

## Decision Statement

### Penrith Anglican College

#### Demolition Works and Construction of New Portable Classroom Buildings

## 1. Background

Penrith Anglican College (the College), is the proponent for classroom demolition and construction works on the existing site at 338-356 Wentworth Road, Orchard Hills.

The proposed activity has been classified as a Class 1 - Review of Environmental Factors (REF) 'minor school development' in accordance with the NSW Code of Practice for Part 5 Activities for registered non-government schools (the Code).

EPM Projects has prepared a REF to assess the potential impacts of the proposal in accordance with Part 5 of the Environmental Planning and Assessment Act 1979 (EP&A Act), clause 228 of the Environmental Planning and Assessment Regulation 2000 (EP&A Regulation) and the Code.

In order for the activity to proceed, the school must make a determination of the REF in accordance with Part 5 of the EP&A Act.

## 2. Description of the proposed activity

The proposed activity comprises of demolition and building works including:

- Site establishment works
- Demolition of Block GG and demolition works to Blocks C and D to facilitate
- Tree protection works together with soil erosion and sediment control works
- Construction of new modular/portable classroom buildings located on top of Blocks C and D

## 3. Consideration of Environmental impacts

Environmental impacts generated by the proposal will be minimal for the following reasons:

- There is no major change to the existing building footprints or envelopes;
- The proposal is consistent with the existing school use and terms of previous DA Consents applying to the College site;
- The proposal is compatible with the existing surrounding land uses; and
- The proposal will not result in a prohibited increase in staff or student numbers or vehicle movements to the site.

The main issues discussed in the REF relate to:

- Legislative planning requirements of Commonwealth, State and local planning policies and legislation, specifically Chapter 3 of the State Environmental Planning Policy - Transport and Infrastructure 2021 (the T&I SEPP);
- Environmental considerations including the management of bushfire risk, compliance with the BCA and construction/waste management measures.

The REF addresses the requirements of Part 5 of the EP&A Act by considering, to the fullest extent possible, all matters affecting or likely to affect the environment from the proposed activity. The REF also considers factors prescribed under s.171 of the EP&A Regulation.

#### 4. Conclusion

The REF concludes that the proposal will not affect threatened species, populations, ecological communities, or their habitats.

The REF also finds that the proposed activity will not impact on matters of National Environmental Significance or Commonwealth land, and therefore does not require a referral under the Environment Protection and Biodiversity Conservation Act 1999.

The REF concludes that the works are consistent with applicable plans and policies with regard to Bushfire and BCA and includes appropriate mitigation measures with regard to a mitigation measure for an appropriate waste management plan during the construction works. The key conclusions of the environmental impacts detailed in the REF are accepted for the following reasons:

- The REF has been prepared by persons appropriately qualified and trained to consider and assess the impacts of the proposal.
- The REF provides a true and fair review of the proposal concerning its potential effects on the environment; and
- The REF is comprehensive and takes into account, to the fullest extent possible, all matters affecting or likely to affect the environment as a result of the proposal.

#### 5. Determination

I, Janet Jensen, am authorised by The Anglican Schools Corporation (for Penrith Anglican College) as Director of School Services to determine the proposal for classroom demolition and construction works at Penrith Anglican College and have not conducted the prior assessment of the Review of Environmental Factors (REF).

I have reviewed and examined the REF prepared by EPM Projects for the proposed works, in accordance with Part 5 of the EP&A Act.

Having taken into consideration the assessment and evaluation of the proposal outlined in the REF, I determine that it is not likely to significantly affect the environment, and is not likely to significantly affect threatened species, populations, ecological communities or their habitats. I determine that an Environmental Impact Statement (EIS) and Species Impact Statement (SIS) are not required.

The proposed activity may now proceed subject to the following conditions:

1. Compliance with any relevant provisions of the National Construction Code (NCC).
2. Implementation and compliance with the mitigation measures stipulated in Section 6 of the REF.

I can confirm that this Decision Statement and the REF for the proposal will be made available on the school's website prior to the commencement of the proposed activity.

Signature



Name:

Janet Jensen

Position:

Director of School Services

Date:

26.06.2024





## **REVIEW OF ENVIRONMENTAL FACTORS**

Demolition Works and Construction of  
New Portable Classroom Buildings

**Penrith Anglican College**

**338-356 Wentworth Road, Orchard Hills**

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Revision No: A

Revision Date: 14 June 2024

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**Project Revision History:**

Date	Rev. No.	Author	Reviewer	Scope of Revision
03/06/24	A	A Johnson	S Earp	Final for Initial Review

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# 1. INTRODUCTION

## 1.1. Overview

This Review of Environmental Factors (REF) has been prepared by EPM Projects for Penrith Anglican College (PAC / the College). The Review relates to the proposed demolition works to existing demountable and classroom buildings and installation of two (2) modular/portable classroom buildings to provide eight (8) new classrooms at the College, located at 338-356 Wentworth Road, Orchard Hills (the site).

This REF has been prepared pursuant to the relevant provisions of the *Environmental Planning and Assessment Act 1979* (EP&A Act), the *Environmental Planning and Assessment Regulation 2021* (EP&A Regulation) and *State Environmental Planning Policy (Transport and Infrastructure) 2021* (T&I SEPP).

In addition, this document also considers the Department of Planning and Environment's *Guidelines for Division 5.1 Assessments* (Dated: June 2022) as required under Section 170 of the EP&A Regulation, together with the *NSW Code of Practice for Part 5 Activities for Registered Non-Government Schools* (Dated: August 2017).

The proposal is identified pursuant to Section 3.37(1)(a)(ii) and (e) of the T&I SEPP as "a portable classroom (including a modular or prefabricated classroom) that is not more than 2 storeys high" and "demolition of structures or buildings (unless a State heritage item or local heritage item)" respectively. The proposal is thus capable of being carried out as 'development permitted without consent' pursuant to the provisions of *Part 3.4 Schools – specific development controls*, of this instrument.

This REF concludes that by adopting the mitigation measures identified, that any environmental impacts associated with the project will be negligible.

## 1.2. School Information

Detail	Description
School Name	Penrith Anglican College
School Address	338-356 Wentworth Road, Orchard Hills NSW 2748
Lot(s) and DP(s)	Lot 500 Deposited Plan (DP) 1105757
Local Government Area	Penrith City Council
Location of Proposed Works	Blocks C and D situated in the northern half of the site
Land Owner	The Anglican Schools Corporation
Easements and Covenants	<ul style="list-style-type: none"><li>• Reservations and conditions in the crown grant(s)</li><li>• G167480 – Easement for water main 2.05 metres wide appurtenant to the land above described affecting the land shown so burdened in DP108358</li><li>• J457194 – Right of carriageway 40.235 metres wide appurtenant to the land above described affecting the land shown so burdened in DP230106</li><li>• L355200 – Easement for transmission line 91.44 metres wide affecting the part(s) of the land above described shown so burdened in the title diagram</li><li>• 2103370 – Easement now vested in the New South Wales Electricity Authority</li><li>• DP803128 – Restriction(s) on the use of land</li><li>• AF874829 – Positive covenant</li><li>• AK302204 – Mortgage to National Australia Bank Limited</li></ul>



### 1.3. Scope of Works

Detail	Description
What are the proposed works?	The demolition of an existing demountable classroom building (Building GG) comprising two (2) classrooms, and demolition works to existing classroom buildings to facilitate the installation of two (2) new modular/portable classroom buildings to provide eight (8) new classrooms – refer <b>Figure 1</b> and <b>Figure 2</b> below.
Does the project involve works outside the school establishment?	No – the proposed works are within the existing school boundary.
Will the project result in any increase in student numbers or accommodation?	Yes – as confirmed by the College ( <b>Appendix M</b> ), the net increase in classrooms (by removing two (2) but providing eight (8)) is six (6) classrooms, and with an average of 20 students per classroom this represents a gain of accommodation for 120 new students. Average enrolments for 2023-2024 were confirmed at 1,216, meaning the “prohibited increase in students” would be for 122 students. The requirements of s3.37(3) of the T&I SEPP is discussed further at <b>Section 3.31</b> . The proposal would not see the school exceed their current student cap of 1,550 pursuant to Condition 4 of DA13/1434.



**Figure 1:** Extract of Photomontage (looking west) (source: Glendenning Szoboszlay Architects).



**Figure 2:** Extract of Photomontage (looking south) (source: Glendenning Szoboszlay Architects).



## 1.4. Certification

This REF provides a true and fair review of the Proposal in relation to its potential effects on the environment. It addresses to the fullest extent possible, all matters affecting or likely to affect the environment as a result of the Proposal. The information contained in this REF is neither false nor misleading.

Person who prepared the REF: Annabel Johnson

Position and Qualifications: Senior Planner  
BSc (Hons) Geography, UK  
MSc Urban Planning, UK  
Member of the Royal Town Planning Institute (UK)

Person who reviewed the REF: Stephen Earp

Position and Qualifications: Head of Planning  
B. Planning (Hons), UWS  
Registered Planner Plus (EIA)

Signature:  Date: 14 June 2024

I have examined this REF and the Certification and accept the REF on behalf PAC.

Name of PAC Reviewing Officer:

Position:

Signature:

  
Acting Principal Business Manager  
Date:  1/7/24

I accept this REF on behalf of TASC, as a public authority (pursuant to Schedule 1 of the EP&A Regulation) and determine that the Proposal can proceed subject to the mitigation measures in **Section 6** being implemented before the carrying out of works and occupation of the facilities.

Name of Delegated Officer: Janet Jensen

Designation: Director of School Services

Signature:  Date: 1 July 2024

## 1.5. Architectural Plans

All Architectural Plans prepared by Glendenning Szoboszlay Architects which detail the proposed works are listed below and are provided at **Appendix A**.

