

SWCPP Ref. No.:	2018WCI014
DA No.:	DA18/1189
PROPOSED DEVELOPMENT:	Construction of Multi-Purpose School Hall & Associated Site Works - Lot 1 DP 590302, 131 Bringelly Road, KINGSWOOD NSW 2747
APPLICANT:	Nasr Group
REPORT BY:	Wendy Connell, Senior Environmental Planner, Penrith City Council

Assessment Report

Executive Summary

Council is in receipt of a Development Application from Nasr Group for Construction of a Multi-Purpose School Hall & Associated Site Works at 131 Bringelly Road Kingswood.

In accordance with Section 2.12 and 2.15 of the *Environmental Planning and Assessment Act 1979* (EP&A Act), the Sydney Western City Planning Panel (SWCPP) is the determining authority, as the development proposal is on behalf of the Crown and has a capital investment value in excess of \$5 million.

The development proposal is identified as regionally significant development under Clause 4 of Schedule 7 of the *State Environmental Planning Policy (State and Regional Development) 2011*.

The application was submitted as integrated development for concurrent approval under the *Rural Fires Act 1997*. Although Clause 4.4(2) of the EP&A Act states that integrated development does not apply to development applications made by or on behalf of the Crown, the application was advertised and referred to the Rural Fire Service (RFS) as an integrated application. General Terms of Approval (GTA's) have been issued by the RFS in their letter dated 18 April 2019.

The subject site is zoned R2 Low Density Residential under *Penrith Local Environmental Plan 2010* (PLEP 2010). The proposed multi-purpose hall is ancillary to an existing educational establishment, which is deemed prohibited development under the PLEP 2010. However, the provisions of Clause 35 (1) of the *State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017* permits development with consent for the purpose of a school in prescribed zones, one of which is the R2 Low Density Residential zone.

Key issues identified for the proposed development and site during the assessment process include:

- building height
- Noise impacts

In accordance with Clause 4.6 of PLEP 2010, a written request to vary the 8.5m maximum Height of Building standard applicable to the site under Clause 4.3 of PLEP 2010 has been submitted with the application.

The application was advertised in the local newspaper and notified to adjoining and surrounding properties. The exhibited period was between 14 December 2018 and 1 February 2019. Council has received one (1) submission in response. The submission received did not oppose the development or raise any issues which are considered relevant in relation to the assessment of the application.

As assessment under Section 4.15 of the Environmental Planning and Assessment Act 1979 has been undertaken and the key issues identified have been addressed satisfactorily. The application is recommended for approval subject to recommended conditions.

Site & Surrounds

The subject site is known as Kingswood High School and is located at 131 Bringelly Road, Kingswood. The site is irregular in shape and has a land area of 10.18 ha. The site has a frontage to Bringelly Road to the east and Smith Street to the north. The site is approximately 1.2km south of Kingswood Railway station and 550m north of The Northern Road (A9).

The site contains several school buildings, a large awning (covered outdoor learning area (COLA) approximately 1,250m² in area), at-grade parking (approximately 100 parking spaces), a large green open space, and clusters of significant trees.

The site adjoins an established residential area which is characterised by single storey and two storey dwellings, within traditional subdivision patterns of its era.

The location for the proposed multi-purpose school hall is situated within the front setback, forward of existing school buildings and adjacent to, and partly forward of, the existing covered outdoor learning area (COLA).

Proposal

This Development Application seeks consent for the following:

- New multi-purpose hall and associated structures:
 - Ground floor area of approximately 1,742m², building height of 12.5m, stage for assemblies and performances, outdoor store room and amenities;
 - First floor of approximately 145.2m² including a staff office, control room, cardio training room and amenities;
 - Lift, bridge and upper level walkway connecting to existing school buildings;
- New landscaping works to the Bringelly Road frontage The removal of ten (10) trees;
- Two (2) accessible parking spaces located adjacent to an existing bus shelter;
- Relocation of an existing access driveway, gas tanks, a rainwater tank, storage building and boundary fencing; and
- Stormwater drainage system including an on-site stormwater detention system.

Additional information provided in support of the proposal noted that amplified music events are limited to a maximum of ten (10) events per year. In addition, a 10pm curfew has been identified with events to finish by 9:45pm. A 'Guide to School Events' has accompanied the application identifying a number of events to be held by the school throughout the school terms of the year.

Plans that apply

- Local Environmental Plan 2010 (Amendment 4)
- Development Control Plan 2014
- State Environmental Planning Policy (State and Regional Development) 2011
- State Environmental Planning Policy No 55—Remediation of Land
- Sydney Regional Environmental Plan No.20 - Hawkesbury Nepean River

Planning Assessment

- **Section 2.12 – Sydney Western City Planning Panel (SWCPP)**

The application has been assessed in accordance with Section 2.12 of the Environmental Planning and Assessment Act and the application will be determined by the Sydney Western City Planning Panel as the proposal has a Capital Investment Value greater than \$5 million and is a Crown development.

