

## COUNCIL ASSESSMENT REPORT

<b>Panel Reference</b>	PPSSWC-34
<b>DA Number</b>	DA19/0746
<b>LGA</b>	Penrith
<b>Proposed Development</b>	Construction of an Extension to St Paul's Grammar School to Provide a New Innovative Learning Centre Building, Including Demolition of Some Existing Buildings and Tree Removal
<b>Street Address</b>	52-68 Taylor Road Cranebrook
<b>Applicant</b>	Richard Hogan & Co Pty Ltd
<b>Owner</b>	St Pauls Grammar School Penrith Ltd
<b>Date of DA lodgement</b>	25 October 2019
<b>Number of Submissions</b>	None
<b>Recommendation</b>	Approval
<b>Regional Development Criteria (Schedule 4A of the EP&amp;A Act)</b>	CIV > \$5 million
<b>List of all relevant s79C(1)(a) matters</b>	<ul style="list-style-type: none"> <li>• State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017</li> <li>• State Environmental Planning Policy No. 55 – Remediation of Land</li> <li>• Sydney Regional Environmental Plan No. 20 – Hawkesbury-Nepean River</li> <li>• Penrith Local Environmental Plan 2010 (Amendment 4)</li> <li>• Penrith Development Control Plan 2014</li> </ul>
<b>List all documents submitted with this report for the Panel's consideration</b>	Appendix 1 – Architectural Plans Appendix 2 – Stormwater Plans Appendix 3 – Landscape Plan Appendix 4 – Waste Management Plan Appendix 5 – Rural Fire Service GTA's Appendix 6 – Arboricultural Impact Assessment
<b>Report prepared by</b>	Jane Hetherington
<b>Report date</b>	3/02/2020

### Summary of s79C matters

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

### 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**

*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? **Not Applicable**

### Special Infrastructure Contributions

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

<b>SWCPP Ref. No.:</b>	PPSSWC-34
<b>DA No.:</b>	DA19/0746
<b>PROPOSED DEVELOPMENT:</b>	Construction of an Extension to St Paul's Grammar School to Provide a New Innovative Learning Centre Building, Including Demolition of Some Existing Buildings and Tree Removal - Lot 1 DP 1073133,52 - 68 Taylor Road, CRANE BROOK NSW 2749
<b>APPLICANT:</b>	Richard Hogan & Co Pty Ltd
<b>REPORT BY:</b>	Jane Hetherington, Senior Development Assessment Planner, Penrith City Council

## Assessment Report

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## Executive Summary

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Council is in receipt of a development application from Richard Hogan & Co P/L for the construction of a Innovative Learning Centre (ILC) building at St Paul's Grammar School at 52-68 Taylor Road, Cranebrook.

The land is zoned RU4 Primary Production Small Lots under the provisions of Penrith Local Environmental Plan 2010. The proposal is defined as a *school* and is a permissible land use in the RU4 zone, subject to Council consent.

The application is to be determined by the Sydney Western City Planning Panel as the development (educational establishment) has a Capital Investment Value (CIV) over \$5 million.

The proposal is defined as Integrated Development under Section 4.46 of the *Environmental Planning and Assessment Act 1979*, requiring an approval under the *Rural Fire Act 1997*, Section 100B. Accordingly, the application was referred to the NSW Rural Fire Service (RFS), who have issued General Terms of Approval for the development.

The development application has been advertised in local newspapers and notified to all adjoining and adjacent property owners and placed on public exhibition from 8 November to 9 December 2019. No submissions were received in response.

Key issues identified for the proposed development include:

### Tree Removal

The development includes tree removal. As such, the application was accompanied by Arboricultural Impact Assessment, prepared by Accurate Tree Assessment and dated September 2019. This report found that the development necessitates the removal of 15 trees on the basis of unsustainable encroachment to the proposed building or to meet bushfire mitigation requirements. This report was reviewed by Council's Tree Management Officer who supports this aspect of the proposal, provided that sufficient replacement trees are provided. A replacement rate of 5 trees for every tree to be removed, was applied given the rural context of the site; that the site is located within an Endangered Ecological Community area; and that there is capacity on the site to accommodate the additional trees. This requirement has formed a condition of consent.