Drawing Name	Drawing No.	Issue	Date
Cover Sheet	A-0000	D01	18/03/2024
Cover Sheet – BCA Access Specifications	A-0001	-	18/03/2024
Demolitions Blocks C & D – Level 1 Plan	A-0300	D01	18/03/2024
Site Analysis Plan	A-0400	D01	18/03/2024
Proposed Site Plan	A-0401	D01	18/03/2024
Proposed Blocks C & D – Ground Level	A-1100	D01	18/03/2024
Proposed Blocks C & D – Level 1 Plan	A-1101	D01	18/03/2024
Proposed Blocks C & D - Roof	A-1103	D01	18/03/2024
Proposed Blocks C & D - Sections	A-1201	D01	18/03/2024
Proposed Block D – Elevations	A-1301	D01	18/03/2024
Proposed Block C - Elevations	A-1302	D01	18/03/2024

In addition the following Civil Engineering Plans prepared by Burzulis detail the necessary stormwater and soil erosion sediment control works associated with the works, and are provided at **Appendix O**.

Drawing Name	Drawing No.	Issue	Date
Cover Sheet	C.00	B	16/04/2024
Construction Notes – Sheet 1	C.01	B	16/04/2024
Construction Notes – Sheet 2	C.02	B	16/04/2024
Soil Erosion & Sediment Control Plan	C.10	B	16/04/2024
Soil Erosion & Sediment Control Details	C.11	B	16/04/2024
Civil Works Drainage Plan – Ground Floor	C.20	B	16/04/2024
Civil Works Drainage Plan – Level 1	C.21	B	16/04/2024
Stormwater Details 01	C.30	B	16/04/2024
Stormwater Details 02	C.31	B	16/04/2024
Civil Works Pavement Plan	C.40	B	16/04/2024
Civil Works Details 01	C.50	B	16/04/2024
Civil Works Details 02	C.51	B	16/04/2024

## 1.6. Site Information

The site is legally described as Lot 500 in Deposited Plan (DP) 1105757, known as 312-356 Wentworth Road, Orchard Hills. The site is also commonly referred to as 338-356 Wentworth Road, Orchard Hills, containing the Penrith Anglican College campus. The site is an almost square shaped allotment, approximately 18ha in area with frontage to Wentworth Road which runs parallel to its northern boundary. The remainder of the site is bound by large lot rural residential developments to the east and west with a sewer filtration plant located to the south.

The Penrith Anglican College is an independent co-educational early learning, primary and secondary school, which contains thirteen (13) teaching and learning blocks, a performing arts



centre, a theatre, gymnasium, sports courts, oval, canteen, administration facilities and associated landscaping and car park. Vehicular access to the site is from two (2) points off Wentworth Road with an on-site drop-off/pick-up area in the north-western corner of the site. The school's playground areas are located in western and the south-west areas of the site. There are two (2) watercourses located in the eastern half of the site which are tributaries of Claremount Creek.

A Certificate of Title and Deposited Plan for the allotment subject to the proposed works are included at **Appendix B**, confirming the extent of easements as summarised at **Section 1.2**. The proposed works would be located at Blocks C and D, situated in the northern half of the site as shown in **Figure 3**.



**Figure 3:** Aerial photograph of site indicating location of proposed works (in yellow) (source: Nearmap dated 25 January 2024).

## 1.7. DA Consent History

A review of all DA consents available from Council's records has been carried out, and is summarised in the following table:

Determination Reference	Determination Date	Description of Approval
BLD 971304	23/7/97	Construction of school complex for the value of \$850000
BLD 981077	22/6/98	Construction of stage 2 school for the value of \$1700000
BLD 990021	16/6/99	Construction of school complex for the value of \$1500000
DA970334	5/1/98	Construction of a carpark at Nepean District Christian School
DA00/0852	22/3/2000	Shade Structure
DA/02/3381	10/2/2003	Awning over sidewall of two existing buildings and covered walkways Classification of building – 10A

Determination Reference	Determination Date	Description of Approval
DA03/0881	16/4/2003	Shade Structure over children's lunch area Classification of building – 10a
DA03/2955	4/12/2003	Free standing classroom Classification of building – 9b
DA04/1000	8/6/2004	Awning Classification of building – 10A
DA05/0233	31/5/2003	Awning Classification of building – 10A
DA05/1991	23/6/2006	Addition to Penrith Anglican College – kindergarten, administration and primary block Classification of buildings – Class 9b – school Class 5 – Administration Building
DA06/1790	4/1/2007	Shade Structure
DA05/1991(02)	19/01/2007	Additions to Penrith Anglican college - kindergarten, administration and primary block, land filling, associated site works and landscaping
DA07/0749	27/8/2007	Temporary classroom building Classification of building 9b
DA07/0749	27/11/2007	Temporary Building
DA05/1991(03)	19/03/2008	Minor relocation and reorganisation of primary school building Class 9b and Class 5
DA08/0563	16/6/2008	Bus Shelter
DA10/0152	28/4/2010	Pedestrian Footbridge Building Classification – Class 10b
DA13/1434	16/10/2014	Increase in number of students for existing school Class 7a, Class 9b

Conditions of the above consents relevant to the current proposal include:

- **DA02/3381** – Condition 12 – Existing landscape is to be retained and maintained at all times.
- **DA05/1991** – Condition 24 – The school is to operate from 8:30am to 3:30pm for students and 8:00am to 5:00pm for teachers during weekdays.
- **DA13/1434** – Condition 4 – Maximum number of student enrolments limited to 1,550 students.



## 2. PROPOSED WORKS

### 2.1. Justification of Proposal

The College is seeking the addition of eight (8) new classrooms (general leaning areas), with shared zones, staff administration areas and amenities. The College is in need of additional classrooms to rationalise the learning spaces across the campus, with current learning arrangements not adequately accommodating the classroom demands of students. Therefore, the proposed works are mandatory for the orderly functioning of PAC and allows other areas not designed for teaching to revert back to original purposes. It should be noted that there is no increased staff or student numbers above that already approved by Penrith City Council as part of these works.

### 2.2. Definition of Proposed Works

The proposed works are identified as development permitted without consent pursuant to Section 3.37(1)(a)(ii) and (e) of the T&I SEPP, and so can be carried out under Part 5 of the EP&A Act.

For the purposes of Part 5 of the EP&A Act, the proposal is defined as 'works or an 'activity'. Any reference to 'development', 'works or an 'activity' is considered to have the same meaning for the purposes of this assessment.

### 2.3. Summary of Proposed Works

The proposal includes demolition works to facilitate the installation of new modular/portable classroom buildings located at Blocks C and D (**Figures 4 to 8**) together with associate civil engineering works (**Figure 9**). Architectural Plans have been prepared by Glendenning Szoboszlay Architects (**Appendix A**), and Civil Engineering Plans have been prepared by Birzulis Associates (**Appendix O**).



