

COUNCIL ASSESSMENT REPORT

Panel Reference	PPSSWC-18
DA Number	DA19/0553
LGA	Penrith
Proposed Development	Demolition of 2x Demountable Buildings on Copeland Street and Construction of New Two Storey School Building with Car Parking, Landscaping, Removal of Trees and Remediation of Land (St Dominic's College)
Street Address	21 Copeland Street Kingswood
Applicant	Dfp Planning Pty Ltd
Owner	Trustees Of Edmund Rice Education Australia
Date of DA lodgement	19 August 2019
Number of Submissions	0
Recommendation	Approval
Regional Development Criteria (Schedule 4A of the EP&A Act)	CIV >\$5 million Educational Establishment
List of all relevant s79C(1)(a) matters	i.e. any: • relevant environmental planning instruments • proposed instrument that is or has been the subject of public consultation under the Act and that has been notified to the consent authority • relevant development control plan • relevant planning agreement that has been entered into under section 93F, or any draft planning agreement that a developer has offered to enter into under section 93F • coastal zone management plan • relevant regulations e.g. Regs 92, 93, 94, 94A, 288
List all documents submitted with this report for the Panel's consideration	Appendix 1 – Architectural Plans Appendix 2 – Stormwater Concept Design Appendix 3 – Remedial Action Plan Appendix 4 – Site Contamination Assessment Appendix 5 - Access Report Appendix 6 - Arboricultural Report Appendix 7 - Statement of Environmental Effects Appendix 8 - Waste Management Plan Appendix 9 - Acoustic Report
Report prepared by	Lucy Goldstein
Report date	4 February 2020

Summary of s79C matters

Have all recommendations in relation to relevant s79C matters been summarised in the Executive Summary of the assessment report?

Yes / No

Legislative clauses requiring consent authority satisfaction

Have relevant clauses in all applicable environmental planning instruments where the consent authority must be satisfied about a particular matter been listed, and relevant recommendations summarized, in the Executive Summary of the assessment report?

Yes / No / Not Applicable

e.g. Clause 7 of SEPP 55 - Remediation of Land, Clause 4.6(4) of the relevant LEP

Clause 4.6 Exceptions to development standards

If a written request for a contravention to a development standard (clause 4.6 of the LEP) has been received, has it been attached to the assessment report?

Yes / No / Not Applicable

Special Infrastructure Contributions

Does the DA require Special Infrastructure Contributions conditions (S94EF)?

Yes / No / Not
Applicable

Note: Certain DAs in the Western Sydney Growth Areas Special Contributions Area may require specific Special Infrastructure Contributions (SIC) conditions

Conditions

Have draft conditions been provided to the applicant for comment?

Yes / No

Note: in order to reduce delays in determinations, the Panel prefer that draft conditions, notwithstanding Council's recommendation, be provided to the applicant to enable any comments to be considered as part of the assessment report

SWCPP Ref. No.:	PPSSWC-18
DA No.:	DA19/0553
PROPOSED DEVELOPMENT:	Demolition of 2x Demountable Buildings on Copeland Street and Construction of New Two Storey School Building with Car Parking, Landscaping, Removal of Trees and Remediation of Land (St Dominic's College) - Lot 1 DP 76600,21 Copeland Street, KINGSWOOD NSW 2747
APPLICANT:	Dfp Planning Pty Ltd
REPORT BY:	Lucy Goldstein, Development Assessment Planner, Penrith City Council

Assessment Report

Executive Summary

Council is in receipt of a Development Application for the Demolition of 2x Demountable Buildings on Copeland Street and Construction of a New 2-Storey School Building with Car Parking, Landscaping, Removal of Trees and Remediation of Land at 21 Copeland Street Kingswood (St Dominic's College).

Under Penrith Local Environmental Plan 2010 (Penrith LEP 2010), the proposal is defined as an Educational Establishment. The subject site is zoned R2 Low Density Residential, and the proposal is a permissible land with consent under the provisions of the State Environmental Planning Policy (Educational Establishments and Childcare Facilities) 2017.

The application is to be determined under delegated authority by the Sydney Western City Planning Panel as the development is defined as 'Regionally Significant Development' in accordance with Schedule 7, Clause 5(b) of the State Environmental Planning Policy (State and Regional Development) 2011, as the proposal has a Capital Investment Value (CIV) greater than \$5 million, and is for the purpose of an Educational Establishment.

The proposal has been notified and advertised in accordance with the requirements of Penrith Development Control Plan 2014 (Penrith DCP 2014) and State Environmental Planning Policy No. 55 - Remediation of Land (as the proposal includes land remediation works). Council received no submissions.

Key issues identified during the assessment of the application include:

- **Land Remediation**

The application includes the remediation of land within the footprint of proposed works. The sources of contamination appear to consist of a single fragment of asbestos and a localised area containing lead compounds, as identified in the accompanying (Phase 2) Site Contamination Assessment Report (Ref: 5410-2-E1, prepared by AssetGeoEnvio Pty Ltd, dated 29 October 2019). Given sources of contaminants have been identified on the site, the application was supported by a Remedial Action Plan (Plan), providing a remediation strategy to make the site suitable for the proposed use as a school building. The proposed remediation strategy involves the excavation of contaminated materials for offsite disposal, with validation sampling to be undertaken within the footprints of the existing buildings and slabs once structures have been demolished. The Site Contamination Assessment, Remedial Action Plan and proposed remediation strategy has been assessed by Council's Environmental Management Officer, and based on this review are found to be satisfactory subject to conditions. In accordance with the requirements of State Environmental Planning Policy No. 55 - Land Remediation, a condition of consent has been imposed requiring that all remediation

works are to be carried out and validated for Council approval, prior to the commencement of any construction works (noting demolition works will need to occur to carry out soil testing), providing an appropriate mechanism to ensure that the site will be remediated before the land is used for the purpose of the development.

