

PENRITH CITY COUNCIL

MAJOR ASSESSMENT REPORT

Application number:	DA17/1274
Proposed development:	Construction of Memorial Monument at Wollmemi College
Property address:	2 Water Street, WERRINGTON NSW 2747
Property description:	Lot 2 DP 1176624
Date received:	12 December 2017
Assessing officer	Pukar Pradhan
Zoning:	E2 Environmental Conservation - LEP 2010 IN2 Light Industrial - LEP 2010 Zone R4 High Density Residential - LEP 2010 SP2 Infrastructure - Future Road - LEP 2010 SP2 Infrastructure - Educational Estab - LEP 2010
Class of building:	Class 10a
Recommendations:	Approve

Executive Summary

Council is in receipt of a development application seeking approvals for the construction of an open type of structure to located a memorial statue of Second World War memorial prayer monument within the school site at 11 Gibbs Street, Werrington. The monument structure is to be located on site that is zoned IN2 Light Industrial under LEP 2010 which is within the school compound and under the zone and as schools fall within the definition of *Educational establishments* which are permissible landuse with Council's consent, the proposal being ancillary to the main school is permissible with consent.

Main issues arising from the assessment is of the development.

Key issues identified for the proposed development and site include:

- the bulk, scale and design, and
- drainage.

The application has not been notified to adjoining properties as it is within the school compound and being of small nature and unlikely to have significant detrimental impact to the existing amenity of the area..

An assessment under Section 79C of the Environmental Planning and Assessment Act 1979 has been undertaken and the application is recommended for approval subject to recommended conditions.

Site & Surrounds

The subject site is located on the western side of Gipps Street and within one part of the existing Wollimi College compound. The total site area is 7.995ha and access to the site is from Gipps Street which is off Werrington Arterial Road. The site has several school buildings and parking area. The monument will be located approximately 24m from the main entrance gate. The site is generally flat in nature.

Proposal

The proposed development involves:

- construction of a pavilion type of structure to locate a memorial prayer monument,
 - the structure will be 12m x 12m rectangular with an open type of building with sloping roof over the monument which is to be located at the central part of the structure.
 - The building will be 6.65m height to the ridge,
 - a circular garden planter type of landscaping will be provided around the building with four pathways on four sides of the structure will be provided for access.
 - appropriate drainage system will be provided to connect to existing system.
- The place will be used to commemorate those soldiers who serve and lost lives in WW1 for the school students.
 - The use is not frequent only several times a year.

Plans that apply

- Local Environmental Plan 2010 (Amendment 4)
- Development Control Plan 2014
- Sydney Regional Environmental Plan No.20 - Hawkesbury Nepean River

Planning Assessment

• Section 79C - Evaluation

The development has been assessed in accordance with the matters for consideration under Section 79C 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

Sydney Regional Environmental Plan No.20 - Hawkesbury Nepean River

An assessment has been undertaken of the application against relevant criteria with Sydney Regional Environmental Plan No 20—Hawkesbury-Nepean River (No 2—1997) and the application is satisfactory subject to recommended conditions of consent.

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 2.3 Permissibility

The monument structure is to be located on site that is zoned IN2 Light Industrial under LEP 2010 which is within the school compound and under the zone and as schools fall within the definition of *Educational establishments* which are permissible landuse with Council's consent, the proposal being ancillary to the main school is permissible with consent.

Clause 2.3 Zone objectives

The proposal generally meets the aims and objectives of the zone.

Clause 4.3 Height of buildings

The maximum height allowed in the area is 12m for industrial buildings and the proposal is less than 7m in height at the most top part of the building and siminlat to single storey residential buildings and as such compliant to this clause.

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	N/A
C4 Land Management	N/A
C5 Waste Management	Complies
C6 Landscape Design	Complies
C7 Culture and Heritage	N/A
C8 Public Domain	Complies
C9 Advertising and Signage	N/A
C10 Transport, Access and Parking	N/A
C11 Subdivision	N/A
C12 Noise and Vibration	Complies - see Appendix - Development Control Plan Compliance
C13 Infrastructure and Services	Complies

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

The proposed development complies with the requirements of the Regulations.

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

Bulk, Scale and design

The proposed structure has a building height of 6.70m and the roof is supported by four columns and is of a pavilion style of building. The central part of the structure will contain a small WW 1 memorial statue and a circular pavement area with four pathways leading to the central part of the structure. The structure will be landscaped around the building. The building structure is wholly locate within the college site and is visible from the entrance and will present well to the street.

The proposed building is compatible with the nearby existing buildings in the area in term of its bulk, scale and design.

Noise

The WW1 memorial is specifically built for the remembrance of the soldiers who participated in the second world war and the students to honour them collectively. This is likely to occur only during Anzac day and possibly on Australia day which is very infrequent. The likely noise generated from this is generally some speeches and quiet 1 moment silence and this is likely to happen during day time and unlikely to have significant noise impact to the area.

General noise condition will be applied for construction of the development and a condition that the outdoor functions be limited to school hours only.

Drainage

The submitted drainage plan showing drainage connecting to the existing system and the plan was discussed with Council's Development Engineer who has advised that the site is outside flood map and proposed drainage system is satisfactory and recommended three conditions K201; K209 & K29 (d). These conditions form part of the consent.