- **Section 4.15 - Evaluation**

The development has been assessed in accordance with the matters for consideration under Section 4.15 of the Environmental Planning and Assessment Act 1979, and having regard to those matters, the following issues have been identified for further consideration:

- **Section 4.46 - Integrated development**

The development application was submitted as integrated development for concurrent approval under the Rural Fires Act 1997. Although Clause 4.4(2) of the EP&A Act states that integrated development does not apply to development applications made by or on behalf of the Crown, the application was advertised and referred to the Rural Fire Service (RFS) as an integrated application.

The Rural Fire Services issued General Terms of Approval a its letter dated 18 April 2019.

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

State Environmental Planning Policy (State and Regional Development) 2011

Under Schedule 7, of the *State Environmental Planning Policy (State and Regional Development) 2011*, a Crown development with a capital investment value of more than \$5 million to be determined by the Sydney Western City Planning Panel (SWCPP) as the determining authority for the development.

The development proposal is to be carried out on behalf of the Crown, that being the Department of Education, and has a capital investment value of the proposal is \$6,846,600. Therefore, this report is prepared for the determination by the SWCPP, as the consent authority.

State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017

The aim of the *State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017* (ESEPP) is to facilitate the effective delivery of educational establishments and early education and child care facilities across the State.

Clause 35(1) of the ESEPP states that development for the purpose of a school may be carried out by any person with development consent on land in a prescribed zone. Clause 33 of the ESEPP lists the R2 Low Density Residential zone as a prescribed zone.

In accordance with Clause 35(6)(a), the proposal has been assessed against the Design Quality Principles contained in Schedule 4 of the ESEPP, and the design is considered to be consistent with these Principles.

It is proposed that the multifunction hall will be an engaging and functional space for school usage and provides an accessible space for community use. Therefore, the proposal is consistent with Clause 35(6)(b).

State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017

The aim of the *State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017* is to preserve the amenity and protect the biodiversity values of trees and vegetation in non-rural areas of the State.

A number of trees are proposed to be removed as part of the development. An Arboricultural Report and Landscape Plan has been provided to support the application. Council is in agreement with the contents and recommendations provided in these documents. A Level 5 Arborist is to be present on site whenever work is proposed with the Tree Protection Zone of any tree to be retained and protected. The recommendations provided in the Arboricultural Report are adopted as conditions of consent.

State Environmental Planning Policy No 55—Remediation of Land

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 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 (or will be suitable, after remediation) for the purpose for which the development is proposed to be carried out.

The proposal is to develop land that forms part of an existing educational establishment. Council's Environmental Management Officer has reviewed the application, and historically aerial photography, and has determined that no further assessment of contamination is required, and the land is suitable for the proposed development.

Sydney Regional Environmental Plan No.20 - Hawkesbury Nepean River

An assessment has been undertaken of the application against relevant criteria with Sydney Regional Environmental Plan No 20 - Hawkesbury-Nepean River (No 2—1997).

Sydney Regional Environmental Planning Policy No. 20 - Hawkesbury/Nepean River (SREP 20) aims to protect the environment of the Hawkesbury/Nepean River by ensuring the impacts of future land uses are considered in a regional context. Of most relevance to this proposal, is the requirement to assess the development in terms of stormwater quality.

The proposed development is in accordance with the general planning considerations set out in Clause 5 of SREP 20, relevant planning policies and related recommended strategies set out in Clause 6. In particular, provision will be made for adequate erosion and sediment control measures to ensure sediment, as a result of the development, is not deposited in the Hawkesbury/Nepean River via the stormwater system.

The proposed development will comply with Council's Stormwater Drainage for Building Development Policy and Water Sensitive Urban Design Policy, and conditions of consent are recommended to achieve and verify compliance.

The proposal has therefore been found to be in accordance with the relevant considerations of SREP 20, subject to recommended conditions of consent.

Local Environmental Plan 2010 (Amendment 4)

Provision	Compliance
Clause 1.2 Aims of the plan	Complies
Clause 2.3 Permissibility	Does not comply - See discussion
Clause 2.3 Zone objectives	Complies - See discussion
Clause 2.7 Demolition requires development consent	Complies
Clause 4.3 Height of buildings	Does not comply - See discussion
Clause 4.6 Exceptions to development standards	Complies - See discussion
Clause 7.2 Flood planning	Complies - See discussion

Clause 2.3 Permissibility

The proposed multi-purpose hall is ancillary to an existing educational establishment, which is deemed prohibited development under the PLEP 2010. However, the provisions of Clause 35 (1) of the ESEPP permits development with consent for the purpose of a school in prescribed zones. The R2 Low Density Residential zone is a prescribed zone under the ESEPP.