- **Vegetation Removal**

The proposal includes the removal of 16x trees along the Copeland Street frontage, which will impact upon the existing streetscape quality. Whilst in principle the proposed removal of trees is not supported, the application has considered a number of alternative building locations, including vertical expansion. However, the application has demonstrated that there are inadequate alternative options for relocating the building on the site, without impeding upon existing facilities, and noting that the existing school buildings have not been structurally designed to support vertical expansion.

In order to mitigate the streetscape impacts as a result of the removal of 16x trees along Copeland Street, the proposal includes compensatory planting of 21x trees. In noting that an electricity easement for overhead wires runs along the Copeland Street boundary, it is acknowledged that the proposed replacement plantings will be restricted in height due to clearance requirements associated with the electricity easement, and are unlikely to reach the same height as the existing trees (which in-part are higher than the electricity wires). To compensate the loss of canopy trees, noting that the replacement plantings on Copeland Street are likely to be restricted in height, a condition of consent has been imposed requiring an additional 13x street trees be provided along Gascoigne Street, where there is adequate space, and will not be restricted by overhead wires. The requirement for planting of an additional 13x trees brings the number of replacement trees to 34, which is more aligned with the expected rate of replacement planting being 3 new trees for every 1 tree removed.

An assessment under Section 4.15 of the Environmental Planning and Assessment Act 1979 has been undertaken, and the application is recommended for approval, subject to conditions.

Site & Surrounds

The subject site is legally described as Lot 1 DP 76600, commonly referred to as 21 Copeland Street, Kingswood NSW 2747. The site is currently used as a secondary school, being St Dominic's College, which has been operating on the site since the 1960's.

The site is an island lot with four street frontages, being Gascoigne Street (north), Copeland Street (south), Parker Street (west) and Phillip Street (east). The site has an area of approximately 5.3 hectares and is rectangular in shape. The lot slopes from north to south with a total cross fall of approximately 2.6m.

Currently on the site are existing school buildings and associated car park located at the western portion of the site (closest to Parker Street), with sports fields located at the rear (east) of the site. There is existing vegetation around the perimeter of the site.

The surrounding development to the south of the site (Copeland Street) consists of a mix of industrial and commercial land uses, including Penrith City Council's Depot, food premises and warehouses. To the east (Phillip Street) are industrial uses, including a number of vehicle repair stations, and to the south-east of the site is Kingswood Cemetery. To the north (Gascoigne Street) and east (Parker Street) of the site is residential housing.

Proposal

The application seeks consent for the following works:

- Demolition of 2x demountable buildings and associated Outdoor Learning Area (COLA) located along Copeland Street;

- Construction of a new 2-storey classroom building with under-croft car parking for 12x car spaces (referred to as Block E on the architectural plans);
- Earthworks (maximum cut of 3m) to create an under-croft car parking area;
- Removal of 16x trees along the Copeland Street frontage; and
- Compensatory planting of 21x trees along the Copeland Street boundary, and associated landscape works including hedge planting along the corner of Parker Street and Copeland Street and landscaping adjacent to the new building (Block E).

It is noted that:

- The proposal does not include any increase in the number of students or staff.
- Whilst the application proposes 12x car parking spaces within the under croft car park, the proposal requires the deletion of 3x existing car parking spaces within the current staff car park located in the south-west corner of the site. As such, the proposal will result in a net gain of 9x car parking spaces for the betterment of the current school operations. The application also proposes to relocate an existing accessible car parking space from the staff car park to the new under croft car park.

Background

Council's records indicate that the applicant undertook a Prelodgement meeting, and Urban Design Review Panel (UDRP) meeting relating to the proposal, in order to obtain advice prior to the lodgement of the application. The issues raised at the Prelodgement meeting and UDRP meeting have been addressed, as summarised below:

Urban Design Review Panel, May 2019 (UDRP19/0004)

- The written UDRP advice dated 20 June 2019 recommends that in terms of form, scale and architectural design, the proposed building is an attractive solution which would not detract from existing streetscape quality. The current application has not made any subsequent amendments to the architectural design.
- However, the UDRP advice states that the proposed removal of trees along Copeland Street would impact the existing streetscape quality, and as such additional compensatory plantings would be required to mitigate streetscape impacts, and further consideration should be given to the hedge planting treatment along Copeland Street so as to highlight major building entrances and enhance the amenity of outdoor break-out spaces.
- In response, the applicant submitted amended landscape designs for review by Council's Urban Design Consultant. In an email response dated 15 July 2019, Council's Urban Design Consultant confirmed that the amended landscape plans are consistent with the recommendations provided in the UDRP letter dated 20 June 2019, and the proposed compensatory tree plantings would moderate visual impacts of proposed tree removal, and that the amended street-front plantings provide a more appropriate foreground to the proposed building. Further, Council's Urban Design Consultant advised that in terms of streetscape quality, the proposed compensatory plantings would make amends for tree removal, and ensure that impacts of the proposal are acceptable. It is noted that the landscape plans submitted with the current application are consistent with the amended plans reviewed by Council's Urban Design Consultant.

