 [K501 - Penrith City Council clearance – Roads Act/ Local Government Act](#)

Prior to the issue of any Occupation Certificate, the Principal Certifying Authority shall ensure that all works associated with a S138 Roads Act approval or S68 Local Government Act approval have been inspected and signed off by Penrith City Council.

56 [K503 - Works as executed – General and Compliance Documentation](#)

Prior to the issue of a Occupation Certificate, works-as-executed drawings, final operation and maintenance management plans and any other compliance documentation shall be submitted to the Principal Certifying Authority in accordance with Penrith City Council's Engineering Construction Specification for Civil Works, WSUD Technical Guidelines and Stormwater Drainage for Building Developments.

An original set of Works As Executed drawings and copies of the final operation and maintenance management plans and compliance documentation shall also be submitted to Penrith City Council with notification of the issue of the Occupation Certificate where Penrith City Council is not the Principal Certifying Authority.

57 **K504 - Stormwater Compliance**

Prior to the issue of any Occupation Certificate, the Principal Certifying Authority shall ensure that the:

- a) Stormwater management systems (including on-site detention and water sensitive urban design)
- b) Overland flowpath works
- Have been satisfactorily completed in accordance with the approved Construction Certificate 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 be undertaken have been satisfactorily completed.

Details of the approved and constructed system/s shall be provided as part of the Works As Executed drawings.

58 **K505 - Restriction as to User and Positive Covenant**

Prior to the issue of any Occupation Certificate, a restriction as to user and positive covenant relating to the:

- a) Stormwater management systems (including on-site detention and water sensitive urban design)
- b) Overland flowpath 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 Stormwater and Drainage for Building Developments policy.

59 **K509 - Linemarking & Signage**

Prior to the issue of any Occupation Certificate and installation of regulatory / advisory linemarking and signage, plans are to be lodged with Penrith City Council and approved by the Local Traffic Committee.

Notes:

- a) Contact Penrith City Council's Engineering Services Department on (02) 4732 7777 for further information on this process.
- b) Allow eight (8) weeks for approval by the Local Traffic Committee.
- c) Applicable fees are indicated in Council's adopted Fees and Charges

60 **K510 - Entry/ Exit signage**

Prior to the issue of any Occupation Certificate, signage which is clearly visible from the public road shall be placed within the development site.

The signage shall indicate that the northern vehicular access is to be used for ingress purposes only and appropriately signposted "Entry Only". The southern vehicular access is to be used for egress purposes only and appropriately signposted "No Entry".

61 **K511 - Directional signage**

Prior to the issue of any Occupation Certificate, directional signage and linemarking shall be installed indicating directional movements and the location of parking to the satisfaction of the Principal Certifying Authority.

62 [K515 - Maintenance Bond](#)

Prior to the issue of any Occupation Certificate, a Maintenance Bond is to be lodged with Penrith City Council for:

- a) Cul-de-sac works

The value of the bond shall be determined in accordance with Penrith City Council's adopted Fees and Charges.

Note:

- a) Contact Penrith City Council's Engineering Services Department on (02) 4732 7777 for further information relating to bond requirements.

63 [K - Waterways - Stormwater Management system operation and maintenance](#)

The stormwater management systems shall continue to be operated and maintained in perpetuity to the satisfaction of Council in accordance with the final operation and maintenance management plan. Regular inspection records are required to be maintained and made available to Council upon request. All necessary improvements are required to be made immediately upon awareness of any deficiencies in the treatment measure/s and stormwater management systems.

64 [K Special \(BLANK\)](#)

Prior to Construction Certificate, the Principal Certifying Authority shall ensure that the application shall be supported by vehicle turning paths in accordance with AS2090 clearly demonstrating satisfactory manoeuvring on-site and forward entry and exit to and from the public road network.

65 [K Special \(BLANK\)](#)

Prior to Construction Certificate, the Principal Certifying Authority shall ensure that the width of the access driveways shall be provided in accordance with AS 2890.2.

66 [K Special \(BLANK\)](#)

All permanent car parking area and driveways shall be sealed.

67 [K Special \(BLANK\)](#)

Prior to Construction Certificate, the Principal Certifying Authority shall ensure that a safe, continuously accessible pedestrian access to the building shall be provided in the car parking area in accordance with Council's Development Control Plan.

68 [K Special \(BLANK\)](#)

Prior to Occupation Certificate, a plan for provision of a *"No Stopping"* zone and signage in the Quigg Place, Orchard Hills cul-de-sac turning head, *"No Parking - Bus and Mini Buses Excepted - School Days"* zone fronting the school along the kerb line of the outer aisle of the existing car park and *"10 Minute Parking 8am - 9:30am 2:30pm - 4pm School Days"* along the first three rows of 90 degree parking fronting the school in the existing car park and any other traffic and parking restrictions in the roads or car parks are to be provided to Council for referral to Council's Local Traffic Committee recommendation to Council for approval. The signage also is to then be installed by the applicant, at no cost to Council, prior to Occupation Certificate.