### Bushfire

The site is mapped as bushfire prone land. As such, the development is defined as *special fire protection purpose development* under Section 100B of the Rural Fires Act 1997. The accompanying bushfire report (Bushfire Hazard Assessment Report, prepared by Control Line Consulting and dated 19 September 2019) concluded that the proposed development will comply with the requirements of Planning for Bush Fire Protection 2006, subject to compliance with the reports recommendations. These recommendations include constructing the building to a BAL 12.5 construction level and maintaining the lot as an inner protection area of an asset protection zone. The application was referred to the NSW Rural Fire Service (RFS), and a conditional bushfire safety authority was issued. Conditions recommended by the RFS have been applied in the conditions of consent.

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

## Site & Surrounds

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### ***Properties of the site***

The subject site is located on the eastern side of Taylor Road, Cranebrook, approximately 850m north of the Cranebrook Road intersection. The site has an area of 14.17 hectares and generally falls to the east with a flat ridge line running north south close to the sites frontage with Taylor Road. The site currently contains a combined primary and secondary school with numerous buildings used for classrooms, administration and associated school activities. The site is accessed via two driveways off Taylor Road. Two dams are located at the south eastern corner of the site, which are used for stormwater collection, irrigation and for fire fighting purposes. The site is extensively landscaped with some areas of remnant native vegetation and some being planted. The surrounding area is characterised by rural residential development.

### ***Site constraints***

- The site is mapped as bushfire prone land.
- The site contains two mapped waterbodies (dams).
- Vegetation on the site is mapped as Castlereagh Scribbly Gum Woodland.
- The site is affected by local overland flows.

## Proposal

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The proposed development involves:

- Demolition of existing senior school hall and nearby demountable buildings, with a gross floor area (GFA) of approximately 1,430m<sup>2</sup>;
- Removal of fifteen (15) trees;
- Construction of two storey Innovation Learning Centre (ILC) with a GFA of 3,888m<sup>2</sup> including:
  - Classrooms: 7 x mathematics and 2 x STEaM (combined science, technology, engineering and art);
  - Library;
  - Incidental learning spaces;
  - Offices;
  - Student services centre;
  - Staff room;
  - Lecture theatre and tiered seating;
  - Amenities; and
- Associated landscaping and drainage works.

## Plans that apply

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- 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 No 55—Remediation of Land
- Sydney Regional Environmental Plan No.20 - Hawkesbury Nepean River

## Planning Assessment

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

Under Clause 4.5(b) of the *Environmental Planning and Assessment Act 1979*, the consent authority is a regional planning panel for development that is declared by an environmental planning instrument as regionally significant development. Schedule 7 of *State Environmental Planning Policy (State and Regional Development) 2011*, specifies that development for educational establishments that have a capital investment value (CIV) of more than \$5 million is regionally significant development.

In accordance with 4.5(b) of the *Environmental Planning and Assessment Act 1979*, the Sydney Western City Planning Panel (SWCPP) is the determining authority as the proposal has a CIV of \$11,850,000.

- **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 subject site is mapped as bushfire prone land and the proposal (school) is defined as *special fire protection purpose* development under the *Rural Fires Act 1997*. As such, the proposal is defined as Integrated Development under Section 4.46 of the *Environmental Planning and Assessment Act 1979*, requiring an approval under the *Rural Fire Act 1997*, Section 100B.

Accordingly, the application was referred to the NSW Rural Fire Service (RFS) on 29 October 2019.

In response, the NSW RFS issued their General Terms of Approval dated 10 December 2019, raising no objection to the proposal subject to conditions.

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

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

A discussion against the relevant Clauses of *State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017* is provided below:-

<b>Part 4 Schools – specific development controls</b>	
<b>Clause</b>	<b>Response</b>
Clause 33: Definition of "prescribed zone"	The subject site is zoned RU4 Primary Production Small Lots which is a prescribed zone under Clause 33.