Prelodgement Meeting, June 2016 (PL16/0072)

- In respect to Block E (the building subject to this application), the written Pre-lodgement advice recommends that the location of Block E is not suitable, and that existing trees along Copeland Street be retained and protected, and that the southern boundary setback zone between the property boundary and the sports field not be compromised. The Prelodgement advice recommends that a site wide master plan be prepared to determine the most suitable location for new buildings, including Block E. The applicant commissioned a site wide master plan to investigate the options for alternative locations for Block E, including the feasibility of vertical expansion. The following alternate locations for Block E were considered:

Option 1: Locate Block E within the existing Copeland Street Car park. This option was not found suitable

as it did not meet building separation requirements under the National Construction Code.

Option 2: Vertical expansion above existing buildings was considered. However, a review of existing building stock revealed that the existing structures were engineered as two-storey buildings and cannot structurally support additional levels. As such, vertical expansion would require demolition of existing building stock that still has considerable use-able life span. It is also noted that a Maximum Building Height of 8.5m applies to the site.

Option 3: Locate Block E along Gascoigne Street Frontage. The area along the Gascoigne Street frontage was found not to provide sufficient space to accommodate the building without encroaching onto the existing sport fields, and was found to require a greater number of trees being removed.

As such, the application has demonstrated that the developable area on the site is very limited, and the most suitable location for Block E has been pursued.

Plans that apply

- Local Environmental Plan 2010 (Amendment 4)
- Development Control Plan 2014
- State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017
- 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)**

Pursuant to Clause 4.5(b) of the Act 1979, the consent authority for development that is declared as Regionally Significant Development is the Regional Planning Panel for which the area in which the development is to be carried out. The proposal is defined as Regionally Significant Development under Schedule 7, Clause 5(b) of *State Environmental Planning Policy (State and Regional Development) 2011*, as the proposal is for an educational establishment and has a Capital Investment Value (CIV) of more than \$5 million (being \$11,850,000).

Accordingly, the Sydney Western City Planning Panel (SWCPP) is the determining authority as the 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 79C(1)(a)(i) The provisions of any environmental planning instrument

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

- **Clause 33** *Definition of prescribed zone* and **Clause 35** *Schools - Development permitted with consent*

The site is zoned R2 Low Density Residential, which is identified as a 'Prescribed zone' under Clause 33.

- **Clause 35(6)**

a) The application was accompanied by a design statement which assess the proposal against the design principles in Schedule 4 (refer to discussion below).

b) The proposal will not alter the continued use of the school facilities by the community.

- **Clause 57** *Traffic generating development*

The provisions of Clause 57 have been considered because although the application does not seek an increase in student/staff numbers, as per Clause 57(1) the proposal will result in additional classrooms that could be able to accommodate 50 or more additional students (in the future), and is on a site that has direct vehicular access to a road. Accordingly, the application was referred to the Transport for NSW (formerly Roads and Maritime Services) on 15 October 2019. In their response dated 1 November 2019, Transport for NSW raised no objections to the proposal providing that all buildings and structures are wholly within the property boundary.

- **Schedule 4 Schools - Design and quality principles**

Principle 1 - Context, built form and landscape

The Block E building replaces current single storey demountable buildings, that are understood to be beyond their recommended ten year use. The age, size and arrangement of the existing demountable buildings limit the ability to use the spaces as a modern learning environment.

Principle 2 - Sustainable, efficient and durable

The proposal is consistent with Principle 2, in this regard the proposed building will have passive solar access through glazing along the northern facade, natural ventilation is provided in the undercroft car park negating the need for mechanical ventilation (reducing the development's carbon footprint), and a rainwater storage tank has been provided.

Principle 3 – Accessible and inclusive

The proposal is consistent with Principle 3, in this regard the proposal includes the relocation of an accessible car parking space from the existing Copeland Street car park to the undercroft car park, to provide direct lift access into the new building.

Principle 4 – Health and safety

The proposal includes the remediation of land within the footprint of the proposed works, which will ensure that the site is suitable for the proposed use. A condition of consent has been imposed requiring all remediation works to be carried out and validated prior to the commencement of any construction works.

Principle 5 - Amenity

The proposal includes modern General Learning Areas, a drama theatre and stage, and 3x music practice rooms. The facilities have been designed to support the teaching of the Higher School Certificate curriculum and encourage flexible and contemporary learning environment.

Principle 6 – Whole of life, flexible and adaptive

The generously proportioned classrooms on the upper level and performance space on the lower ground floor have been designed to be multi-purpose.

Principle 7 – Aesthetics

The proposed bulk, scale and architectural form is considered suitable for the site, and the selected colour finishes are modern and compatible with the existing colour palette of the surrounding school buildings.

State Environmental Planning Policy (State and Regional Development) 2011

The proposal triggers 'Regionally Significant Development' under Schedule 7, Clause 5(b) of the State Environmental Planning Policy (State and Regional Development) 2011, as the proposal has a cost of works greater than \$5 million (being \$10,795,004) and is for the purpose of an educational establishment. Accordingly, the consent authority for the development is the Sydney Western City Planning Panel.