Clause 2.3 Zone objectives

The subject site is located within the R2 Low Density Residential zone under PLEP 2010. The objectives of the R2 zone include:

- *To provide for the housing needs of the community within a low density residential environment.*
- *To enable other land uses that provide facilities or services to meet the day to day needs of residents.*
- *To promote the desired future character by ensuring that development reflects features or qualities of traditional detached dwelling houses that are surrounded by private gardens.*
- *To enhance the essential character and identity of established residential areas.*
- *To ensure a high level of residential amenity is achieved and maintained.*

Although permissibility is established under the ESEPP, the proposal is considered to be consistent with the R2 zone objectives. The development proposes a facility which will meet needs of the students as well as the broader community. The development has given consideration to the existing character of the area in terms of setbacks, height and landscaping.

Clause 4.3 Height of buildings

The maximum Height of Building (HOB) for the site as prescribed under Clause 4.3 of PLEP 2010 is 8.5m.

The total HOB of the development is 12.5m, at it's highest point. The applicant is seeking a variation under Clause 4.6 of the PLEP 2010 for the additional height.

(1) The objectives of Clause 4.3 are as follows:

- (a) to ensure that buildings are compatible with the height, bulk and scale of the existing and desired future character of the locality,*
- (b) to minimise visual impact, disruption of views, loss of privacy and loss of solar access to existing development and to public areas, including parks, streets and lanes,*
- (c) to minimise the adverse impact of development on heritage items, heritage conservation areas and areas of scenic or visual importance,*
- (d) to nominate heights that will provide a high quality urban form for all buildings and a transition in built form and land use intensity.*

(2) The height of a building on any land is not to exceed the maximum height shown for the land on the Height of Buildings Map.

The proposal is to consider to comply with the above objectives as follows:

- the proposal is consistent with the current and desired future character of the area
- the design is site responsive and compatible with the adjoining developments
- the design has minimal visual impact from adjoining properties and streets
- the design does not impact on the privacy or solar access of adjoining residential properties

Further discussion is provided in this report under Clause 4.6 in relation to the appropriateness of the building height non compliance.

Clause 4.6 Exceptions to development standards

Clause 4.6 provides flexibility in the application of planning controls operating by virtue of development standards in circumstances where strict compliance with those standards would, in any particular case be unreasonable or unnecessary.

The proposal exceeds the development standard in relation to the building height as outlined above. The non-compliance results in a height increase height of 4m at its highest point.

The applicant has requested flexibility in applying the maximum building height (8.5m) for the site, as required under Clause 4.3 of PLEP 2010. The following justification has been provided by the applicant to support the variation:

- *It is acknowledged that a 8.5m maximum building height is an appropriated standard in an R2 zone where the zone objective is to provide low density residential development on smaller allotments, with development closer to boundaries. However, schools are commonly located in R2 low density zones, where they are prohibited by under the R2 zone. Schools are only permissible under a separate instrument, being the ESEPP, which does not prescribe maximum building heights.*
- *The proposed design provides the school with a well functioning multi-purpose hall capable of accommodating the whole school population for assemblies and performances, as well as enabling indoor ball sports.*
- *The highest part of the proposal, being the skillion roof feature, is situated in the centre of the building, and is setback from the edge of the structure. The side wall heights of the building are under the 8.5m maximum building height.*
- *Tor the building to serve its purpose it is necessary for the width, length and height to be larger than the surrounding buildings affected by the 8.5m maximum height required by Clause 4.3 of Penrith LEP.*
- *A merit assessment of the proposal is more appropriate given it is located within an existing school site. The design is consistent with Design Quality Principles within Schedule 4 of the ESEPP, and the Educational Facilities Standards and Guidelines developed by the NSW Department of Education. A compliant numerical assessment would result in a building not fit for purpose and a poor planning outcome given the roof form would need to be a flat roof design.*

An assessment of the applicants written request for variation in this circumstance has been undertaken and has been deemed satisfactory on the following grounds:

- Public interest
 - provides a contemporary learning facility with a flexible floor layout that meets the needs of students in terms of academics, sporting and entertainment opportunities.
 - provides a social gathering space for the local community;
 - provides a high quality external amenity which is complementary to the existing residential streetscape.
- R2 zone objectives
 - it is consistent with the existing and desired future character of the area.
 - it meets the needs of the local community.
 - it is unlikely to create significant adverse environmental impacts on the land or the surrounding area.