<p>Clause 35: Schools – development permitted with consent</p> <p>(1) Development for the purpose of a school may be carried out by any person with development consent on land in a prescribed zone.</p> <p>(6) Before determining a development application for development of a kind referred to in subclause (1), (3) or (5), the consent authority must take into consideration-</p> <p style="padding-left: 40px;">(a) the design quality of the development when evaluated in accordance with the design principles set out in Schedule 4, and</p> <p style="padding-left: 40px;">(b) whether the development enables the use of school facilities (including recreational facilities) to be shared with the community.</p>	<p>(1) The subject site is zoned RU4 Primary Production Small lots which is a prescribed zone under Clause 33. The development includes alternations and additions to an existing school, which is a permissible land use in a prescribed zone, subject to consent.</p> <p>(6)(a) A discussion against the design principles set out in Schedule 4 is provided below.</p> <p>(6)(b) The Innovation Learning Centre (ILC) building is intended for the use of St Pauls Grammar staff/students opposed to community members. However, the school has an existing hall know as "The Centre" which accommodates indoor sports, large school functions and events. No changes are proposed to this building under the current DA.</p>
<b>Schedule 4 Schools – design quality principles</b>	
<b>Principle</b>	<b>Response</b>
Principle 1 – Context, built form and landscape	The Innovation Learning Centre (ILC) building is located within close proximity to existing school buildings, facilities and parking area. The development site is relatively flat. The proposal is not considered to have an adverse visual impacts to the streetscape or adjoining properties considering the building is: setback approximately 450m from the street; located behind existing buildings on-site; has a minimum setback of 67m to the boundaries; is two storeys; and has been architecturally designed to be responsive to the rural environment.
Principle 2 – Sustainable, efficient and durable	The ILC building has been designed to minimise the consumption of energy and water. The design includes the provision of solar panels on the roof and water tanks to enable water reuse for irrigation and the flushing of toilets.

Principle 3 – Accessible and inclusive	The ILC building connect to the existing footpath network and the entrances have been orientated towards other existing buildings and parking areas. Appropriate at grade access is provided through the central area at the north and south and a ramp is provided around the south-eastern corner to the eastern end of the building. The building also includes a lift to enable access to the second floor.
Principle 4 – Health and safety	The ILC building is centrally located within the site and will not impact on the schools presentation to the public domain. The proposal will not impact on the schools existing safety and security measures.
Principle 5 - Amenity	The proposal is not considered to impact on the amenity of the surrounding locality. It is centrally located, with significant buffers being provided to adjoining properties. The intended use of the ILC building (classes, exams, meetings etc.) are not considered to result in acoustic impacts for adjoining properties. The building is well connected to other buildings on-site and outdoor play areas. The design of the building allows for adequate levels of natural ventilation and solar access to be achieved.
Principle 6 – Whole of life, flexible and adaptive	The design of the ILC building includes a number of multi-function spaces which allows for the flexibility of learning and will better service the existing student population.
Principle 7 – Aesthetics	The proposal is of high architectural design and the external finishes and colours are responsive to the schools existing colour palette. The scale of the ILC building is sympathetic to the existing school buildings which are predominantly one and two storeys.
<b>Part 7 General development controls</b>	
<b>Clause</b>	<b>Response</b>
Clause 57 - Traffic-generating development	Despite the proposal increasing the gross floor area by 2,458m <sup>2</sup> , as the proposal does not increase the student population a referral to the RMS was not considered necessary in this instance.

## **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(1) 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 in its contaminated state (or will be suitable, after remediation) for the purpose for which the development is proposed to be carried out.

Historic aerial photography and a site inspection indicate that material has been imported onto the property (although it is noted that the material is located outside the development area). To address Council's concerns regarding the material, additional documentation was provided by the applicant. The applicant has advised that the material is for landscaping purposes (i.e. mulch) that has been purchased by the school in bulk. Photographs provided showing the site confirm this. The proposal has been reviewed by Council's Environmental Management Team who raise no objection to the application including considerations of SEPP 55 requirements, subject to conditions of consent. Specifically a condition of consent has been included requiring that should any "unexpected finds" occur during the earthworks, that works cease immediately and Council be notified. The condition requires that should any contamination be found and remediation be required that further development consent be sought prior to remediation works commencing.

As such, in accordance with Clause 7(b) of the SEPP 55, it is considered that the site is suitable for the proposed development subject to recommended conditions of consent specifically requiring an unexpected finds protocol.