State Environmental Planning Policy No 55—Remediation of Land

An assessment of the application has been undertaken against the relevant criteria under the State Environmental Planning Policy No 55—Remediation of Land (SEPP 55). The proposal is considered to satisfy the requirements of SEPP 55, as summarised below:

- At time of lodgement, the application was supported by a *Soil Assessment and Preliminary Waste Classification* report (Ref:5410-1-E1, prepared by AssetGeo, dated 7 June 2019), which provided a preliminary assessment of the suitability of the site in respect to contamination matters. As part of the scope of works identified in the *Soil Assessment and Waste Classification* report, AssetGeo undertook drilling and sampling of a total of six boreholes in the footprint of the proposed development for the purpose of soil analysis. The *Soil Assessment and Waste Classification* identified that soil from two of the investigation boreholes produced samples that contained contaminants that exceeded adopted human health and ecological risk criteria, being lead (at borehole BH1) and asbestos (at borehole BH3). The *Soil Assessment and Waste Classification* report recommends that further site investigation is undertaken as part of the development application process in order to confirm the potential sources and extent of contaminants, and assess the risk to human and ecological receptors. The report further recommends that a Remedial Action Plan (RAP) be prepared outlining applicable management procedures and methodologies for remediation and/or ongoing management of identified impacts, and an Unexpected Finds Protocol be prepared.
- In accordance with the recommendations of the preliminary *Soil Assessment and Preliminary Waste Classification* report, the application was amended by the applicant to seek development consent for the remediation of land. To support the application, a further *Site Contamination Assessment* report (Ref: 5410-2-E1, prepared by AssetGeoEnvio Pty Ltd, dated 29 October 2019) was submitted to Council for consideration. As part of the scope of works identified in the *Site Contamination Assessment*, fourteen soil samples were collected from areas across the site where most of the excavation works and exposure of under soil is to take place. The *Site Contamination Assessment* concludes that based on the findings of the assessment, the contamination appears to be isolated to a single fragment of asbestos, and a localised area containing lead.
- A RAP was prepared and submitted to Council, providing a remediation strategy to make the site suitable of for the proposed use as a school building. The proposed remediation strategy involves the excavation of contaminated material for offsite disposal, with validation sampling proposed once the remediation works have been completed. The RAP requires further investigation and soil sampling to be undertaken within the footprints of the existing building and slabs once these structures have been demolished.
- The *Site Contamination Assessment*, Remedial Action Plan and proposed remediation strategy has been assessed by Council's Environmental Management Officer, and based on this review, are found to be satisfactory subject to conditions of consent.
- With consideration to the requirements of SEPP 55, the proposal is satisfactory in that the site is considered capable of being made suitable for the proposed use, following remediation works. Conditions of consent have been imposed requiring the remediation works to be carried out and validated, prior to the commencement of construction works, providing an appropriate mechanism to ensure that the site will be remediated before the land is used for the purpose of the development.

Sydney Regional Environmental Plan No.20 - Hawkesbury Nepean River

Sydney Regional Environmental Plan No. 20 – Hawkesbury-Nepean River (No. 2 – 1997) (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. SREP 20 is supported by an Action Plan, which includes actions necessary to improve existing conditions.

To ensure sediments generated by the development will not be deposited in the Hawkesbury-Nepean River via the stormwater drainage system and to ensure compliance with Clause 5 of SREP 20, a condition of consent has been imposed requiring the provision and maintenance of erosion and sediment control measures for the development.

With consideration to the above, the proposal subject to conditions, is considered to meet the objectives of the of SREP 20.

Local Environmental Plan 2010 (Amendment 4)

Provision	Compliance
Clause 2.3 Permissibility	Complies - See discussion
Clause 2.3 Zone objectives	Complies - See discussion
Clause 4.3 Height of buildings	Complies - See discussion
Clause 7.2 Flood planning	Complies - See discussion

Clause 2.3 Permissibility

Under Penrith LEP 2010, the subject site is zoned R2 Low Density Residential, and the proposal is defined as an Educational Establishment.

Under Penrith LEP 2010, an Educational Establishment is a prohibited land use in the R2 Low Density Residential zone. Notwithstanding this, the application relies on permissibility under Clause 35(1) of the State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017, which 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 identifies that the R2 Low Density Residential zone is a prescribed zone.

Noting that the State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017 prevails over the Penrith LEP 2010 in the event of an inconsistency between policies, the proposal is permissible with consent.

Clause 2.3 Zone objectives

The proposal is consistent with the objectives of the R2 Low Density Residential zone, specifically:

- *To enable other land uses that provide facilities or services to meet the day to day needs of residents.*
The proposal promotes the orderly development of an existing educational establishment, providing additional facilities for the current and future school population.
- *To ensure a high level of residential amenity is achieved and maintained.*
The proposed works are located on the southern side of the site (Copeland Street frontage), and will have minimal visibility from the residential properties closest to the school (being on the northern side of Gascoigne Street).

It is noted that the southern side of Copeland Street is zoned IN1 General Industrial. As the proposed building fronts Copeland Street, consideration has also been given to the objectives of the IN1 General Industrial zone. The proposal is not considered to conflict with the objectives of the IN1 General Industrial zone.

Clause 4.3 Height of buildings

Under Penrith LEP 2010, a Maximum Building Height of 8.5m (AHD) is permitted on the site. The proposed building is at the Maximum Building Height of 8.5m (AHD), and as such the proposal is compliant with the building height control.

As a precautionary measure to ensure that the maximum building height is not breached, a condition of consent has been imposed restricting the new building to a Maximum Building Height of 8.5m (AHD).

Clause 7.2 Flood planning

The subject site is affected by minor overland flow as identified within the 'Orth and Werrington Creek Flood Study'. Accordingly the application was reviewed by Council's Development Engineer in respect to flood impacts. Based on this review, the land affected by overland flow is located in the eastern portion of the site, and the proposed works are not considered to be adversely impacted by flooding. Council's Development Engineer raised no objections to the proposal in regards to flooding considerations.