Landscaping

69 **L001 - General**

All landscape works are to be constructed in accordance with the stamped approved Landscape Plan and Sections F5 Landscape Technical Specifications of the Penrith Development Control Plan 2014.

Landscaping shall be maintained:

- in accordance with the approved plan, and
- in a healthy state.

If any of the vegetation comprising that landscaping dies or is removed, it is to be replaced with vegetation of the same species and, to the greatest extent practicable, the same maturity as the vegetation which died or was removed.

70 **L006 - Aust Standard**

All landscape works are to meet industry best practice and the following relevant Australian Standards:

- AS 4419 Soils for Landscaping and Garden Use,
- AS 4454 Composts, Soil Conditioners and Mulches, and
- AS 4373 Pruning of Amenity Trees.

71 **L008 - Tree Preservation Order**

No trees are to be removed, ringbarked, cut, topped or lopped or wilfully destroyed (other than those within the proposed building footprint or as shown on the approved plans) without the prior consent of Penrith City Council and in accordance with Council's Tree Preservation Order and Policy.

72 **L Special (BLANK)**

The *Cupaniopsis* (Tuckeroo) species proposed along the south-eastern boundary corner shall be replaced with either *Backhousia myrtifolia* (Grey Myrtle) or *Backhousia citriodora* (Lemon myrtle), to retain views for the residents to the south, as indicated on the proposed landscape plan.

Certification

73 **Q01F - Notice of Commencement & Appointment of PCA2 (use for Fast Light only)**

Prior to the commencement of any earthworks or construction works on site, the proponent is to:

- (a) employ a Principal Certifying Authority to oversee that the said works carried out on the site are in accordance with the development consent and related Construction Certificate issued for the approved development, and with the relevant provisions of the Environmental Planning and Assessment Act and accompanying Regulation, and
- (b) submit a Notice of Commencement to Penrith City Council.

The Principal Certifying Authority shall submit to Council an "Appointment of Principal Certifying Authority" in accordance with Section 81A of the Environmental Planning and Assessment Act 1979.

Information to accompany the Notice of Commencement

Two (2) days before any earthworks or construction/demolition works are to commence on site (including the clearing site vegetation), the proponent shall submit a "Notice of Commencement" to Council in accordance with Section 81A of the Environmental Planning and Assessment Act 1979.

74 [Q05F - Occupation Certificate for Class10](#)

An Occupation Certificate is to be obtained from the Principal Certifying Authority on completion of all works and **prior to the occupation/use of the buildings and car park.**

The Certificate shall not be issued if any conditions of this consent, but not the conditions relating to the operation of the development, are outstanding.

A copy of the Occupation Certificate and all necessary documentation supporting the issue of the Certificate is to be submitted to Penrith City Council, if Council is not the Principal Certifying Authority.

Operation of OSSM

75 [R Special BLANK](#)

All wastewater generating facilities are to be connected to the appropriate sewer services.

Appendix - Development Control Plan Compliance

Development Control Plan 2014

E10 Orchard Hills

The planning controls for Orchard Hills place significant emphasis on the need to protect the scenic and rural qualities of the existing landscape. Potential visual impact is particularly sensitive because of the site's location within a transitional area, between the established residential suburbs and commercial developments adjoining the site and nearby on the Northern Road and the existing semi-rural character to the south-east.

The proposed scale of the development and associated landscaping will help to maintain the predominant rural residential character of the area. Additionally, the design, height and setback of the building will prevent the development from excessively dominating the streetscape. The landscaping of the site will retain the existing significant trees and the visual quality will be complemented by additional planting. These factors combined appear to create an acceptable level of visual impact. It is therefore considered that there would not be a negative visual impact arising from the proposed development.

In particular the building materials, colours, and built form is in keeping with those of the existing school and thus would not compromise the aesthetic quality of the rural/urban setting of this part of Orchard Hills. Further, the proposed sunken car park and adequate landscaped setbacks further assists in minimising any visual impact of the development when viewed from the existing rural properties.

The Development Control Plan (DCP) states that fences should be harmonious with the existing landscape and character of the Orchard Hills Precinct. The proposed colorbond fencing was inconsistent with the rural character of the area. Additional detail regarding the acoustic report's noise calculations were requested in order to understand whether the fence is in fact necessary or not. Further, the applicant was requested to reconsider alternative mitigation measures given the amenity impacts of such a fence and amend the acoustic report accordingly.

It is noted that while the bush fire report has recommended a solid, non-combustible fence (e.g. colorbond) along the eastern boundary, the fence is not required by the NSW RFS in this instance. However, if a fence is required it will need to be of a non-combustible material. An addendum to the acoustic report confirmed the exceedance of the noise criteria would require a noise attenuation measure. Council's Environment Management Officer reviewed the addendum and noted that the fence remains a necessary noise attenuation measure. Given the necessity of the fence, it is considered the acoustic considerations are weighted more significantly than aesthetics in this instance. That being said, a recommended condition of consent will require the colour to be appropriate to the rural character of the area.