## **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. The plan applies to all parts of the catchment in the Sydney region (15 local government areas, including Penrith), except for land covered by *Sydney Regional Environmental Plan No.11 - Penrith Lakes Scheme*. SREP 20 is supported by an Action Plan which includes actions necessary to improve existing conditions.

The application was accompanied by a Stormwater Management Report, prepared by Barker Ryan Stewart and dated 22 October 2019. This report details that stormwater from the development will be disposed of in a similar manner to that of the existing building (which are proposed to be replaced under the current application). Stormwater from the roof will be directed into rainwater tanks where the water can be reused on site for the supply of flushing water and other irrigation purposes. Overflow from the rainwater tank will be drained through a filter basket to remove any solids that pass through the system before being connected to the existing piped drainage system that collects stormwater runoff and directs it towards two dams that are on the site. Once the dams fill the water will overtop and drain to the east and into Rickabys Creek.

Council's Development Engineers and Environmental Waterways teams have reviewed the application and subject to recommended conditions, have no objection to the proposal.



## Local Environmental Plan 2010 (Amendment 4)

Provision	Compliance
Clause 2.3 Permissibility	Complies - See discussion
Clause 2.3 Zone objectives	Complies
Clause 2.7 Demolition requires development consent	Complies
Clause 7.3 Development on natural resources sensitive land	Complies - See discussion
Clause 7.4 Sustainable development	Complies - See discussion
Clause 7.7 Servicing	Complies

### Clause 2.3 Permissibility

The subject site is zoned RU4 Primary Production Small Lots under the provisions of Penrith Local Environmental Plan 2010. *Schools* are a permissible land use in the RU4 zone subject to Council consent.

### Clause 7.3 Development on natural resources sensitive land

A portion of the site is identified as "Natural resources sensitive land" under the Natural Resources Sensitivity Land Map. The development site does not extend to this portion of the site and as such, the requirements of Clause 7.3 are not applicable to the subject application.

### Clause 7.4 Sustainable development

Clause 7.4 specifies that in deciding whether to grant development consent, the consent authority must have regard to the principles of sustainable development as they relate to the development based on a "whole of building" approach by considering each of the following: conserving energy and reducing carbon dioxide emissions; embodied energy in materials and building processes; building design and orientation; passive solar design and day lighting; natural ventilation; energy efficiency and conservation; water conservation and water reuse; waste minimisation and recycling; reduction of vehicle dependence; and potential for adaptive reuse.

In accordance with Clause 7.4 the development incorporates the following:

- Large wide overhang eaves with continuous glazing to the perimeter of the building to provide passive solar shade throughout the building.
- Natural cross ventilation via openable windows and doors on all elevations.
- Use of renewable solar energy via PV panels located on the roof.
- Reflective and light-coloured surface finish for the roof as an Urban Heat Island mitigation strategy.
- Rainwater tanks are proposed to capture stormwater run-off and allow for water reuse as part of garden irrigation system and for toilet flushing.

## 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	N/A
C8 Public Domain	N/A
C9 Advertising and Signage	N/A
C10 Transport, Access and Parking	Complies
C11 Subdivision	N/A
C12 Noise and Vibration	Complies
C13 Infrastructure and Services	Complies

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

In accordance with Section 143 of the *Environmental Planning and Assessment Regulation 2000*, an assessment of the fire protection and structural capacity of the proposed building is necessary. The application was referred to Council's Building Surveyor for assessment with no objections raised, subject to the recommended conditions.

The proposed development complies with the requirements of the Regulations.

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

### **Context and Setting**

The Innovation Learning Centre (ILC) building will replace the senior school hall and demountable classrooms. The building has been designed with consideration to the surrounding rural character. The building is two storeys which compliments the surrounding one to two storey buildings. The roof pitch, external finishes and colour palette compliment the existing school buildings. The building is provided with appropriate buffers to adjoining land uses and there is also considerable setback to the street (approximately 450m). As such, the application is not considered to have an adverse impact on the context and setting of the surrounding locality.