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

- The site is zoned to permit the proposed use
- The use is compatible with surrounding/adjoining land uses
- The grade of the site is suitable for the design proposed
- The site is able/unable to drain to Council's satisfaction

Section 79C(1)(d) Any Submissions

Community Consultation

In accordance with The application being of small nature and to be used only once or twice a year that is unlikely to have adverse impact to the existing amenity of the area was considered not requiring to be notified to adjoining or nearby properties. It is noted that the adjoining properties are its own school and undeveloped lands.

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

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

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

Conclusion

In assessing this application against the relevant environmental planning policies, being SREP 20; LEP 2010 & DCP 2014, the proposal satisfies the aims, objectives and provisions of these policies.

- The proposed structure is of reasonable design that is compatible with respect to the bulk and scale of other developments in the area.
- The proposed design is site responsive, complies with key development standards.
- 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

1. That DA17/1274 for construction of a structure for a World War 1 memorial monument at 2 Walker Street Werrington, be approved subject to the attached conditions (Development Assessment Report Part B).

General

1 A001

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

Drawing Title	Drawing Reference	Prepared by	Dated
Site Plan	DA-100 - Issue B	Five Canons	01/12/2017
Ground Floor Plan	DA-200 - Issue B	Five Canons	01/12/2017
Elevations	DA-300 - Issue B	Five Canons	01/12/2017
Sections	DA-400 - Issue B	Five Canons	01/12/2017
Finishes schedules	DA-400 - Issue B	Five Canons	01/12/2017
Roof & Stormwater Drainage Plan	ST02	Danmor Consulting Engineer	02/09/2017
Erosion and Sediment Control Plan and Details	ST03	Danmor Consulting Engineer	02/09/2017

2 A019 - OCCUPATION CERTIFICATE (ALWAYS APPLY)

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

3 A029 - HOURS OF OPERATION AND DELIVERY TIMES

The operating hours are from 8am am to 5pm during school times and special memorial days.

4 A038 - LIGHTING LOCATIONS

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

5 A039 - Graffiti

The finishes of all structures and buildings are to be maintained at all times and any graffiti or vandalism immediately removed/repaired.

6 A046 - Obtain Construction Certificate before commencement of works

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

7 A Special (BLANK)

The building materials and colours are to be similar and compatible with the rest of the buildings of the College.

Environmental Matters

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

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

(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.

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

No fill material is to be imported to the site without the prior approval of Penrith City Council in accordance with Sydney Regional Environmental Plan No.20 (Hawkesbury- Nepean River) (No.2-1997). No recycling of material for use as fill material shall be carried out on the site without the prior approval of Council.

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

All waste materials stored on-site are to be contained within a designated area such as a waste bay or bin to ensure that no waste materials are allowed to enter the stormwater system or neighbouring properties. The designated waste storage areas shall provide at least two waste bays / bins so as to allow for the separation of wastes, and are to be fully enclosed when the site is unattended.

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

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

Waste materials not specified in the approved waste management plan are to be disposed of at a lawful waste management facility. Where the disposal location or waste materials have not been identified in the waste management plan, details shall be provided to the Certifying Authority as part of the waste management documentation accompanying the Construction Certificate application.

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

12 **D Special (BLANK)**

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

13 **D Special (BLANK)**

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

BCA Issues

14 **E001 - BCA compliance**

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).

Construction

15 H001 - Stamped plans and erection of site notice

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

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

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

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

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

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

16 H002 - All forms of construction

Prior to the commencement of construction works:

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

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

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

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

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

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

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

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

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

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

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

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

Engineering

18 [K201 - Infrastructure Bond](#)

An Infrastructure Restoration Bond is to be lodged with Penrith City Council for development involving works around Penrith City Council's Public Infrastructure Assets. The bond is to be lodged with Penrith City Council prior to 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.

19 [K202 - S138 Roads Act – Works and Structures - Minor Works in the public road DRIVEWAYS ROAD OPENINGS](#)

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

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

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

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

Note:

- 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.

20 [K209 - Stormwater Discharge – Minor Development](#)

Stormwater drainage from the site shall be discharged to the:

- a) Existing site drainage system.

The proposed development and stormwater drainage system shall be designed to ensure no adverse impact on adjoining properties by the diversion, damming or concentration of stormwater flows.

The proposed method of stormwater discharge shall be detailed in the Construction Certificate issued by the Certifying Authority.

Landscaping

21 [L001 - General](#)

All landscape works are to be constructed in accordance with the stamped approved plan and Penrith Council's Development Control Plan Chapter C6 - Landscape Design..

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.

22 [L006 - Aust Standard](#)

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

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

23 [L008 - Tree Preservation Order](#)

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

Certification

24 [Q01F - Notice of Commencement & Appointment of PCA2 \(use for Fast Light only\)](#)

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

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

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

Information to accompany the Notice of Commencement

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

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

An Occupation Certificate is to be obtained from the Principal Certifying Authority on completion of all works and prior to the use of the memorial 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.

Appendix - Development Control Plan Compliance

Development Control Plan 2014

Part C - City-wide Controls

C12 Noise and Vibration

Appropriate conditions have been recommended to control the construction noise.

There is likely to be some noise during the memorial ceremony few times a year. The potential of noise is likely to be during daytime and for a short duration and unlikely to have detrimental noise impact to the area.

D4 Industrial Development

The development complies with the Industrial DCP requirements.