In addition to the above, the location of the proposed multi-purpose school hall is not considered to create any adverse amenity impacts on its surrounds or adjoining lots noting its separation from residential properties to the north and the proximity of Bringelly Road along the eastern edge of the subject site. It is acknowledged that the maximum 8.5m height control is consequence of the subject sits and surrounding R2 Low Density Residential zone which has greater relevance to residential development than for uses located on the subject site.

Noting that above, strict compliance with the maximum height control is considered unnecessary in this instance as the proposal has demonstrated that no environmental impacts are created by breeching of this development standard.

The proposal therefore satisfies the key considerations in the assessment and a Clause 4.6 variation. The

proposal therefore achieve a quality design outcome despite the non-compliance, and a building form and streetscape treatment that would be achieved through a HOB compliant development. The variation is therefore supported.

Clause 7.2 Flood planning

The lot on which the development is proposed is flood affected by an overland flow from College, Orth and Werrington Creek Overland Flow Study. Council's records indicate a 1% AEP flood level is 60.7m AHD. The proposed Floor level is 61.05m AHD. The location of proposed building is outside of the overland flow path and therefore satisfies the objectives of Clause 7.2.

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

Draft State Environmental Planning Policy (Remediation of Land) 2018

The proposal has been assessed against the applicable provisions of the Draft State Environmental Planning Policy (Remediation of Land) 2018 and associated guideline document, and is considered to be acceptable. Refer also to discussion under the State Environmental Planning Policy No. 55 - Remediation of Land section of this report.

The draft amendments were on exhibition from 31 January to 13 April 2018. The draft amendment is currently under consideration.

Draft State Environmental Planning Policy (Environment) 2017

The Explanation of Intended Effect for State Environmental Planning Policy (Environment) was on exhibition from 31 October 2017 to the 31 January 2018.

The intent of the new State Environmental Planning Policy (Environment) is to combine seven existing State Environmental Planning Policies into a simple, modern and accessible instrument.

The proposal has been assessed against the applicable provisions of the Draft State Environmental Planning Policy (Environment) and is considered to be acceptable. Refer also to discussion under the Sydney Regional Environmental Plan No. 20 - Hawkesbury Nepean River (No. 2 - 1997) section of this report.

The Draft State Environmental Planning Policy (Environment) 2017 is currently under consideration.

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

Development Control Plan 2014

Provision	Compliance
DCP Principles	Complies
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	Complies
C8 Public Domain	Complies
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
D5.1. Application of Certification System	N/A
D5.2. Child Care Centres	N/A
D5.3. Health Consulting Rooms	N/A
D5.4. Educational Establishments	Complies - see Appendix - Development Control Plan Compliance
D5.5 Parent Friendly Amenities	N/A
D5.6. Places of Public Worship	N/A
D5.7. Vehicle Repair Stations	N/A
D5.8. Cemeteries, Crematoria and Funeral Homes	N/A
D5.9. Extractive Industries	N/A
D5.10 Telecommunication Facilities	N/A
D5.11 Boarding Houses	N/A

Section 79C(1)(a)(iiia) The provisions of any planning agreement

There are no planning agreements applying to this proposal.

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

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 Building Code of Australia, will be imposed as conditions of consent where applicable.

Advertising and Notification

Advertising and neighbour notification was carried out in accordance with the requirements of the Regulations and Penrith Development Control Plan 2014.

Clause 92 - Additional Matters

Any demolition will be conditioned to be in accordance with the provisions of AS 2601.

Section 79C(1)(b)The likely impacts of the development

Built Form - Bulk and Scale

The proposed is considered to be complementary with the existing buildings on the site and compatible with the surrounding low to medium density character of the area in terms of bulk and scale. Although the proposal seeks a height variation from the 8.5m prescribed under Clause 4.3 of Penrith Local Environmental Plan 2010, other design measures have been incorporated into the proposal such as providing a pitched roof so that the taller ridge element of the building is provided at the central parts of the development and away from boundaries. In this regard, the presentation onto Bringelly Road is considered compatible with its surrounds and an acceptable addition to the streetscape.

The proposal provides sufficient setbacks to boundaries and incorporates significant landscaping elements.

Natural Environment

A number of trees are proposed to be removed as part of the development. An Arboricultural Report and Landscape Plan has been provided to support the application. Council is in agreement with the contents and recommendations provided in these documents. A Level 5 Arborist is to be present on site whenever work is proposed with the Tree Protection Zone of any tree to be retained and protected. The recommendations provided in the Arboricultural Report are adopted as conditions of consent.

Conditions of consent can satisfactorily mitigate likely impacts such as dust, noise and vibration associated with the construction phase of the development.