### **Tree Removal**

The application was accompanied by Arboricultural Impact Assessment, prepared by Accurate Tree Assessment and dated September 2019. The aim of the report was to assess 52 trees that are located around the development site. The health of the trees were assessed using the Visual Tree Assessment (VTA) procedure (Matheny & Clark, 1994 & Mattheck & Breloer, 2004) and consideration was given to the provision of AS 4970-2009 'Protection of Trees on Development Sites' and 'Planning for Bushfire Protection' 2006. The report concluded that out of the 52 trees within the development area, 15 trees need

to be removed on the basis of unsustainable encroachment or to meet bushfire mitigation requirements. This report has been reviewed by Council's Tree Management Officer who supports the proposed tree removal provided that sufficient replacement trees are provided (5 trees to be planted for every tree to be removed). This rate has been applied given the rural context of the site, that its within an Endangered Ecological Community area and that there is capacity on the site to accommodate the additional trees. The applicant has advised that St Paul's Grammar School operates an annual tree planting program, where native trees are planted across the site. A condition of consent has been included, requiring 65 replacement trees to be provided across the site.

### **Overland Flow**

The site is affected by local overland flows. Council's Development Engineers have confirmed that the proposed development site is clear of any local overland flows and as such, no flood related development controls are applicable to the proposal.

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

The site is currently serviced by two driveways off Taylor Road which connect to parking areas, located along the northern boundary and central section of the site. No changes are proposed to the access or parking arrangements on site. The Innovation Learning Centre (ILC) building can be easily accessed from the northern driveway and is positioned near the existing car parking area at the end of this driveway. The development does not generate any additional staff or student numbers. As such, the development will not impact on vehicle movements or necessitate the need for additional car parking on-site.

### **Accessibility**

The application was supported by Disability Access Report prepared by Lindsay Perry Access and dated 3 December 2019. The purpose of the report was to assess the proposed Innovation Learning Centre within St Paul's Grammar against the requirements of the Building Code of Australia 2019, the Disability Discrimination Act 1992 and relevant Australian Standards. The report concludes that the spatial planning and general arrangements of the facility will offer inclusion for all building users, subject to the access reports recommendations being incorporated into the development. A condition of consent is recommended, requiring that the design requirements of the access report being incorporated into the construction certificate plans.

### **Bushfire**

The subject site is mapped as bushfire prone land and the proposal (school) is defined as *special fire protection purpose* development under Section 100B of the *Rural Fires Act 1997*. As such, the application was supported by Bushfire Hazard Assessment Report, prepared by Control Line Consulting and dated 19 September 2019. The purpose of the report was to assess the proposal against Planning for Bush Fire Protection 2006, the Building Code of Australia and to determine the Bushfire Attack Level (BAL) for the buildings construction. The report acknowledges that the adjoining lots to the north and east contain large areas of naturally occurring vegetation and there is an isolated section of unmanaged woodland in the southern most section of the school beyond the sporting field (located on Lot 21 DP 1084502, approximately 350m from the development area). However, the report also notes there are no significant section of bushfire hazardous vegetation located with the school grounds which is mostly well-maintained condition. The report concludes that development will comply with the requirements of Planning for Bush Fire Protection 2006 subject to recommendations. The application was referred to the NSW Rural Fire Service (RFS), and a conditional bushfire safety authority was issued. Conditions recommended by the RFS have been applied in the conditions of consent (these conditions align with the recommendations of the bushfire report).

### **Wastewater Disposal**

The school is serviced by an existing on-site sewage management (OSSM) system that has

been inspected and approved by Council. The OSSM system is located along the eastern boundary approximately 80m from the development site. The subject application is for the construction of a new building within the school grounds however, does not increase the student population. As such, the development does not impact on the OSSM system or create any additional waste water load.

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

The site is suitable for the following reasons:

- The site allows for considerable buffer distances from the proposed building to the street and adjoining properties;
- The use is compatible with surrounding/adjoining land uses;
- The grade of the site is suitable for the design proposed; and
- The site is able to drain to Council's satisfaction.

### **Section 79C(1)(d) Any Submissions**

#### **Community Consultation**

In accordance with Clause 4.4 of Appendix F4 of Penrith Development Control Plan 2014, the proposed development was notified to nearby and adjoining residents. Council notified fourteen (14) properties in the area and the exhibition period was between 8 November and 9 December 2019. The application was also advertised in a local newspaper on 7 November 2019. No submissions were received in response.