**Figure 4:** Extract of Proposed site plan (source: Glendenning Szoboszlay Architects).

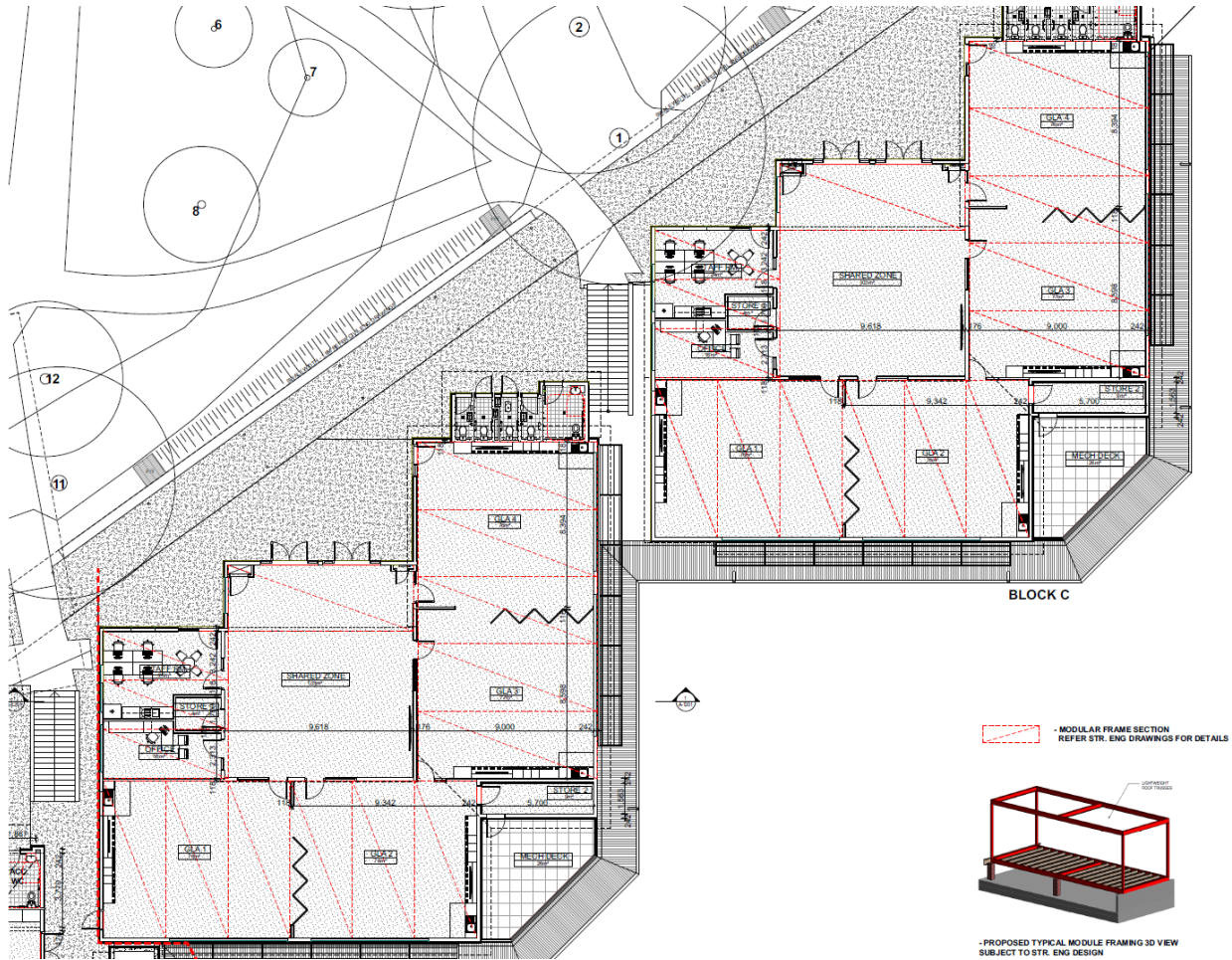
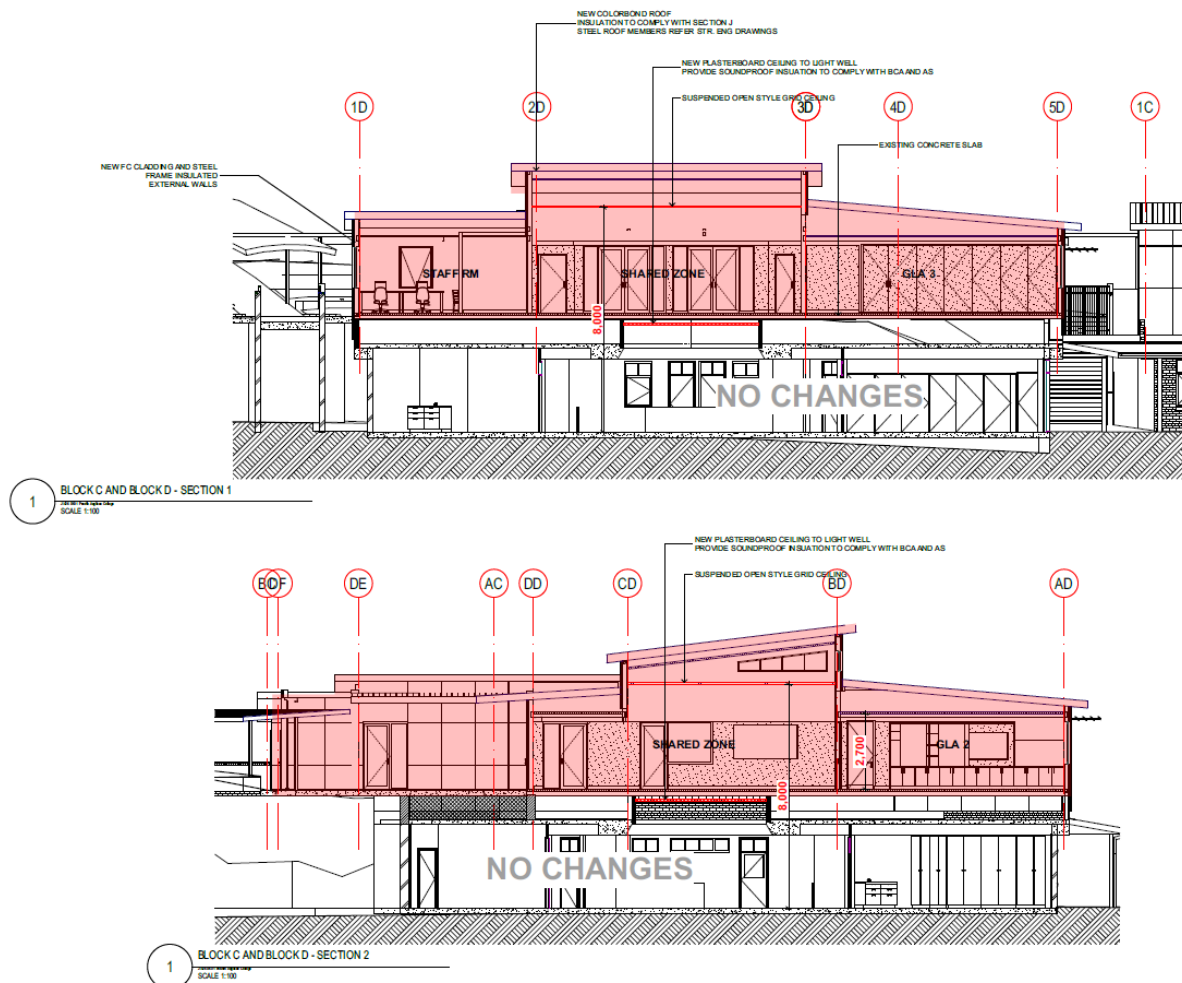
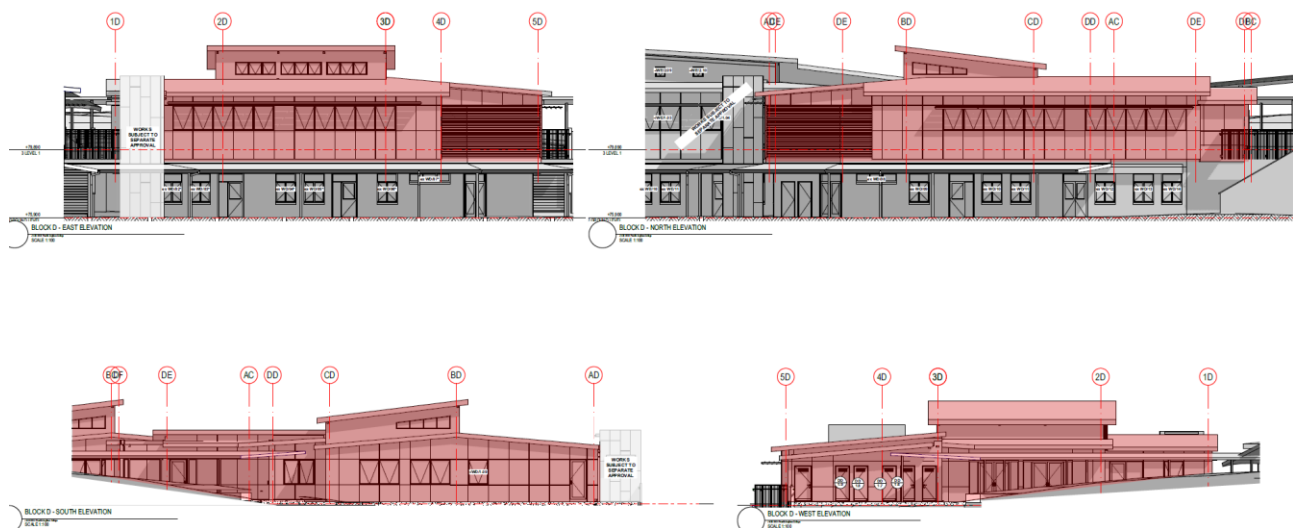


Figure 5: Extract of Proposed Blocks C & D – Level 1 plan (source: Glendenning Szoboszlai Architects).