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	Complies
C9 Advertising and Signage	Complies
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)(iv) The provisions of the regulations

A condition of consent has been applied requiring all aspects of the development to comply with the relevant requirements under the Building Code of Australia so as to achieve and maintain acceptable standards of structure sufficiency, safety (including fire safety), health and amenity. As such, subject to compliance with conditions, the proposal is considered satisfactory in respect to the Regulations.

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

Context and Setting

Prior to the lodgement of the application, the proposal was presented at Council's Urban Design Review Panel for consideration. Based on this review, the proposed building is considered to be a visually aesthetic solution and appropriate in terms of form, scale and architectural design. Although Council's Urban Design Consultant acknowledged that the existing streetscape would be affected by the removal of existing trees in order to accommodate the building, visual impacts are considered to be moderated by compensatory plantings.

Tree Management

The proposal includes the removal of 16x trees along the Copeland Street frontage, which will impact upon the existing streetscape quality. The trees proposed for removal are 8x Spotted Gums, 1x River She-Oak, 1x Lemon Scented Gum, 3x Gossamar Wattle, 1x Tallowood, 2x Forest Red Gums. It is noted that the accompanying Arborist Report identifies that 10x of the subject trees have moderate value, 2x trees have low value and 4x trees have very low value. Notwithstanding this, it is acknowledged that the proposed tree removal will impact upon the existing streetscape quality.

Whilst in principle the proposed removal of trees is not supported, noting that Council's Tree Management Officer does not support the removal of the trees, the application has considered a number of alternative building locations, including vertical expansion. The application has demonstrated that there are inadequate alternative options for relocating the building on the site, without impeding upon existing facilities, specifically the campus buildings on the western portion of the site and sporting fields located at the eastern portion of the site, which must meet minimum size requirements. It is also noted that the existing school buildings have not been structurally designed to support vertical expansion, and a Maximum Building Height of 8.5m applies to the site.

In order to mitigate the streetscape impacts as a result of the removal of 16x trees along Copeland Street, the proposal includes compensatory planting of 21x trees. In noting that an electricity easement for overhead wires runs along the Copeland Street boundary, it is acknowledged that the proposed replacement plantings will be restricted in height due to clearance requirements associated with the electricity easement, and are unlikely to reach the same height as the existing trees (which in-part are higher than the electricity wires). To compensate the loss of canopy trees, noting that the replacement plantings on Copeland Street are likely to be restricted in height, a condition of consent has been imposed requiring an additional 13x street trees be provided along Gascoigne Street, where there is adequate space, and will not be restricted by overhead wires. It is noted that Council's Public Spaces Tree Officer provided confirmation that adequate space is available on the landscape verge on Gascoigne Street to accommodate 13x trees. The requirement for planting of an additional 13x trees brings the number of replacement trees to 34, which is more aligned with the expected rate of replacement planting being 3 new trees for every 1 tree removed.

With consideration to the above, the proposed tree removal is considered acceptable, subject to compensatory planting of 21x trees on the site and 13x street trees along Gascoigne Street.

Stormwater Management

The application was accompanied by a Stormwater Concept Design, proposing drainage to Copeland Street. The Stormwater Concept Design has been reviewed by Council's Development Engineer, and is found to be satisfactory subject to conditions. It is noted that throughout the assessment of the application, the Onsite Detention storage tank and Rainwater tank has been removed from underneath the building, to underneath landscaping and sports field (respectively), in order to mitigate the risk of damage to the building in the event that the storage tanks fail, and in order to comply with Council's requirements.

Acoustic Impacts

The proposal was supported by an acoustic report titled *Development Application Noise Impact Assessment* (Ref: 610.18509, prepared by SLR Consulting Australia Pty Ltd, dated February 2019) which

provides assessment of potential noise impacts on surrounding development as a result of the proposal, and noise levels within the proposed building from surrounding noise sources. The acoustic report identifies that the site will not adversely impact surrounding developments in regards to noise levels, and the building is capable of achieving compliant internal noise levels, subject to recommended construction measures including glazing, door and roof design. The acoustic report was reviewed by Council's Environmental Management Officer, who raised no objections to the proposal, subject to a condition of consent requiring the development to be carried out in accordance with the *Development Application Noise Impact Assessment*.

Contamination

The proposal seeks consent for the remediation of land as a fragment of asbestos and localised area containing lead was found on the site. The application is supported by a Remedial Action Plan and Unexpected Finds Protocol, and proposes to a remediation strategy of removing the contaminated materials and disposing them appropriately offsite. Council's Environmental Management Officer reviewed the application, and is satisfied with the proposed remediation strategy and supporting Remedial Action Plan and Unexpected Finds Protocol. As such, subject to conditions the proposal is considered to be capable of being made suitable for the proposed use in regards to contamination matters. Refer to discussion in this report under 'State Environmental Planning Policy No.55 - Remediation of Land' for further detail.

Flood Impacts

The subject site is affected by minor overland flow as identified within the '*Orth and Werrington Creek Flood Study*'. Accordingly the application was reviewed by Council's Development Engineer in respect to flood impacts. Based on this review, the land affected by overland flow is located in the eastern portion of the site, and the proposed works are not considered to be adversely impacted by flooding. It is noted that Council's Development Engineer raised no objections to the proposal in respect to flooding considerations.