#### **Referrals**

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

<b>Referral Body</b>	<b>Comments Received</b>
Building Surveyor	No objections - subject to conditions
Development Engineer	No objections - subject to conditions
Environmental - Environmental management	No objections - subject to conditions
Environmental - Waterways	No objections - subject to conditions
Tree Management Officer	No objections - subject to conditions

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

The proposed development will not generate any significant issues of public interest.

## **Conclusion**

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In assessing this application against the relevant environmental planning policies, being Penrith Local Environmental Plan 2010 and Penrith Development Control Plan 2014, the proposal satisfies the aims, objectives and provisions of these policies. The site is suitable for the proposed development, the proposal is in the public interest, and there is unlikely to be negative impacts arising from the proposed development. Therefore, the application is worthy of support, subject to recommended conditions.

## Recommendation

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1. That DA19/0746 for construction of an extension to St Paul's Grammar School to provide a new Innovative Learning Centre Building, including demolition of some existing buildings and tree removal at 52-68 Taylor Road, Cranebrook, be approved subject to the following conditions:

## CONDITIONS

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### General

- 1 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
Site Location Plan	19049 DA-0501 (Rev. B)	Gardner Wetherill Associates	24/10/2019
Site Plan	19049 DA-0502 (Rev. B)	Gardner Wetherill Associates	24/10/2019
Demolition Plan	19049 DA-1101 (Rev. B)	Gardner Wetherill Associates	24/10/2019
Ground Level Floor Plan	19049 DA-1201 (Rev. B)	Gardner Wetherill Associates	24/10/2019
Level 1 Floor Plan	19049 DA-1301 (Rev. B)	Gardner Wetherill Associates	24/10/2019
Roof Plan	19049 DA-1401 (Rev. B)	Gardner Wetherill Associates	24/10/2019
Elevations	19049 DA-1501 (Rev. B)	Gardner Wetherill Associates	24/10/2019
Sections	19049 DA-1601 (Rev. B)	Gardner Wetherill Associates	24/10/2019
Perspective Images	19049 DA-1901 (Rev. B)	Gardner Wetherill Associates	24/10/2019
External Materials & Finishes	19049 (Rev. A)	Gardner Wetherill Associates	19/09/2019
Stormwater Drainage Plans	SY190140-01 (Rev. A) Sheets 001, 011, 101 & 701	Barker Ryan Stewart	23/10/2019
Landscape Plan	134.19/299	iScape Landscape Architects	October 2019
Waste Management Plan	-	-	25/10/2019

- 2 **The development shall not be used or occupied until an Occupation Certificate has been issued.**
- 3 The conditions imposed by the NSW Rural Fire Service in the Integrated Development consent and in the Bush Fire Safety authority for the said development are to be completed prior to the issue of an Construction Certificate/Occupation Certificate (as relevant). This includes the following:-

a) Asset Protection Zones

From the start of building works, the entire property must continue to be managed as an inner protection area (IPA) where not built upon. The IPA must comprise:

- Minimal fine fuel at ground level;
- Grass mowed or grazed;
- Trees and shrubs retained as clumps or islands and do not take up more than 20% of the area;

- Trees and shrubs located far enough from buildings so that they will not ignite the building;
- Garden Beds with flammable shrubs not located under trees or within 10 metres of any windows or doors;
- Minimal plant species that keep dead material or drop large quantities of ground fuel;
- Tree canopy cover not more than 15%;
- Tree canopies not located within 2 metres of the building;
- Trees separated by 2-5 metres and do not provide a continuous canopy from the hazard to the building; and
- Lower limbs of trees removed up to a height of 2 metres above the ground.

#### b) Construction Standards

New construction must comply with Sections 3 and 5 (BAL 12.5) Australian Standard AS 3959-2009 Construction of buildings in bush fire-prone areas or NASH Standard (1.7.14 updated) 'National Standard Steel Framed Construction in Bushfire Areas - 2014' as appropriate and Section A3.7 Addendum Appendix 3 of Planning for Bush Fire Protection 2006.