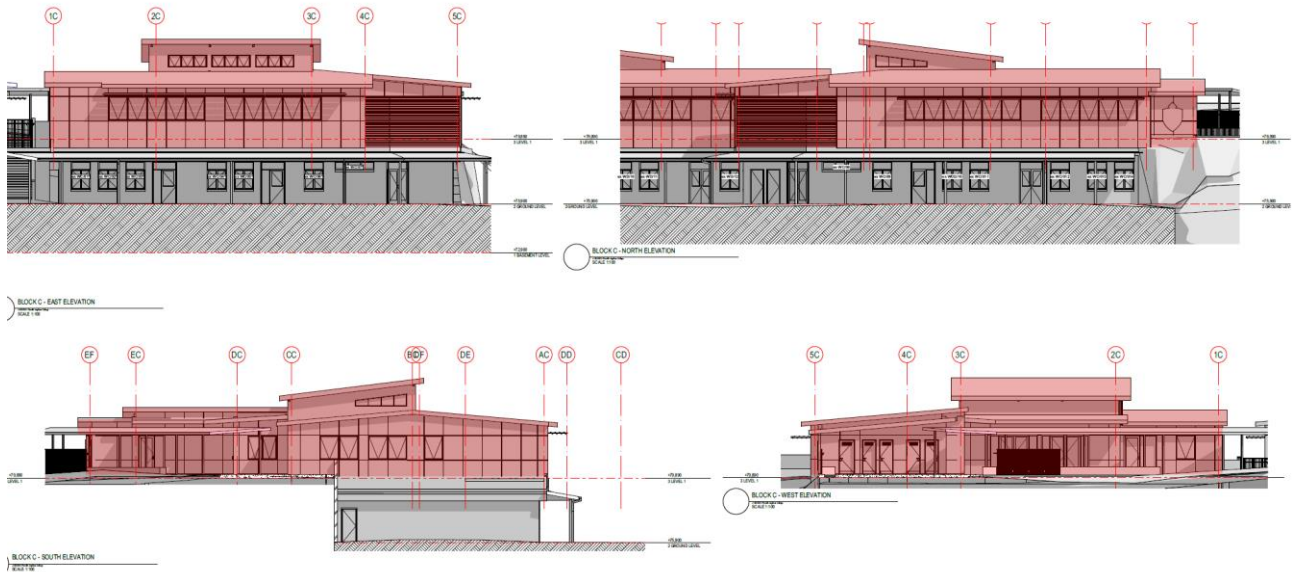


**Figure 6:** Extract of Proposed Blocks C & D - sections (source: Glendenning Szoboszlay Architects)

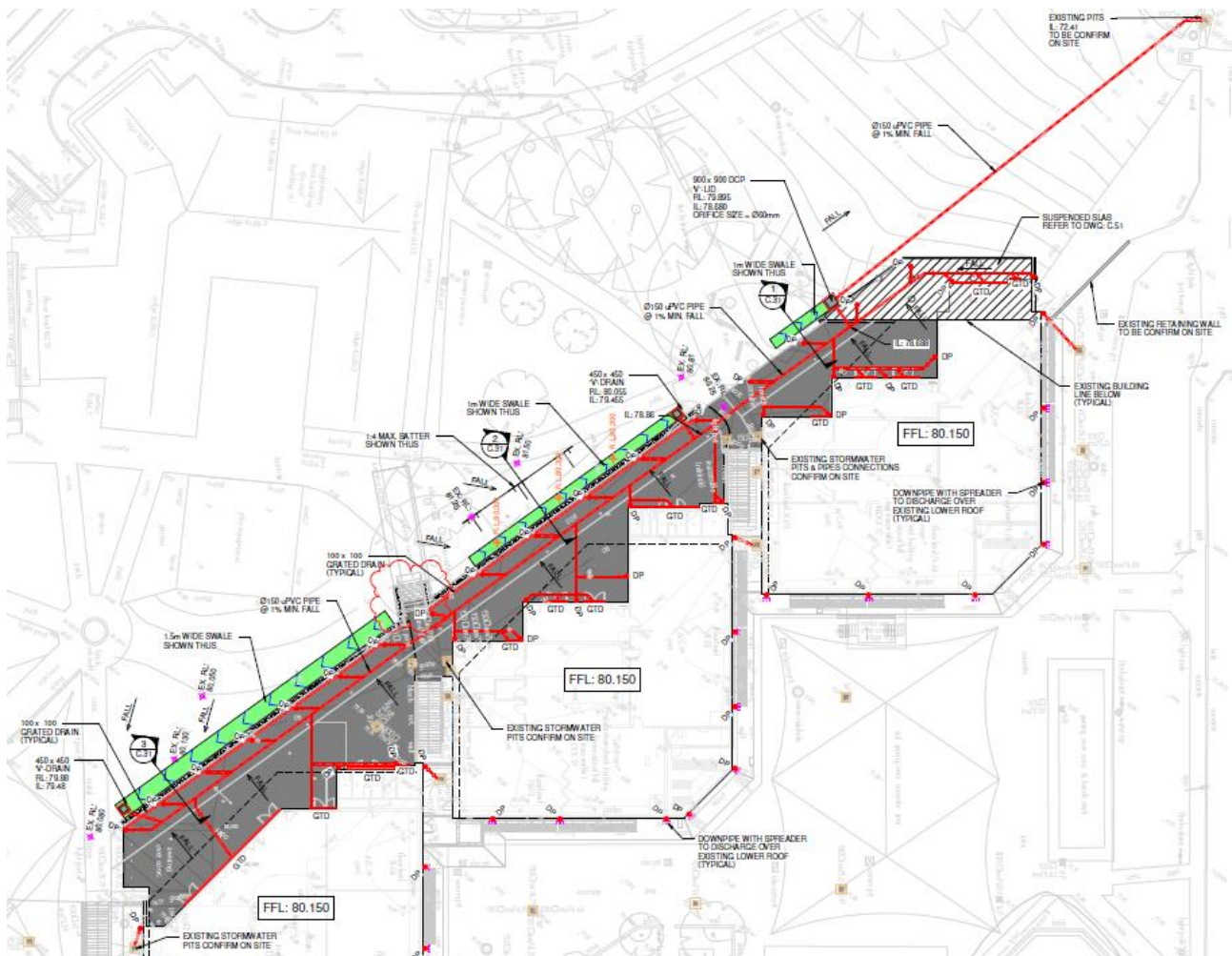


**Figure 7:** Extract of Proposed Block D - elevations (source: Glendenning Szoboszlay Architects).





**Figure 8:** Extract of Proposed Block C – elevations (source: Glendenning Szoboszlai Architects).



**Figure 9:** Extract of Civil Works Drainage Plan – Level 1 (Source: Birzulis Associates)



## 2.4. Details of Proposed Works

The College is seeking the removal of an existing demountable classroom building (Block GG, comprising two (2) classrooms) and demolition works to existing classroom buildings to accommodate the installation of two (2) new modular/portable classroom buildings. The proposed new buildings will accommodate a total of eight (8) new classrooms (general leaning areas), with shared zones, staff administration areas and amenities.

The buildings will be installed above existing classroom developments on the site, known as Blocks C and D which are located in the northern half of the site, adjacent to an existing handstand student courtyard area and south-west of the school's administration building. The existing Blocks C and D have earthen-roof structures, and so once these are removed, the new modular construction will require a framework system in place to share the structural load evenly between new buildings and existing foundations. Existing lightwells to Blocks C and D will be enclosed prior to the installation of the new buildings.

The new buildings can be generally described as comprising of pre-fabricated modules (modular/portable), with steel framing, fibre-cement sheet cladding and skillion style roof forms clad in corrugated iron sheeting. As shown in **Figure 5**, the proposed modular construction methodology involves off-site production and on-site assembly and installation to deliver the required classrooms.

## 2.5. Stormwater Works

Together with the construction of the facilities as outlined above, the proposed activity will include stormwater works during the demolition and construction phase, as documented in the Civil Plans prepared by Birzulis Associates (**Appendix O**).

At the demolition phase, the works site will be subject to soil erosion and sediment control requirements to mitigate any soil disturbance impacts that may arise from the proposal, including the installation of a sediment control fence, management of stockpile areas, and installation of temporary construction stabilised site access point.

The proposed new buildings will capture stormwater and direct via downpipe into the existing stormwater drainage system, which is already in place as part of the existing classroom buildings on ground floor. Further, at the first floor level, concrete footpath areas and adjoining grass swales are proposed to capture all stormwater flows and direct these to an existing stormwater pit. This work is shown at **Figure 9**.

## 2.6. Tree Removal and Protection

The proposed scope of work does not comprise any tree removal or impacts on vegetation. Any tree removal required to facilitate this or any other work required by the School must be sought under an alternative planning pathway approval. A mitigation measure to this effect has been included.

Tree protection measures are assessed and detailed in the Arborist Report (**Appendix N**), so as to ensure all retained trees in proximity to the work are adequately protected throughout the course of demolition and construction works.

## 3. STATUTORY FRAMEWORK

The works as described within **Section 2.3** of this Report are required to be assessed "to the fullest extent possible" against the applicable statutory framework pursuant to Part 5 of the EP&A Act and must take into consideration the environmental factors set out under Section 171 of the EP&A Regulation.

This section of the REF will provide an overview of the planning context for the site, together with an assessment against the relevant matters for consideration.

### 3.1. Planning Overview

The following table provides an overview of the planning context for the portion of the site subject to the proposal.

Planning Matter	Assessment
Local Environmental Plan (LEP)	Penrith Local Environmental Plan (LEP) 2010
Zoning	RU4 Primary Production Small Lots
Are the works being carried out in a prescribed zone?	Yes, the RU4 zone is a prescribed zone pursuant to Section 3.34 of T&I SEPP.
Permissibility	Development for the purpose of a school is permissible with consent in the RU4 zone under Section 3.34 of T&I SEPP.
FSR Control	There is no floor space ratio nominated for the site.
HOB Control	There is no height of building restrictions applied to the site.
Acid Sulfate Soils	The site is not mapped as containing acid sulphate soils.
Is the site 'environmentally sensitive land' under any environmental planning instrument?	No.
Does the site comprise bushfire prone land?	Yes, the site is mapped for Vegetation Buffer and Category 2 ( <b>Figure 7</b> ). The location of the proposed works is not affected by this mapping.
Is the site listed as a Heritage Item or is it within a Heritage Conservation Area?	No.
List any other environmental constraints identified as applying to the site	<p><u>Biodiversity</u>: The site is biodiversity certified land under the Biodiversity Conservation Act 2016 as the site forms part of the Cumberland Plain Conservation Plan (CPCP), which received biodiversity certification on 17 August 2022.</p> <p><u>Scenic Protection</u>: The site is identified in the LEP as being land with scenic and landscape values (Figure 8).</p> <p><u>Flooding</u>: The Section 10.7 Certificate identifies the site as subject to the flood planning area and flood related development controls, but flood controls for land between the flood planning area and the probably maximum flood (PMF) do not apply to the land. This is discussed further in <b>Section 3.1</b>.</p>

A copy of the Section 10.7 planning certificate is provided as **Appendix C**.

It is noted that under the Section 10.7(5) part of the Planning Certificate, the following information is provided:

*A Vegetation Management Plan (VMP) or similar exists for this property. The VMP is to be implemented by the owner as per the Conditions of Consent for DA10/0152.*

A review of DA10/0152 confirms that there are no conditions relating a Vegetation Management Plan, or document of similar wording/requirement, and so it is possible that this information is incorrect. Notwithstanding, this DA related to the construction of a pedestrian footbridge over the drainage depression in the eastern side of the site. Accordingly the likelihood of the works assessed

under this REF conflicting with any vegetation management requirements applying to the pedestrian bridge is considered very low. Further consideration of this is therefore not warranted at this stage.

### 3.2. Environmental Planning and Assessment Act 1979

Part 5 of the EP&A Act permits activities to be assessed by a determining authority. Pursuant to Section 5.1 of the EP&A Act, the proposal is an “activity”. For the purposes of the proposal, the William Carey Christian School is the proponent and determining authority.

Section 5.5(1) of the EP&A Act states as follows:

*For the purpose of attaining the objects of this Act relating to the protection and enhancement of the environment, a determining authority in its consideration of an activity shall, notwithstanding any other provisions of this Act or the provisions of any other Act or of any instrument made under this or any other Act, examine and take into account to the fullest extent possible all matters affecting or likely to affect the environment by reason of that activity.*

Therefore, PAC is required to examine and take into account to the fullest extent possible, all matters affecting or likely to affect the environment by reason of that activity.

Section 6.28 of the EP&A Act is considered to apply to the works as they are being carried out on behalf of a public authority and requires that the works do not commence unless it is certified to “comply with the Building Code of Australia”. A BCA Compliance Statement has been prepared by Group DLA (**Appendix E**) which confirms that subject to the adoption of the conditions and certification of the installation of the nominated fire safety systems, the proposal will meet the applicable requirements of the NCC Building Code of Australia 2022.

Furthermore, an Access Report prepared by Vista Access Architects accompanies this REF which assesses the areas of the buildings to be modified (**Appendix F.**) The report concludes that by compliance with the recommendations, the development complies with the requirements of the Access Code of Disability (Access to Premises-Building) Standards 2010 and the Disability Access relevant sections of the BCA.