Social

The proposed development and associated works is considered to have a positive impact on the students, staff and the community by providing a contemporary facility which has the ability to accommodate a range of learning, sporting and social activities.

It is noted that, while a total of ten (10) events have been identified as providing for amplified music per year, a Guide of Scheduled Events has accompanied the proposal. This Schedule of Events has indicated school events to be located in the new hall throughout the year but not the amplified music events. In this regard, it is considered appropriate that an amended Schedule of Events for the multi-purpose hall uses be provided prior to occupation incorporating all identified events to be conducted in the hall. The purpose is to ensure the amenity of neighbouring occupants and residents is preserved through the identification of all events.

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

The site is suitable for the proposed development for the following reasons:

- The proposal is ancillary to the existing school establishment and is compatible with the surrounding land uses.
- The site is adequately serviced by public transport, water and sewer infrastructure.
- The grade of the site is suitable for the designed proposed.
- The site is able to drain stormwater to Council's satisfaction.

Section 79C(1)(d) Any Submissions

Community Consultation

The development application was advertised in the local newspaper and notified to owners and occupiers of adjoining and nearby properties pursuant to the requirements of the Regulation and in accordance with Council's Development Control Plan. Affected property owners and occupiers in the surrounding area were invited to make a submission on the proposal during the exhibition period from 14 December 2018 to 1 February 2019. During this period Council received one (1) submission. The submission did not oppose the development.

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	Not supported, however conditions provided
Environmental - Waterways	No objections - subject to conditions
Waste Services	No objections - subject to conditions
Traffic Engineer	No objection subject to conditions
Tree Management Officer	No objections - subject to conditions

Environmental - Environmental management

The application was supported by an Acoustic Report, which has been assessed by Council Environmental Management Officer. The Report shows that movements of people entering and leaving the proposed facility significantly exceed acceptable noise levels at near by sensitive receivers. The results show that 250 people leaving over 15 minutes, with a potential for noise levels 20dB over background in the evening at 88 Bringelly Road, and 16dB over at 129 and 133 Bringelly Road.

Whilst this may be considered a part of usual school environment of a weekday, this may be a considerable impact when evening and weekend activities in the hall commence and end (i.e. at 10pm). No physical mitigation measures are proposed to address this impact however mitigation strategies, such as a time constraint on after hours usage (up to 10pm) and the number of events per year limited to ten (10).

Noting the above, it is considered appropriate that an amended Schedule of Events be provided for Council consideration, prior to occupation as discussed within this report, should the consent be forthcoming. While on balance, it is considered that the operations are appropriate given the overall community benefit provided by the proposed hall, consideration of the halls activities is an appropriate measure to control the number of activities through the year. This would be additional to the information already provided in support of the proposal but would allow for a clear identification of the overall activities, and include those events proposed during the evening, outside of normal school hours.

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

The proposed development is in the public interest, and provides public benefit in terms of delivering a facility to meet contemporary needs of the community. The proposal represents a suitable development of the site in terms of the desired character of the locality.

Section 94 - Developer Contributions Plans

There is no Section 7.11 Developer Contributions applicable to this proposal.

Conclusion

The proposal has been assessed against the relevant sections of the *Environmental Planning and Assessment Act 1979*, relevant State Environmental Policies, *Penrith Local Environmental Plan 2010* and *Penrith Development Control Plan 2014*, and has been found to be a form of development that is acceptable.

The site is suitable for the proposed development, and the proposal does not conflict with the public interest. Accordingly, the application is worthy of support and is recommended for approval subject to recommended conditions.

Recommendation

That DA18/1189 for the construction of a multi-purpose school hall and associated site works be approved subject to the attached conditions.