#### c) Water and Utility Services

Water, electricity and gas are to comply with section 4.1.3 and 4.2.7 of 'Planning for Bush Fire Protection 2006':

- The existing dam located within the eastern section of the school site shall be used as a reserve Static Water Supply;
- The dam shall be permanently plumbed to a petrol or diesel fire fighting water pump with a minimum of 10hp;
- A water delivery line of not less than 50mm diameter to be plumbed from the fire fighting water pump plumbed to the reserve Static Water Supply to an outlet point within 4.0 metres of the existing hard surfaced driveway adjacent to the dam to enable fire fighting tankers to refill. The outlet of this line shall be fitted with a ball or gate valve and a 65 to 38mm reducer Storz fitting;
- A hose and reel must have an internal diameter of 19mm shall be provided;
- That all plumbing associated with the reserve water supply above the ground or for a depth of not less than 300mm below the ground shall be metal.
- A SWS marker must be obtained from the local NSW RFS and positioned for ease of identification by fire fighting personnel and other users of the SWS. Markers must be fixed in a suitable location so as to be highly visible and be positioned adjacent to the most appropriate access for the static water supply.
- Any new or additional fire hydrants must comply with the design, spacing, sizing and pressures must comply with AS 2419.1. Fire hydrants must not be located within any road carriageway.
- Ring main systems must be used for urban subdivisions with perimeter roads.
- Fire hose reels be constructed and installed in accordance with AS/NZS 1221 and AS 2441.
- All aboveground water pipes external to the building must be metal including and up to any taps/outlets/fittings.
- Electrical transmission lines should be located underground where possible.
- Overhead electricity lines must have short pole spacing (i.e. 30 metres) except where crossing gullies, gorges or riparian areas. No tree may be closer to an electricity line than the distance set out in the ISSC3 Guideline for Vegetation Near Power Lines.
- Gas must be installed and maintained as set out in the relevant standard and all pipes external to the building must be metal including and up to any taps/outlets/fittings. Polymer-sheathed flexible gas supply lines must not be used.

#### d) Landscaping Assessment

Landscaping of the site should comply with following principles of Appendix 5 of 'Planning for Bush Fire Protection 2006'.

#### e) Emergency and Evacuation Planning Assessment

A Bush Fire Emergency Management and Evacuation Plan shall be prepared consistent with 'Development Planning - A Guide to Developing a Bush Fire Emergency Management and Evacuation Plan December 2014'.

- 4 A **Construction Certificate** shall be obtained prior to commencement of any building works.
- 5 **Prior to the issue of a Construction Certificate**, the design recommendations of the Disability Access Report, prepared by Lindsay Perry Access and dated 3 December 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 Occupational Certificate**.

## Demolition

- 6 The buildings shown on the Demolition Plan, prepared by Gardner Wetherill and dated 1/10/2019 are to be demolished as part of the approved work.
- 7 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 provided to the Principal Certifying Authority **prior to commencement of demolition**.

- 8 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.



9 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

10 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 installed and 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 sediment and erosion control measures are to be installed **prior to and maintained throughout the construction phase of the development until the 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.

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

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

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

{Note: Penrith 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."}.

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 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.

## **BCA Issues**

- 19 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

- 20 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](http://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.

- 21 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.

- 22 **Prior to the issue of a Construction Certificate**, the Principal Certifying Authority shall be satisfied that telecommunications infrastructure may be installed to service the premises which complies with the following:

- The requirements of the Telecommunications Act 1997:
- For a fibre ready facility, the NBN Co's standard specifications current at the time of installation; and
- For a line that is to connect a lot to telecommunications infrastructure external to the premises, the line shall be located underground.

Unless otherwise stipulated by telecommunications legislation at the time of construction, the development must be provided with all necessary pits and pipes, and conduits to accommodate the future connection of optic fibre technology telecommunications.

**Prior to the issue of an Occupation Certificate**, written certification from all relevant service providers that the telecommunications infrastructure is installed in accordance with the requirements above and the applicable legislation at the time of construction, must be submitted to the Principal Certifying Authority.

## Construction

- 23 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.

24 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.