### 3.3. Environmental Planning and Assessment Regulation 2021

In conducting its assessment under Part 5 of the EP&A Act, the School is required to consider the environmental factors listed in the Division 5.1 Guidelines, which are also listed in Section 171(2) of the EP&A Regulation. These are addressed in **Section 4.3** of this REF.

In accordance with Section 171(4) of the EP&A Regulation, a REF must be published on the determining authority's website or the NSW Planning Portal only if:

- (a) The activity has an estimated development cost of more than \$5 million, or
- (b) The activity requires an approval or permit as referred to in any of the following provisions before it may be carried out –
  - (i) Fisheries Management Act 1994, section 144, 200, 205 or 219,
  - (ii) Heritage Act 1977, section 57,
  - (iii) National Parks and Wildlife Act 1974, section 90,
  - (iv) Protection of the Environment Operation Act 1997, sections 47-49 or 122, or
- (c) The determining authority considers that it is in the public interest to publish the review.

It is anticipated that the proposed activity has an EDC of more than \$5 million, but note that it doesn't require any approvals or permits under the FM Act, Heritage Act, NPW Act or POEO Act. Therefore as a result of the cost of works, the REF is required to be published in accordance with this section.

### 3.3.1 Code of Practice for Part 5 activities for Registered Non Government Schools

As the activity is being undertaken as 'development permitted without consent' by a Registered Non-Government School, it is a requirement of section 198(1)(b) of the EP&A Regulation that the RNS complies with the requirements of the Approved Code being the NSW Code of Practice for Part 5 activities for registered non-government schools (August 2017). Section 6 of the Code of Practice identifies the mandatory requirements of the Code. A review against the mandatory requirements under the Code of Practice is provided in the table below.

Assessment against the Code of Practice Mandatory Requirements		
Requirement	Assessment	Complies
<b>Section 3.3.3: Consultation</b>	In accordance with Section 3 of the Code of Practice, the proposed activity has been defined as 'Class 1 Minor School Development Works'. This is because the activity will have a minimal environment impact. In accordance with Section 3.3.3 of the Code of Practice, the school will make a copy of the REF available on its website.	Yes
<b>Section 3.4.1: REF Documentation</b>	This REF has been prepared with regard to the mandatory assessment documentation listed under section 3.4.1 of the Code of Practice. It has also been prepared in accordance with the Division 5.1 Guidelines and the relevant requirements of the EP&A Act and EP&A Regulation.	Yes
<b>Section 3.5.1: Determination Documentation</b>	A Decision Statement will be signed by an authorised person on behalf of the RNS. A copy of the Decision Statement will be published on the school's website alongside the REF.	Yes
<b>Section 5.1: Record Keeping Requirements</b>	The school will be required to make the REF and Decision Statement publicly available on their website prior to the commencement of the proposed activity, and ensure that they remain available for a period of five (5) years from the date of the Decision Statement.	Capable
<b>Section 5.2 Public Access to records requirements</b>	In accordance with section 5.2 of the Code of Practice, the school will provide a copy of the REF and any associated documentation to any member of the public who makes a request in accordance with the procedure outlined in the Code of Practice.	Capable
<b>Section 6.2: Reporting procedures</b>	As required under Section 6.2 of the Code of Practice, the school will report any breaches of the mandatory requirements of the Code of Practice to the NSW Department of Planning & Environment (DPE) in accordance with the procedure outlined in this section.	Capable
<b>Section 6.3.1: Audit Obligations</b>	The school acknowledges their audit obligations under section 6.3.1 of the Code of Practice.	Capable

### 3.4. Assessment against relevant provisions of T&I SEPP

The works are proposed to be carried out as development permitted without consent pursuant to the provisions of the T&I SEPP. Accordingly, an assessment of the proposal against the relevant provisions of the T&I SEPP is provided in the following table:



T&I SEPP – Relevant Provisions	Assessment	Complies
<b>Part 3.2 General Division 1 - consultation and notification</b>		
3.8 Consultation with Councils – development with impacts on council-related infrastructure or services	The works will not involve impacts on council-related infrastructure or services and therefore consultation is not required under this clause.	N/A
3.9 Consultation with Councils – Development with impacts on local heritage.	The site is not identified as a local heritage item. Therefore, notification of Penrith City Council is not required under this clause.	N/A
3.10 Notification of Councils and State Emergency Service – Development on Flood Liable Land	<p>The land has been identified by the Section 10.7 Certificate as being land that is within the flood planning area, but is not land between the flood planning area and the PMF.</p> <p>A detailed review of all of Council's Flood Studies identifies the site as within the far western fringe of the 'study area' of the South Creek Floodplain Risk Management Study and Plan, and is well outside of the PMF extent. This is discussed further at <b>Section 4.1</b>.</p> <p>Accordingly the land is not identified as being "flood liable land". Therefore, notification of Penrith City Council and the SES is not required under this clause.</p>	N/A
3.11 Consideration of Planning for Bush Fire Protection	<p>The site is mapped as partially comprising bushfire prone land (refer to <b>Figure 7</b> below). However, the area where the proposed works will be located is not mapped as being bushfire prone land.</p> <p>As discussed in <b>Section 4.1</b> of this REF, the proposed development comprises development for a special fire protection purpose (SFPP). A Bushfire Risk Assessment prepared by Australian Bushfire Consulting Services accompanies this application (<b>Appendix D</b>) which concludes that the proposed development is not on bushfire prone land and is within an area rated as BAL Low. The Bushfire Risk Assessment provides due consideration of Planning for Bushfire Protection, as required by s3.11.</p>	Yes
3.12 Consultation with public authorities other than Councils  Site has access to a road and development will result in the school being able to accommodate 50 or more additional students – TfNSW.	The proposed development will enable the school to accommodate more than 50 additional students and therefore referral to TfNSW under s3.12 is required. Consultation requirements are discussed further at <b>Section 3.4</b> , where it is confirmed that the required consultation has been carried out under this section.	Yes
<b>Part 3.4 Schools – specific development controls</b>		
3.37 Schools – development permitted without consent		
(1) Development for any of the following purposes may be carried out by or on behalf of a public authority without development consent on land within the boundaries of an existing or approved school	The works are being carried out within the boundaries of an existing school being Penrith Anglican College.	Yes
<p>(a) construction, operation or maintenance, more than 5 metres from any property boundary with land in a residential zone and more than 1 metre from any property boundary with land in any other zone, of—</p> <p>(ii) a portable classroom (including a modular or prefabricated classroom) that is not more than 2 storeys high, or</p> <p>(e) demolition of structures or buildings (unless a State heritage item or local heritage item).</p>	<p>The proposed works relate to the construction of portable (modular) classrooms which are more than 1 metre from any property boundary, being the RU4 and SP2 zones, and would not be more than two (2) storeys high.</p> <p>The proposed works also comprise the demolition of existing structures including the removal of Block GG and minor demolition works to the existing Blocks C and D to facilitate the new second storey construction.</p>	Yes

T&I SEPP – Relevant Provisions	Assessment	Complies
(2) Subsection (1) applies only if the development does not require an alteration of traffic arrangements, for example, a new vehicular access point to the school or a change in location of an existing vehicular access point to the school.	The proposed works will not require any alteration of traffic arrangements.	Yes
(3) Subsection (1)(a) applies only if the development does not result in a prohibited increase in student or staff numbers.	As outlined in the Student Numbers Confirmation Letter prepared by PAC ( <b>Appendix M</b> ), the proposed works will not result in an increase in student or staff numbers. This is discussed further at <b>Section 3.4.1</b> .	Yes
(4) Nothing in this section authorises the carrying out of development in contravention of any existing condition of the development consent currently operating (other than a complying development certificate) that applies to any part of the school, relating to hours of operation, noise, car parking, vehicular movement, traffic generation, loading, waste management, landscaping or student or staff numbers.	The proposed works will not cause the contravention of any existing condition of the development consent that is currently operating in relation to hours of operation, noise, car parking, vehicular movement, traffic generation, loading, waste management, landscaping or student and staff numbers.  Specifically, DA13/1434 was approved by Council on 16 October 2014 and includes at Condition 14 a limit to the maximum number of student enrolments to 1,550 students only.  As outlined in the Student Numbers Confirmation Letter prepared by PAC ( <b>Appendix M</b> ), average enrolments for 2023-2024 are 1,216. With an increase in student accommodation of 120 students, the school could potentially enrol up to 1,336 students, which remains below the maximum number applying under DA13/1434.	Yes
(6) This section does not apply to development for the purposes of campus student accommodation.	The proposed works do not relate to development for the purposes of campus student accommodation.	Yes
3.38 Notification of carrying out certain development without consent		
(1) This section applies to development to which section 3.37(1)(a) applies.	The proposed works are being undertaken pursuant to section 3.37(1)(a) and therefore notification of the works has been carried out in accordance with Section 3.38 of the T&I SEPP, as discussed at <b>Section 3.4</b> .	Yes

### 3.4.1 Student Numbers – Section 3.37(3) of the T&I SEPP

Section 3.37(3) requires that works can only be carried out under s3.37(1)(a) “if the development does not result in a prohibited increase in student or staff numbers”. The term “prohibited increase in student or staff numbers” is defined under s3.37(7) as follows:

(a) an increase in the number of students that the school can accommodate that is more than the greater of 10% or 30 students, compared with the average number of students for the 12 months immediately before the commencement of the development, or

(b) an increase in the number of staff employed at the school that is more than 10%, compared with the average number of staff for the 12 months immediately before the commencement of the development.

PAC has provided a Student Numbers Confirmation Letter (**Appendix M**) which addresses the balance of classroom spaces resulting from the proposal, as well as the average enrolments so as to enable an assessment against

The net increase in classrooms (by removing two (2) but providing eight (8)) is six (6) classrooms, and with an average of 20 students per classroom this represents a gain of accommodation for 120 new students. Average enrolments for 2023-2024 were confirmed at 1,216, meaning the “prohibited increase in students” would be for 122 students.