Accessibility

The application was accompanied by an Access Report, prepared by Vista Access Architects, dated 17 July 2019. A condition of consent has been imposed requiring the development to be carried out in accordance with the design recommendations of the Access Report, and requiring that the works be certified by a suitably qualified access consultant prior to the issue of an Occupation Certificate.

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

The site is considered suitable for the proposed works for the following reasons:

- Currently on the site is an existing educational establishment, which has operated on the site since the 1960's. The purpose of the proposal is to replace existing demountable classrooms, with permanent facilities. As such, the proposal will not alter the existing use of the site, and is considered to promote the orderly and economic development of land;
- The proposal was supported by a Remediation Action Plan (RAP) and Unexpected Finds Protocol, which has been prepared to the satisfaction of Council's Environmental Management Officer. The land is considered to be capable of being remediated, and made suitable for the proposed works. Conditions of consent have been imposed requiring all remediation works to occur and be completed to the satisfaction of Council, prior to commencement of any building works.
- The site is suitably serviced, being connected to electricity, water, sewage and telecommunications services.

Section 79C(1)(d) Any Submissions

Community Consultation

In accordance with Appendix F4 of Penrith DCP 2014, the proposed development was notified to nearby and adjoining residents. Council notified fifty-five residences in the area, and the exhibition period occurred between 6 September 2019 and 7 October 2019. Council received no submissions. As the proposal is for a school building, the application was also advertised on 5 September 2019.

During the assessment of the application, the proposal was amended to include remediation of land, and as such in accordance with the requirements of *State Environmental Planning Policy No 55 - Remediation of Land*, the application was further advertised on 12 December 2019 and exhibited for 30 days (excluding public holidays) between 13 December 2019 and 3 February 2020. Council received no submissions.

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
Traffic Engineer	No objection subject to conditions
Tree Management Officer	Not supported

Tree Management Officer

Whilst in principle the proposed removal of trees is not supported, noting that Council's Tree Management Officer does not support the removal of the trees, the application has considered a number of alternative building locations, including vertical expansion. The application has demonstrated that there are inadequate alternative options for either expanding vertically or relocating the building on the site, without impeding upon existing facilities. Given the proposal is considered to be in the public interest, the proposed tree removal is considered acceptable subject to compensatory planting on the site, and additional provision of street tree planting on Gascoigne Street. Refer to discussion under 'Likely Impacts' in this report for further detail.

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

The proposal is unlikely to generate significant issues of public interest for the following reasons:

- The site is zoned R2 Low Density Residential and an educational establishment is a permissible land use in the zone with consent;
- The proposed building is a modern design and is considered compatible with the character of the surrounding area;
- The application was notified to surrounding properties, and publicly advertised. Council received no submissions;
- The proposal is considered to be in the public interest, as the proposal seeks to replace demountable classrooms with permanent facilities, providing improved learning spaces in an existing school.

Conclusion

In assessing this application against the relevant environmental planning policies, being State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017, State Environmental Planning Policy No. 55 - Remediation of Land, Penrith Local Environmental Plan 2010, and Penrith Development Control Plan 2014, and the proposal satisfies the aims, objectives and provisions of these policies.

The site is considered suitable for the proposed development, and the proposal is considered in the public interest. Accordingly, the application is recommended for approval, subject to conditions.

Recommendation

That Development Application DA19/0553 for the Demolition of 2x Demountable Buildings on Copeland Street and Construction of a New 2-Storey School Building with Car Parking, Landscaping, Removal of Trees and Remediation of Land at 21 Copeland Street Kingswood (St Dominic's College) be approved subject to the attached conditions (Development Assessment Report Part B)

CONDITIONS

General

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

Drawing Title	Drawing No.	Prepared By	Dated
<i>Cover Sheet & Site Location</i>	Project No. 2794 DA001, Revision P1	PMDL	9 August 2019
<i>Perspectives 01; 02</i>	Project No. 2794 DA020, Revision P1; and DA021 Revision P1	PMDL	9 August 2019
<i>Block E Demolition Plan</i>	Project No. 2794 DA111, Revision P1	PMDL	9 August 2019
<i>Block E- Plans L0; L1</i>	Project No. 2794 DA120, Revision P1	PMDL	9 August 2019
<i>Block E - Plans L2; Roof</i>	Project No. 2794 DA121, Revision P1	PMDL	9 August 2019
<i>Block E- Copeland St Elevations</i>	Project No. 2509 DA200, Revision P1	PMDL	9 August 2019
<i>Block E - Elevations 01</i>	Project No. 2509 DA201, Revision P1	PMDL	9 August 2019
<i>Block E- Sections</i>	Project No. 2794 DA320, Revision P1	PMDL	9 August 2019
<i>Block E - Materials/ Finishes Schedule</i>	Project No. 2794 DA500, Revision P1	PMDL	9 August 2019
Landscape Plan	L-SD-00; L-SD-01; L-SD-02; L-SD-03; L-SD-04; L-SD-05; L-SD-06; L-SD-07; L-SD-08; L-SD-09; L-SD-10; L-SD-11; L-SD-12; L-SD-13; L-SD-14; Revision A	PMDL	13 August 2019
Stormwater Concept Plans	20180313, SW200-SW201, Sheets 1-2	-	3 February 2020

- 2 **The development must not be used or occupied until an Occupation Certificate has been issued.**
- 3 The finishes of all structures and buildings are to be maintained at all times and any graffiti or vandalism immediately removed/repaired.
- 4 A **Construction Certificate** must be obtained prior to commencement of any building works.
- 5 **Prior to the issue of a Construction Certificate**, the design recommendations of the Access Report, Reference No. 18283, Revision A, prepared by Vista Access Architects, dated 17 July 2019 shall be incorporated into the Construction Certificate plans. The works shall be certified accordingly by a suitably qualified access consultant **prior to the issue of an Occupation Certificate**.
- 6 The building subject to this consent must have a maximum building height of 8.5m (Australian Height Datum) from natural ground level.