CONDITIONS

General

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

Drawing Title	Drawing No.	Revision	Drawn by	Dated
Context Ground Floor Plan Demolition & Earthworks Plan	A-DA-02.1	C	Gran Associates Australia Pty Ltd	19/2/19
Context Ground Floor Plan	A-DA-02.2	C	Gran Associates Australia Pty Ltd	19/2/19
Ingress Swept Path	A-DA-02.3	A	Gran Associates Australia Pty Ltd	30/1/19
Truck Egress Swept Path	A-DA-02.4	A	Gran Associates Australia Pty Ltd	30/1/19
Context First Floor Plan	A-DA-03	A	Gran Associates Australia Pty Ltd	29/11/18
Roof Plan	A-DA-04	A	Gran Associates Australia Pty Ltd	29/11/18
Ground Floor Plan with sports line marking	A-DA-05	A	Gran Associates Australia Pty Ltd	29/11/18
First Floor Plan with hall seating	A-DA-06	A	Gran Associates Australia Pty Ltd	29/11/18
Sections	A-DA-07	B	Gran Associates Australia Pty Ltd	30/1/19
Elevations Sheet 1 (South & East)	A-DA-08	A	Gran Associates Australia Pty Ltd	29/11/18
Elevations Sheet 2 (North & West)	A-DA-09	A	Gran Associates Australia Pty Ltd	29/11/18
Site Plan	C-100	B	Gran Associates Australia Pty Ltd	29/1/19
Detail Sheet 1	C-106	A	Gran Associates Australia Pty Ltd	29/1/19
Stormwater Management Ground Floor	C-101	C	Gran Associates Australia Pty Ltd	30/3/19
Stormwater Management Level 1	C-102	A	Gran Associates Australia Pty Ltd	29/11/18
Sediment and Erosion Control Plan	C-104	A	Gran Associates Australia Pty Ltd	29/11/18
Roof Level	C-103	A	Gran Associates Australia Pty Ltd	29/11/18
Landscape Plan	175.19/512'D'	D	iScape Landscape Architecture	18/2/19

Document Title	Prepared By	Reference	Dated
Arboricultural Letter of Reply	ArborSafe	C91380	20/2/19
Landscape Specification	iScape Landscape Architecture	Issue DA	19/2/19
WSUD Treatment Proposal	Stormwater 360 Australia	Job Ref. 12006	7/2/19

Waste Management Plan	Gran Associates Australia Pty Ltd	Project No. A1805, Rev A	29/11/18
Noise Emission Assessment	Marshall Day Acoustics	Rp 001 2180099 RO1	22/11/18
Additional Acoustic Information	Marshall Day Acoustics	-	30/1/19
Section J Compliance Report	Gran Associates Australia Pty Ltd	Job No. A1805 Ref: A1805-KHSMpHF	28/11/18
Geotechnical Report	JK Geotechnics	Ref:31867Bvrpt Rev. 0	24/10/18
BCA Design Compliance Assessment	BCA Vision	Ref. No. P18224, Issue No. 2	7/11/18
Structural and Civil Reports	Birzulis Associates Pty Ltd	-	28/11/18
Schedule of External Finishes	Gran Associates Australia Pty Ltd	Issue DA-A	28/11/18
Guide of School Events	Kingswood High School	-	Undated

- 2 The school hall is permitted to be used between 7.00am and 10.00pm Monday to Sunday (with events to finish by 9.45pm).

Events held in the hall are to be in accordance with the acoustic information outlined in Condition 1, and amplified music events are limited to 10 per year.

- 3 **Prior to occupation**, 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).
- 4 All events are to be conducted in accordance with the recommendations of the approved Acoustic Report.
- 5 Activities are to be conducted and patrons are to be controlled at all times so to minimise interference to the amenity of surrounding residents and occupants.
- 6 Any terms provided by the Rural Fire Services in relation to the construction of the multi-purpose school hall are to be adhered to during construction works at all times.
- 7 The rainwater tank must be sized appropriately to meet 80% of future non-potable demand.

Demolition

- 8 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 made available to Penrith City Council on request.

- 9 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 that:

- complies 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.

Environmental Matters

- 10 Erosion and sediment control measures shall be installed **prior to the commencement** of works on site including approved clearing of site vegetation. The approved sediment and erosion control measures are to be installed prior to and **maintained throughout the construction phase of 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.
- 11 Cut and fill operations on the property are only permitted in conjunction with the building works as detailed on the approved plans and specifications, and shall not extend beyond what is reasonably required to accommodate the approved development.

Before any fill material is imported to site, a validation certificate issued by an appropriately qualified person is to be provided to the Principal Certifying Authority. The validation certificate must demonstrate that the fill material is free from contaminants and weeds, that it is suitable for its intended purpose and land use, and that it will not pose an unacceptable risk to human health or the environment.

A copy of the validation certificate is to be submitted to Council for their reference.

{Note: Penrith Development Control Plan 2014 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."}

12 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.

13 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.

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.

14 Only clean and unpolluted water is to be discharged into Penrith City Council's stormwater drainage system. Liquid wastes suitable for discharge to the mains sewer are to be discharged in accordance with Sydney Water requirements.

If mains sewer is not available or if Sydney Water will not allow disposal to the sewer then a licensed waste contractor is to remove the liquid waste from the premises to an appropriate waste facility.

The waste contractor and waste facility are to hold the relevant licenses issued by the NSW Environment Protection Authority.

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

16 Demolition and construction works are 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 demolition work is permitted on Sundays and Public Holidays.

In the event that the work relates to activities inside the building, and that do not involve the use of equipment that emits noise, then the works are not restricted to the hours stated above.