Therefore, as the increase in the number of students the school can accommodate (120) is less than 10% of the average number of students for the 12 months before the commencement of the development, the proposal will comply with s3.37(3).

### **3.5. Development Control Plans**

Penrith Development Control Plan 2014 (the Penrith DCP) provides a broad range of development and precinct planning controls. There are no controls specifically for educational establishments.

It is noted that assessment against the Penrith DCP is not a mandatory consideration as the T&I SEPP is the relevant planning instrument for the proposed works and development permitted without consent is not subject to local planning controls.

### **3.6. Additional Relevant Legislation**

The following legislation is applicable to the works proposed at the College. The works are not inconsistent with the relevant provisions of the following legislation (where applicable):

- NSW Legislation:
  - *Local Government Act 1993*
  - *Work Health and Safety Act 2011*
  - *Work Health Safety Regulation 2017*
  - *Biodiversity Conservation Act 2016*
  - *Waste Avoidance and Resource Recovery Act 2011*
  - *Australian Standard AS 2061-1991 – Demolition of Structures*
- Commonwealth Legislation:
  - *Environment Protection and Biodiversity Conservation Act 1999*
  - *Disability Discrimination Act 1992*

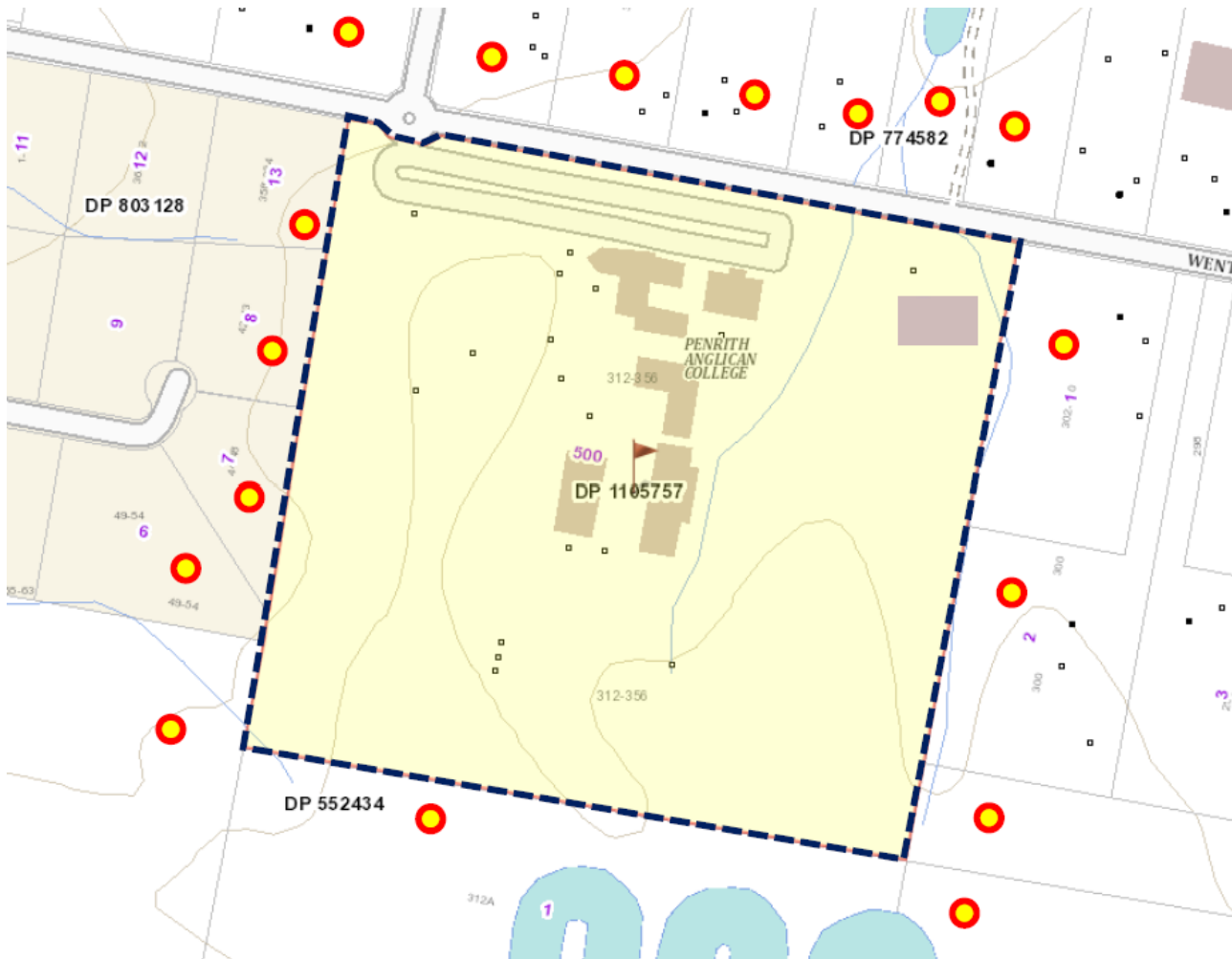
### **3.7. Consultation and Notification**

Pursuant to the assessment carried out in **Section 3.1** of this document, the proposal has been assessed against the consultation and notification requirements of section 3.38 of the T&I SEPP.

These provisions require that prior to carrying out the works, written notice of the intention to carry out the development be provided to Council, Transport for NSW (TfNSW) and occupiers of adjoining land.

On 15 February 2024, written notice of the intention to carry out the development (copies of correspondence are provided at **Appendix G**) was issued to Penrith City Council, TfNSW and to the following adjoining properties as shown in **Figure 10** and listed below:





**Figure 10:** Notification plan for 'occupiers of adjoining land'

- 42-43 Carolyn Chase, Orchard Hills
- 44-48 Carolyn Chase, Orchard Hills
- 49-50 Carolyn Chase, Orchard Hills
- 358-364 Wentworth Road, Orchard Hills
- 351-361 Wentworth Road, Orchard Hills
- 341-347 Wentworth Road, Orchard Hills
- 341A Wentworth Road, Orchard Hills
- 2042-250 Northern Road, Orchard Hills
- 333-339 Wentworth Road, Orchard Hills
- 329 Wentworth Road, Orchard Hills
- 325-331 Wentworth Road, Orchard Hills
- 319A Wentworth Road, Orchard Hills
- 319B Wentworth Road, Orchard Hills
- 319C Wentworth Road, Orchard Hills
- 313 Wentworth Road, Orchard Hills

- 307-311 Wentworth Road, Orchard Hills
- 301 Wentworth Road, Orchard Hills
- 302-310 Wentworth Road, Orchard Hills
- 300 Wentworth Road, Orchard Hills
- 18A & 18B The Chase, Orchard Hills

#### Response – Penrith City Council

On 1 March 2024, Council's Principal Planner issued a letter response to the School raising ten (10) queries, including queries regarding the planning pathway, provisions of the T&I SEPP, scope of building works over two (2) storeys, and details of the proposal being a "portable classroom".

On 12 March 2024, PAC provided a response letter to Council, which provided a detailed response to each of the matters raised in the original letter from 1 March 2024.

On 20 March 2024, Council's Principal Planner issued a response further response letter to the School confirming that the School's letter "provides suitable clarity around your chosen planning approval pathway, and the proposed development". In closing, the letter encouraged the school "to ensure that you satisfy yourself that the requirements of the Regulation and the T&I SEPP have been, and continue to be, met. Council has no further comments."

Copies of all the above correspondence is provided at **Appendix G**.

#### Response – TfNSW Response

On 9 April 2024, TfNSW's Development Officer in the Planning and Programs team issued an email response to PAC stating the following:

*Thank you for sending the notification regarding the proposed development in accordance with the State Environment Planning Policy (Transport and Infrastructure) 2021.*

*TfNSW has reviewed the submitted information and TfNSW has no traffic or transport comments for consideration.*

Further consultation with TfNSW is therefore not required.

#### Responses – Occupiers of Adjoining Land

The prescribed period of 21 days for notification to occupiers of adjoining land concluded on 7 March 2024. As of the date of this final Report (14 June 2024), no responses have been received from owners of adjoining properties, beyond those received from Penrith City Council as discussed above.

Accordingly, the statutory consultation and notification requirements have been fulfilled in accordance with the requirements of s3.12 and s3.38 of the T&I SEPP.

## 4. ENVIRONMENTAL IMPACT ASSESSMENT

This section of the REF provides an environmental impact assessment of the proposed works, applying a methodology of considering any potential for environmental risk arising from site constraints, identifying any potential risks associated with the carrying out of the works, and outlining mitigation procedures and control measures appropriate to respond to any risks identified.