Demolition

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

Prior to commencement of demolition works on site, a portaloo with appropriate washing facilities shall be located on the site and the Principal Certifying Authority is to be satisfied that:

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

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

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

8 Demolition works will 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 demolition work is permitted on Sundays and Public Holidays.

In the event that the demolition relates to works inside the building and do not involve external walls or the roof, and do not involve the use of equipment that emits noise then the demolition 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 construction works.

Environmental Matters

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

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

The approved sediment and erosion control measures are to be installed **prior to and maintained throughout the construction phase of the development until the land, that was subject to the works, have been stabilised and grass cover established**. 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.

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

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

12 **Prior to the commencement of any construction works**, site remediation works must be carried out generally in accordance with the following approved contamination report and remedial action plan:

- Site Contamination Assessment (Ref: 5410-2-E1) prepared by Asset GeoEnviro Pty Ltd and dated 29 October 2019; and
- Remedial Action Plan (Ref: 5410-3-E1) prepared by Asset GeoEnviro Pty Ltd and dated 19 November 2019; and
- Penrith Development Control Plan, applicable NSW Environment Protection Authority Guidelines and the National Environment Protection (Assessment of Site Contamination) Measure 1999 (NEPC 2013).

During works contaminated topsoil must not be mixed with uncontaminated underlying natural soils.

On completion of the site remediation works, the following documentation is to be submitted to the Principal Certifying Authority and Penrith City Council, if Council is not the Principal Certifying Authority:

- Written notification that the site remediation works have been completed is to be submitted within 30 days that the said works have been completed.
- A Validation Report, prepared by an appropriately qualified person, is to be submitted before any building work can commence on the remediated site. The report shall certify that the remediation works have been carried out in accordance with the approved Remedial Action Plan, Penrith Development Control Plan, relevant NSW Environment Protection Authority requirements and the National Environment Protection (Assessment of Site Contamination) Measure 1999 (NEPC 2013). The Validation Report is to confirm that the site will not pose an unacceptable risk to human health or the environment and shall confirm the suitability of the site for the proposed use.

Note: an appropriately qualified person is defined as "a person who, in the opinion of Council, has a demonstrated experience, or access to experience in hydrology, environmental chemistry, soil science, ecotoxicology, 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."

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

14 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.

15 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.

Advisory 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 Principal Certifying Authority 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.

16 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.

17 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.

- 18 Noise levels from the premises must not exceed the relevant noise criteria detailed in the Acoustic Report prepared by SLR Consulting Australia Pty Ltd dated February 2019, 610.18509.00000-R1-v0.1).

The recommendations provided in the above referenced acoustic report must be implemented and incorporated into the design and construction of the development, and shall be shown on plans accompanying the Construction Certificate application.

Prior to the issue of an Occupation Certificate, 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.

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

- 19 The operating noise level of plant and equipment shall not exceed 5dB(A) above the background noise level when measured at the boundaries of the premises. The provisions of the Protection of the Environment Operations Act 1997 apply to the development, in terms of regulating offensive noise.

- 20 An appropriately qualified person/s shall:

- Supervise the remediation works.
- Supply Council with a copy of any relevant documentation for further testing carried out during the remediation works.
- Address off site impacts and proposed management strategies where relevant.
- (after completion of works) Certify by way of a Compliance Certificate or other written documentation that remediation works have been carried out in accordance with all conditions of this consent and that the site will not pose an unacceptable risk to human health or the environment (this information can be included in the Validation Report). A copy of the Compliance Certificate or other written documentation is to be submitted to the Principal Certifying Authority (PCA) and Penrith City Council if it is not the PCA.

The contact details of any appropriately qualified person/s engaged for the works shall be **provided with the notice of commencement**.

Advisory note: an appropriately qualified person is defined as "a person who, in the opinion of Council, has a demonstrated experience, or access to experience in hydrology, environmental chemistry, soil science, ecotoxicology, 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."

- 21 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 are to cease immediately and Penrith City Council is to be notified. Any such "unexpected finds" shall be addressed by an appropriately qualified environmental consultant.

All remediation works within the Penrith Local Government Area are considered to be Category 1 works under State Environmental Planning Policy 55-Remediation of Land.

BCA Issues

- 22 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.

Utility Services

- 23 A Section 73 Compliance Certificate under the Sydney Water Act 1994 shall be obtained from Sydney Water. 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.

The Section 73 Compliance Certificate must be submitted to the Principal Certifying Authority **prior to the issue of an Occupation Certificate**.

- 24 Prior to the issue of a Construction Certificate, 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.

In the event that a pad mounted substation is necessary to service the development, Penrith City Council shall be consulted over the proposed location of the substation before the Construction Certificate for the development is issued as the location of the substation may impact on other services and building, driveway or landscape design already approved by Council.

Construction

- 25 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.

26 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.

27 Construction 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.

Engineering

- 28 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 or prior to the issue of any Construction Certificate, whichever occurs first. 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.