The provisions of the Protection of the Environment Operations Act, 1997 in regulating offensive noise also apply to all works.

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

BCA Issues

- 18 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.

Construction

- 19 Stamped plans, specifications, a copy of the development consent, 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 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 following occupation.

20 Prior to the commencement of construction works:

(a) 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.

(b) 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).

(c) 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.

Engineering

21 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.

22 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 commencement of any works on site. 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.

- 23 Where relevant, and prior to the commencement of works, 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) Road opening for utilities and stormwater (including stormwater connection to Penrith City Council roads and other Penrith City Council owned drainage)
 - c) Road occupancy or road closures
 - d) The placement of hoardings, structures, containers, waste skips, signs etc. in the road reserve
 - e) 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) All works associated with the Roads Act approval must be completed prior to occupation.

- 24 The stormwater management system shall be provided generally in accordance with the WSUD treatment proposal prepared by Stormwater 360 reference 12006 dated 7 February 2019, MUSIC modeling and associated concept plan/s lodged for development approval being drawings No.'s C-100 - C-106 listed within Condition 1.
- 25 If traffic movements associated with the development is likely to interfere with vehicular and pedestrian movements within the road reserve, a Traffic Control Plan, including details for pedestrian management, shall be prepared in accordance with AS1742.3 "Traffic Control Devices for Works on Roads" and the Roads and Maritime Services' publication "Traffic Control at Worksites" and certified by an appropriately accredited Roads and Maritime Services Traffic Controller prior to the commencement of works.

Traffic control measures shall be implemented during the construction phase of the development in accordance with the certified plan. A copy of the plan shall be available on site at all times.

Note:

- a) A copy of the Traffic Control Plan shall accompany the Notice of Commencement to Penrith City Council.
- b) Traffic control measures may require road occupancy / road closure approvals issued under Section 138 of the Roads Act by Penrith City Council.

- 26 Prior to occupation, all works associated with any S138 Roads Act approval or S68 Local Government Act approval have been inspected and signed off by Penrith City Council.

27 Prior to occupation of the proposed development, the Building Regulation consultant shall ensure that the stormwater management system (including on-site detention and water sensitive urban design measures):

- 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 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.

28 Prior to occupation of the proposed development, works-as-executed drawings, final operation and maintenance management plans and any other compliance documentation associated with the development shall be submitted shall also be submitted to Penrith City Council with notification of occupation.

29 Prior to occupation a restriction as to user and positive covenant relating to the stormwater management systems (including water sensitive urban design measures) 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 Drainage Specification for Building Development – Appendix F

30 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

31 All vehicles are to enter/exit the site in a forward direction.

Landscaping

32 Prior to the commencement of works the following needs to be satisfied:

a). The applicant shall engage a qualified Project Arborist with a minimum Level 5 qualification (AQF – Australian Qualification Framework) or the equivalent to be retained for the duration of the demolition and construction of the development.

b). The Project Arborist shall be responsible for ensuring that the tree protection measures as detailed in the Arboricultural Letter of reply, prepared by ArborSafe, author Kane Hollstein, dated 20 February 2019 and any approved conditions of consent are applied on the site.

c). The project Arborist shall be present whenever works are to be undertaken within the full TPZ of any tree to be retained on the site.

33 Approval is granted for the removal of the following trees:

- a). Tree 18, 20, 21, 22, 24, 50, 53 and 129. Numbering is in accordance with Appendix C of the Arboricultural Letter of reply, prepared by ArborSafe, author Kane Hollstein, dated 20 February 2019
- b). All tree removal works must comply with the *Amenity Tree Industry – Code of Practice, 1998* (Workcover, NSW) and *Guide to Managing Risks of Tree Trimming and Removal Work* (Safe Work Australia 2016).
- c). All other vegetation not specifically identified above, and protected by Councils Tree Management Order, is to be retained and protected from construction damage and pruning.

34 Prior to occupation the following needs to be satisfied:

- a). The applicant is to undertake replanting in accordance with the approved Landscape Plan.
- b). A minimum of 70% of trees on the site are to be local native species.
- c). When planting within the Tree Protection Zone (TPZ) of any tree to be retained the maximum pot size shall not exceed 200mm in diameter.
- d). All new plantings shall be located so future growth will not be in conflict with electricity wires or any above or below ground services or structures. Consideration should be given to the location of new plantings to ensure that sufficient space is provided so they can grow to natural shape and maturity.
- e). The replacement trees are to be planted prior to the issue of an occupation.