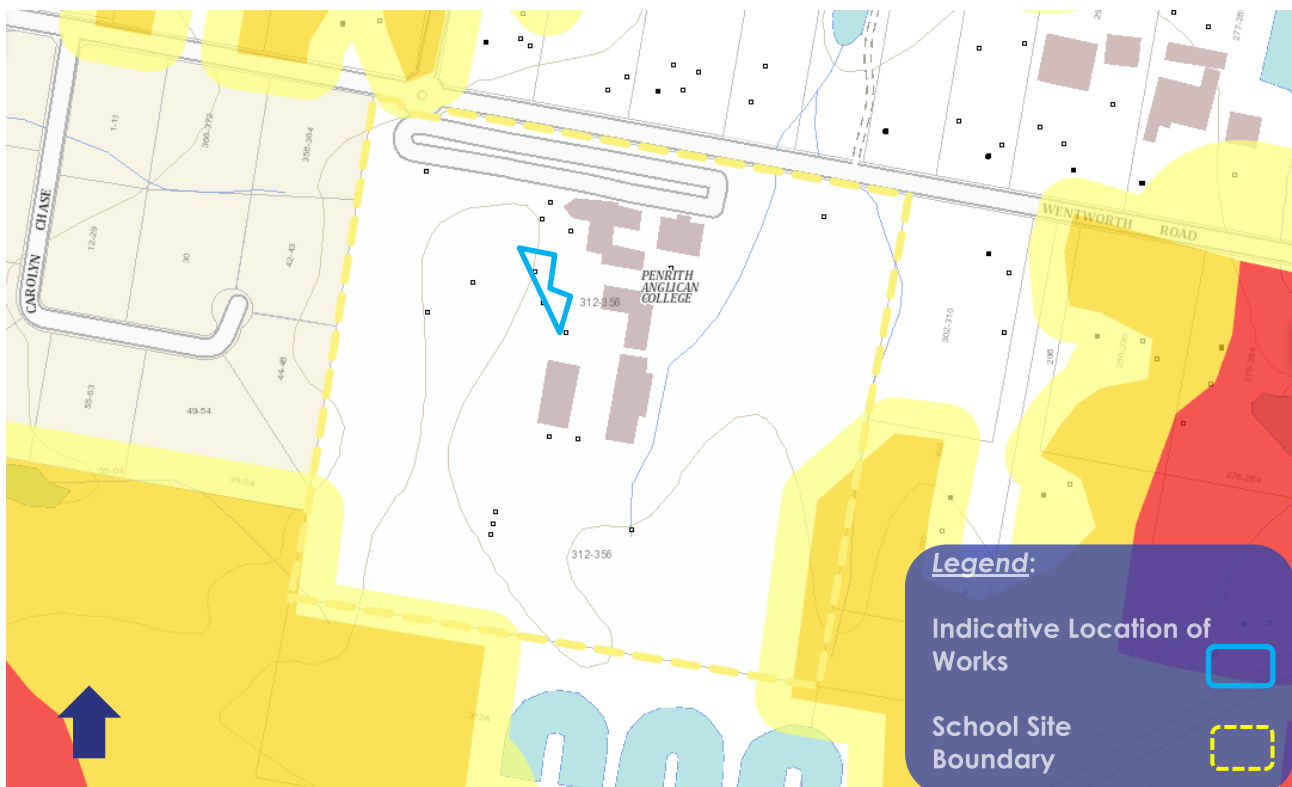
Further, an assessment of the works against the factors which must be taken into account when assessing the impact of an activity on the environment pursuant to Section 171 of the EP&A Regulation is then provided in the following section.

### 4.1. Site Constraints

The assessment carried out under this REF has considered a range of potential constraints for the site, including matters relating to bushfire, heritage, flooding, threatened species, Aboriginal cultural significance, acid sulphate soils, land slip, and other matters. The site constraints relevant to this assessment are in relation to bushfire risk, scenic and landscape value, and flooding, which are discussed below.

#### 4.1.1 Bushfire

The site is partially mapped “Vegetation Buffer” and “Vegetation Category 2” on Penrith City Council’s Bush Fire Prone Land Map (**Figure 11**). The area where the proposed works will be located is not mapped as being bushfire prone land.



**Figure 11:** Bushfire Prone Land Map (source: ePlanning Spatial Viewer).

A Bushfire Assessment prepared by Austrian Bushfire Consulting Services accompanies this application (**Appendix D**). This assessment sets out that the development is considered to be infill Special Fire Protection Purpose Development and is within an area that is rated as <10kW/M<sup>2</sup> and

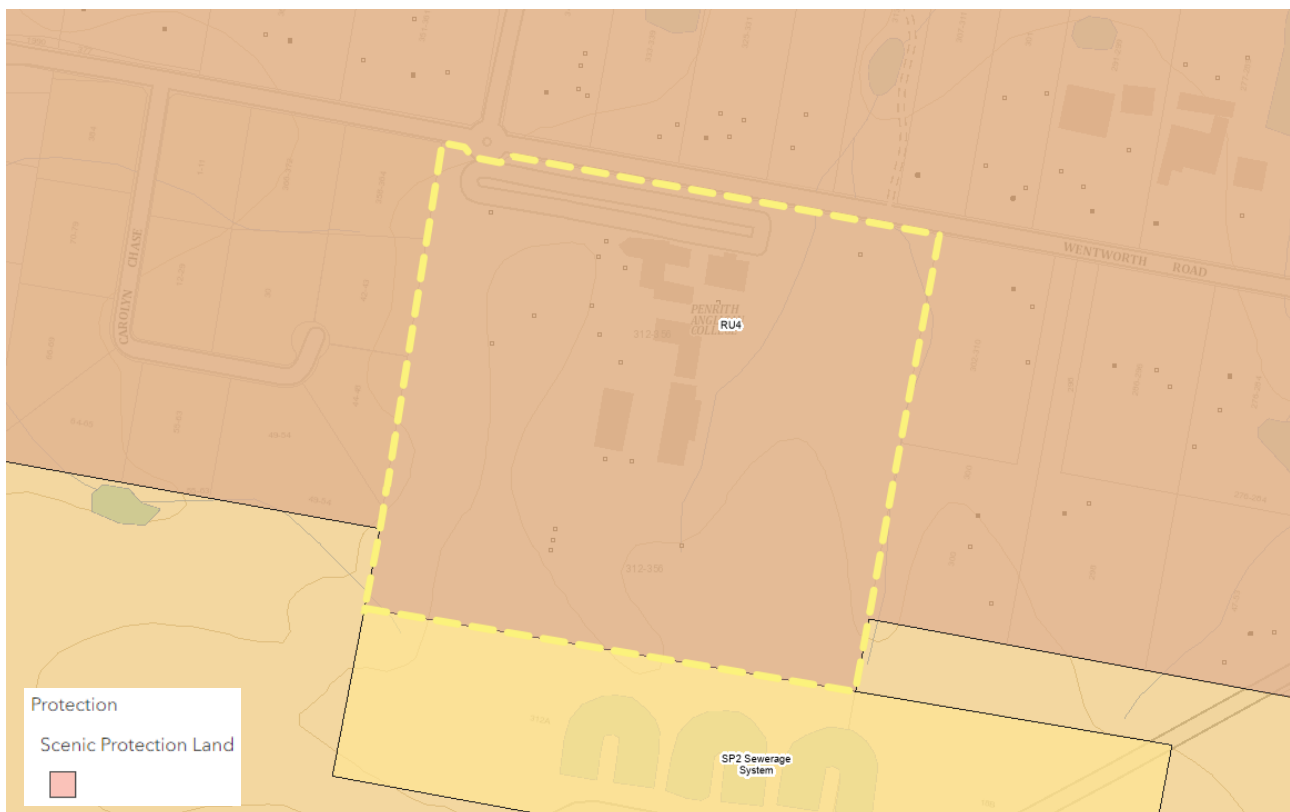


BAL Low. As such, there are no specific construction requirements for the proposed development. For completeness, the assessment includes a compliance review of other specifications and requirements of *Planning for Bushfire Protection 2019* and *Addendum Planning for Bushfire Protection 2022* with respect to matters such as access, service supply and emergency management planning.

With regards to the National Construction Code 2022 Specification 43, this is technically not applicable to the proposed development as it is not on bushfire prone land. This has been confirmed by Group DLA, and does not form part of the BCA Assessment at **Appendix E**.

#### 4.1.2 Scenic Protection Land – Visual Impact

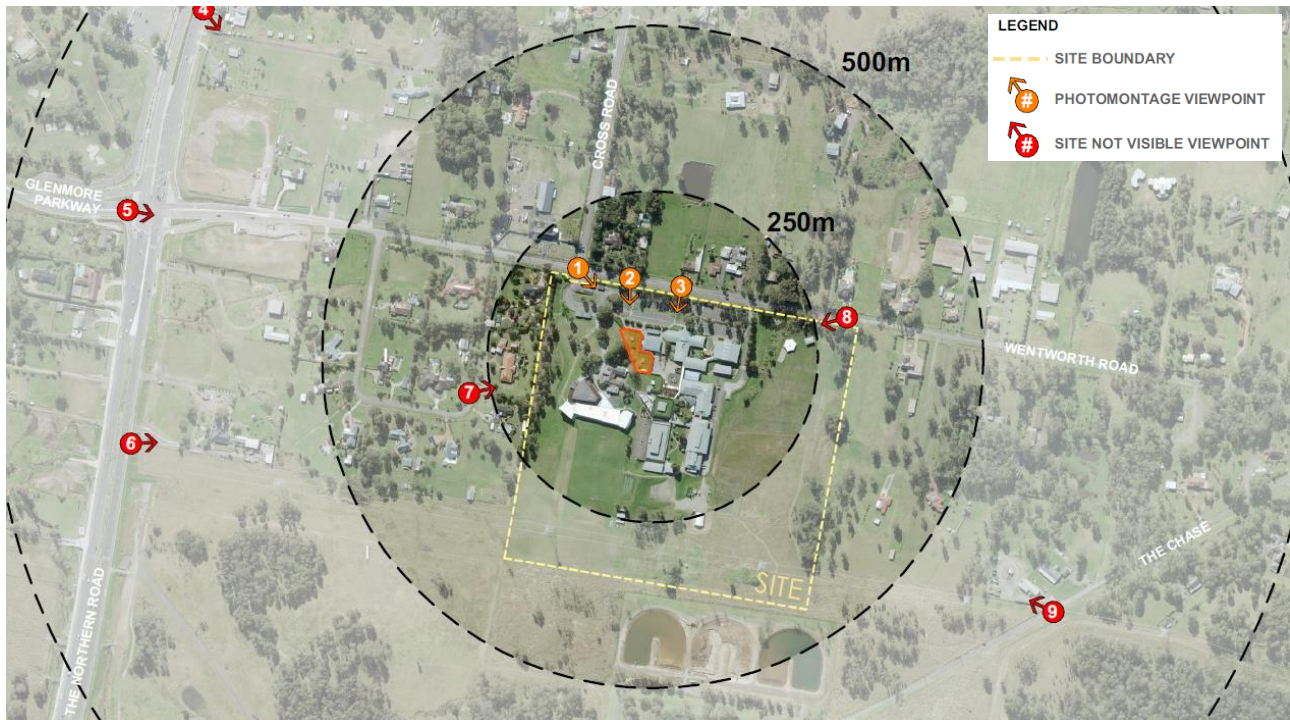
The site is mapped as being of scenic and landscape value within the 'Scenic Protection Land map' under s5.7 of Penrith LEP 2010 (**Figure 12**). Accordingly, when assessing a DA, Council must be satisfied that measures will be taken, including in relation to the location and design of the development, to minimise the visual impact of the development from major roads and other public places.