- 29 **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 include (but are not limited to) the following:

- a) The reinstatement of the existing bus stop boarding point adjacent to the site on Copeland Street.
- b) Vehicular crossings (including kerb reinstatement of redundant vehicular crossings)
- c) Concrete footpaths and or cycleways
- d) Road opening for utilities and stormwater (including stormwater connection to Penrith City Council roads and other Penrith City Council owned drainage)
- e) Road occupancy or road closures
- f) The placement of hoardings, structures, containers, waster skips, signs etc. in the road reserve
- g) 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:

- 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.
- Separate approvals may also be required from the Roads and Maritime Services for classified roads.
- All works associated with the Roads Act approval must be completed prior to the issue of any Occupation Certificate or Subdivision Certificate as applicable.
- 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

- 30 The stormwater management system shall be provided generally in accordance with the concept plan/s lodged for development approval, prepared by SGC, reference number 20180313 SW200-SW201, dated 03/02/2020.

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 proposed sediment sump is deleted and 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.

- 31 **Prior to the issue of any Construction Certificate**, the Certifying Authority shall ensure that vehicular access, circulation, manoeuvring, pedestrian and parking areas associated with the subject development are in accordance with AS 2890.1, AS2890.2, AS2890.6 and Penrith City Council's Development Control Plan.
- 32 Upon completion of all works in the road reserve, all verge areas fronting and within the development are to be turfed. The turf shall extend from the back of kerb to the property boundary, with the exception of concrete footpaths, service lids or other infrastructure which is not to be turfed over. Turf laid up to concrete footpaths, service lids or other infrastructure shall finish flush with the edge.

- 33 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)
 - 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 been undertaken have been satisfactorily completed.

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

- 34 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)

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.

- 35 The stormwater management systems shall continue to be operated and maintained in perpetuity for the life of the development in accordance with the final operation and maintenance management plan.

Regular inspection records are required to be maintained and made available to Penrith City Council on request. All necessary improvements are required to be made immediately upon awareness of any deficiencies in the stormwater management systems.

- 36 Prior to the issue of a Construction Certificate, the Principal Certifying Authority must confirm that required sight lines around the driveway entrance are not to be compromised by signage, fencing or landscaping.
- 37 **Prior to the issue of an Occupation Certificate**, all car spaces are to be sealed and line marked. The car parking spaces must not be used for the storage of materials/products/waste materials, etc.
- 38 All vehicles are to enter/exit in a forward direction.
- 39 All roadworks, stormwater drainage works, signage, linemarking, associated civil works and dedications, required to effect the consented development shall be undertaken by the applicant at no cost to Penrith City Council.

Landscaping

- 40 All landscape works are to be constructed in accordance with the stamped approved Landscape Plan (Revision A) prepared by PDML dated 13 August 2019 and Council's Development Control Plan.

Landscaping must be maintained:

- in accordance with the approved plan, and
- in a healthy state, and in perpetuity by the existing or future owners and occupiers of the property.

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.

- 41 The approved landscaping for the site must be constructed by a suitably qualified landscape professional.

42 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.

43 **Prior to the issue of an Occupation Certificate**, the following street trees are to be planted in accordance with Engineering Works and Construction Standards and Landscape Design the Penrith Development Control Plan 2014.

- 13x *Waterhousia floribunda* within the landscaped verge on Gascoigne Street, as marked in red on the stamped approved Site Plan.

Before the street trees are planted, final approval of the plant species, pot size, location of the street trees, and any other requirements such as tree guards, are to be approved by Penrith City Council (as the relevant Roads Authority). In this regard, please contact Council's Development Services Unit on 4732 7777.

44 The development must be carried out in accordance with the recommendations of the Arboricultural Impact Assessment Report, Reference AIA-01 Revision A, prepared by Arterra Design Pty Ltd, dated 15 May 2019, including the following:

- Only trees identified for removal in the above referenced report are to be removed;
- Trees identified for retention in the above referenced report must be retained;
- All recommended tree protection specifications and measures identified in the above referenced report are to be carried out.

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).

All other vegetation not specifically identified above, and protected by C2 Vegetation Management of the Penrith Council Development Control Plan 2014 is to be retained and protected from construction damage and pruning.

Certification

- 45 An Occupation Certificate is to be obtained from the Principal Certifying Authority on completion of all works and prior to the occupation of the building and commencement of the approved use. The Occupation Certificate shall not be issued if any conditions of this consent, but not the conditions relating to the operation of the development, are outstanding, and the development does not comply with the provisions of the Environmental Planning and Assessment Act and Regulation.

Before the Occupation Certificate can be issued for the development, Fire Safety Certificates issued for the building are to be submitted to Penrith City Council and the New South Wales Fire Brigades.

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

- 46 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.

Appendix - Development Control Plan Compliance

Development Control Plan 2014

Part C - City-wide Controls

D5 Other Land Uses

D5.4. Educational Establishments

The proposal is considered to meet the objectives and controls of Chapter D5.4 Educational Establishments of Penrith DCP 2014, as summarised below:

- The design and location of the school building is not considered to result in adverse impacts on the amenity of surrounding properties;
- The site is considered suitable for the proposed works, being an existing educational establishment which has operated on the site since the 1960's. The site is also compatible with the surrounding land uses;
- The site is appropriately serviced, being connected to sewer, water and telecommunications services;
- The application proposes access via Copeland Street (a local road) and does not propose access via a classified road; and
- The proposal will result in a net gain of 9x car parking spaces (inclusive of 1x accessible car space) for the benefit of the existing school population. It is noted that the proposal does not seek an increase in student or staff numbers.