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

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

Other construction works carried out inside a building/tenancy and do not involve the use of equipment that emits noise are not restricted to the construction hours stated above.

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

## Engineering

- 26 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.
- 27 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.

- 28 Prior to the issue of any Construction Certificate, a Section 138 Roads Act applications, including payment of application and inspection fees, shall be lodged and approved by Penrith City Council (being the Roads Authority for any works required in a public road). These works may include but are not limited to the following:
- a) Vehicular crossings (including kerb reinstatement of redundant vehicular crossings)
  - b) Concrete footpaths and or cycleways
  - c) Road opening for utilities and stormwater (including stormwater connection to Penrith City Council roads and other Penrith City Council owned drainage)
  - d) Road occupancy or road closures
  - e) The placement of hoardings, structures, containers, waste skips, signs etc. in the road reserve
  - f) Temporary construction access

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

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

Note:

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

29 The stormwater management system shall be provided generally in accordance with the following:

- Stormwater Management Report, prepared by Barker Ryan Stewart, project number SY190140, Revision A, 22/10/2019

- Drainage Plans prepared by Barker Ryan Stewart, Job Ref SY190140, drawings 001-701 Revision A, Dated 23/10/2019

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

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

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

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

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

32 Prior to the issue of any Occupation Certificate, the Principal Certifying Authority shall ensure that the stormwater management system (including water sensitive urban design measures):

- Have been satisfactorily completed in accordance with the approved Construction Certificate and the requirements of this consent.
- Have met the design intent with regard to any construction variations to the approved design.
- Any remedial works required to be undertaken have been satisfactorily completed.

Details of the approved and constructed system/s shall be provided as part of the works-as-executed drawings.

## Landscaping

- 33 All landscape works are to be constructed in accordance with the stamped approved Landscape Plan, 134.19/299, prepared by iScape Landscape Architects and dated October 2019 and Council's Development Control Plan.

Landscaping shall 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.

- 34 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.

- 35 Trees to be removed shall be in accordance with those highlight for removal in the Arboricultural Impact Statement, prepared by Ian Hills, dated September 2019.

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.



36 Prior to the commencement of any works, a site specific Tree Protection Plan (including drawing) is to be submitted and approved by the Manager of Development Services. The Tree Protection Plan is to be prepared by a qualified Arboricultural Consultant with a minimum Level 5 qualification (AQF – Australian Qualification Framework) and include (but not be limited to) the following points:

- a) Specific tree protection requirements, especially when intrusion into the TPZ is required or when trunk and branch protection is required.
- b) A requirement/specification stating that all underground services to be installed within the designated TPZ of a tree to be retained must be installed using directional drilling/thrust boring techniques).
- c) An individual Tree Protection Plan and Drawing for each stage of the development where changes within the Tree Protection Zone (TPZ) are required (i.e. prior to commencement, demolition, during construction, post construction and landscaping).
- d) Provide a pruning specification for all trees that require pruning to facilitate construction of provide clearances for fire protection.
- e) Identify key stages where monitoring and certification will be required as outlined in AS 4970 – 2009, Section 5.

The approved Tree protection Plan retained and implemented on site at all times. A qualified Arboricultural Consultant with a minimum Level 5 qualification (AQF – Australian Qualification Framework) or the equivalent shall be present on-site during demolition and any of the key stages identified in the approved Tree Protection Plan and Drawing.

**Prior to the issue of a Occupation Certificate**, a written account of the satisfactory completion of each of these stages as assessed by the consulting arborist is to be submitted to the principle certifying authority.

37 Tree to be retained shall be protected in accordance with the approved Tree Protection Plan and Drawing.

38 **Prior to the issue of a Construction Certificate**, an amended landscape plan is to be submitted to and approved by the Manager of Development Services. The plan is to incorporate 65 replacement trees (provided at a ratio of 5:1) that are:

- a) Planted in locations where they will be able to grow to maturity and not be affected by future development proposals.
- b) Species representative of Castlereagh Scribbly Gum Woodland and grown from provenance seed.
- c) Tubestock trees.

## **Certification**

- 39 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.

- 40 An Occupation Certificate is to be obtained from the Principal Certifying Authority on completion of all works and prior to the occupation/use of the building.

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

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