- 35 Prior to the commencement of works the Landscape Specification, prepared by iScape Landscape Architecture, Issue DA, dated 19/2/2019 and associated Landscape Plans shall be amended to:
- a). be in line with the recommendations provided in the Arboricultural Letter of Reply, prepared by Arborsafe, author Kane Hollstein, dated 20 February 2019 (particularly Section 6.3)
 - b). remove reference to the use of bitumen emulsion dressing on cut tree root (section 2.6.2). Any tree roots to be severed shall be cut cleanly with sharp hand tools.
 - c). amend Section 2.6.2 regarding backfilling to read; "backfilling any trenches the soil is to be lightly tamped and watered in. If required, soil can be added to return soil in the trench back to natural ground level. The soil to be added shall be in accordance with AS4419 - 2003: Soils for Landscaping and garden use. The soil shall be of a lighter density than the existing site soil.
 - d). Place new plantings so that they are no closer than 2.5 metres from the curb edge of any landscaped/grassed areas.
 - e). Provide replacement trees that are representative of a minimum of 70% local native species.
 - f). When planting within the Tree Protection Zone (TPZ) of any tree to be retained the maximum pot size shall not exceed 200mm in diameter.
 - g). All new plantings shall be located so future growth will not be in conflict with electricity wires or any above or below ground services or structures. Consideration should be given to the location of new plantings to ensure that sufficient space is provided so they can grow to natural shape and maturity.

36 The following trees are to be retained and protected as per the conditions below and in accordance with Section 6 of the Arboricultural Letter of reply, prepared by ArborSafe, author Kane Hollstein, dated 20 February 2019. Failure to comply with these conditions is an offence and may incur a fine or lead to prosecution.

a). Trees 23, 33, 36, 37, 41, 42, 43, 44, 45, 55 and 85 are to be retained and protected. Numbering is in accordance with Appendix C of the Arboricultural Letter of reply, prepared by ArborSafe, author Kane Hollstein, dated 20 February 2019.

b). Section 6.6 of the Arboricultural Letter of reply, prepared by ArborSafe, author Kane Hollstein, dated 20 February 2019 states that the protective fencing is to be installed as far as practicable from the trunk of any retained tree. There shall be an additional requirement for fences to be installed at the full Tree Protection Zone (TPZ) of any tree to be retained and as designated in Appendix C of the Arboricultural Letter of reply, prepared by ArborSafe, author Kane Hollstein, dated 20 February 2019. Then, if there is a requirement for the full TPZ to be amended it shall be assessed by the Project Arborist before works commence on the site.

c). The Project Arborist shall be present when any work is undertaken within the TPZ of any tree to be retained.

d). The tree/s to be retained and protected together with their relevant Tree Protection Zone (TPZ) and Structural Root Zone (SRZ) shall be marked on all demolition and construction drawings.

e). All contractors and workers on site shall be briefed on the tree protection and management procedures in place as part of their site induction. A written record of the induction process is to be kept on site.

f). The TPZ shall be maintained as per AS4970 - 2009, Section 4.6. Access to the TPZ is permitted to undertake necessary maintenance such as mowing, watering & weed control.

g). All utility services, pipes, stormwater lines and pits shall be located outside the fenced Tree Protection Zone.

h). If tree roots are exposed during approved works, roots with a diameter less than 25mm are to be pruned cleanly using sharp hand tools and not torn or ripped by machinery. Tree roots greater than 40 mm in diameter are to be assessed by a qualified arborist - minimum Australian Qualification Framework (AQF) Level 5 or equivalent – before any pruning work is undertaken. If necessary, changes in design or relocation of works may be required.

Appendix - Development Control Plan Compliance

Development Control Plan 2014

Part C - City-wide Controls

D5 Other Land Uses

The proposed development is ancillary to an existing school establishment. The objectives of Section 5.4 of Penrith Development Control Plan are:

- *To ensure that the design and location of educational establishments does not adversely impact on the amenity of the area or neighbouring properties, including properties used for agriculture;*
- *To ensure that educational establishments are located on sites of sufficient size to accommodate buildings, sports fields, parking areas and other associated facilities;*
- *To ensure that educational establishments are located on sites which have sufficient infrastructure and services to support the use;*
- *To ensure that the road access to educational establishments is sufficient to cater for expected traffic with minimal impact;*
- *To ensure that educational establishments do not locate near uses that will have an adverse effect on children's health or learning; and*
- *To ensure that, where they are located on a major road, the visual impact of educational establishments is consistent with the character of the area.*

The proposal meets the objectives by:

- the location of the proposed hall on site has been selected based on site constraints, such as bushfire and flooding, and the desire to have the facilities visible and accessible to the public;
- the location of the hall is the south of the closest adjoining neighbours and therefore limited impacts are expected on their amenity, solar and privacy; and
- a traffic assessment of the development has been undertaken by Council's Traffic Engineer and no additional impact to the local road network is expected.