**Figure 12:** Scenic Protection Land Map (source: ePlanning Spatial Viewer).

It is noted that the provisions of Penrith LEP 2010 are not mandatory requirements for consideration under this EF pursuant to the requirements of the T&I SEPP and EP&A Regulation, notwithstanding the potential for visual impact to result from a proposal involving new built form within an area mapped as holding scenic and landscape value warrants further consideration and assessment, pursuant to Part 5 of the EP&A Act. In this regard, while s7.6 of Penrith LEP 2010 does not apply, it has been used as a framework for the assessment of visual impact.

A Visual Impact Assessment Report has been prepared by Glendenning Szoboszlay Architects (**Appendix H**), which provides a visual impact analysis based on multiple external viewpoints, identifying the key view points as being those immediately in front of the school on Wentworth Road at locations 1, 2 and 3 (**Figure 13**). The most impacted view point is location 2, with a comparison provided to show the extent of the visual impact (**Figure 14**).



**Figure 13:** Extract of Viewpoint Locations (source: Glendenning Szoboszlay Architects).



**Figure 14:** Photomontage comparison at Viewpoint 2 (source: Glendenning Szoboszlay Architects).

The VIA sets out that the proposed works have been designed with consideration to the existing landscaping and existing built form, setback from the public realm to fit within the existing school context. Furthermore, the report concludes that the visual impact rating of the proposal has been assessed as low, due to the limited views afforded within a small radius predominantly from vehicles and the buildings integration with already established vegetation. The VIA provides the following



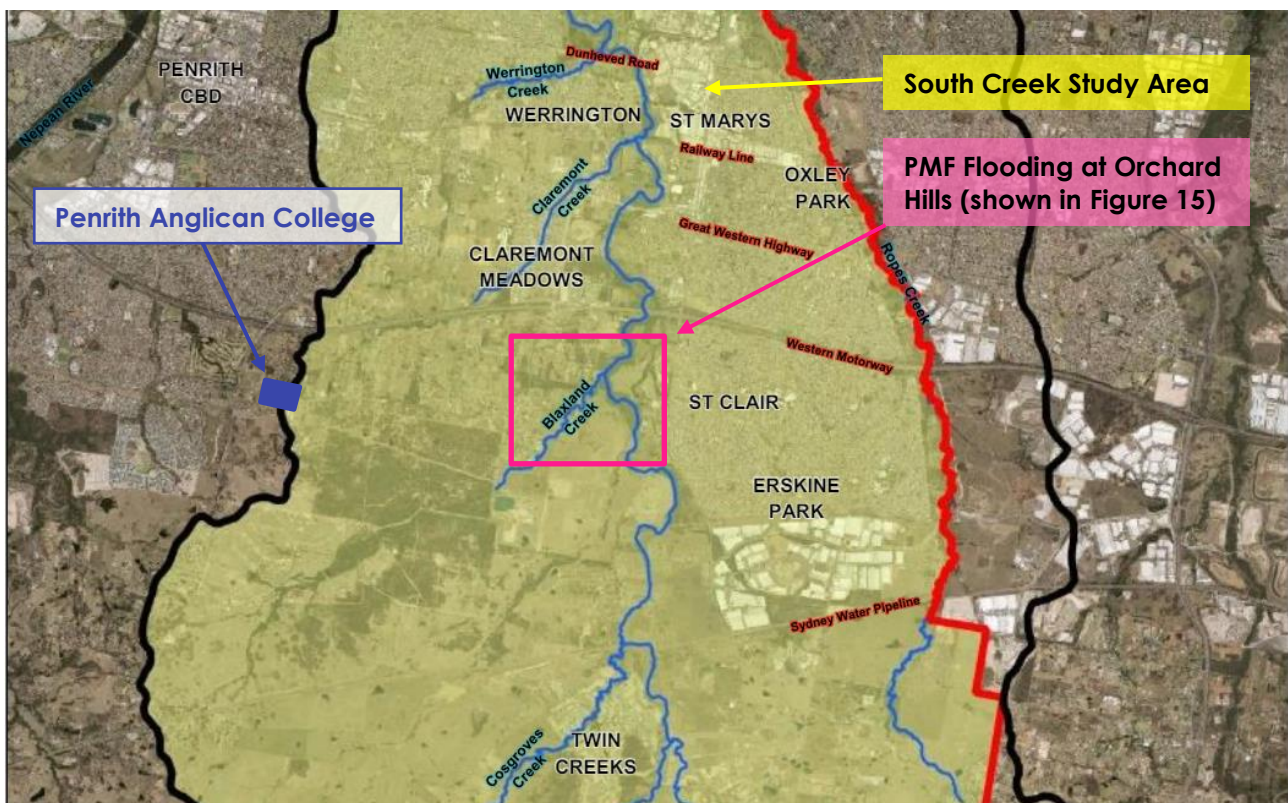
recommendations which are considered suitable for inclusions as mitigation measures of this development:

- Retention of the existing landscape elements as buffers to soften the visual impact.
- Ensure regular maintenance to landscaped areas.

Having regard to the above, the potential visual impact of the proposed development is considered to be low and the extent of any impact on surrounding land will be negligible. Further assessment of visual impact is therefore not warranted

#### 4.1.3 Flooding

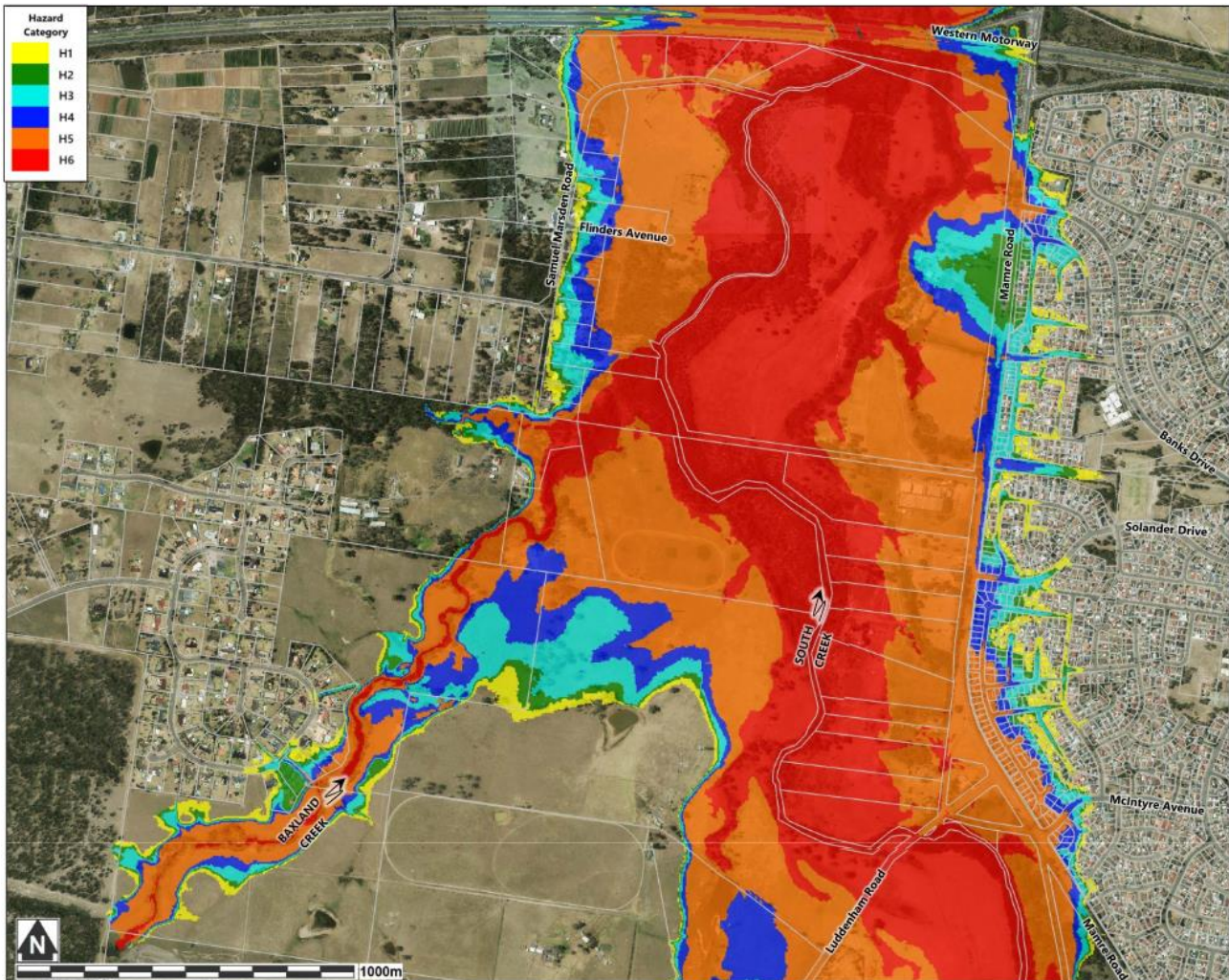
The Section 10.7 Planning Certificate issued by Council identifies that the land is within a flood planning area and is subject to flood related development controls. A full review of all of Council's published flood studies identified that the PAC site is partially identified as land subject to one (1) study, being the South Creek Floodplain Risk Management Study and Plan (South Creek Study and Plan). The site is identified within the "study area" of both the South Creek Study and Plan, as shown in **Figure 15**.



**Figure 15:** Extract of Figure 1.2 Study Area Map for the South Creek Study and Plan (source: Advision).

However the study confirms that the "true flood hazard mapping" for the PMF event is limited to the intersection of Blaxland Creek and South Creek, located some 3.8km-4km to the east of the PAC site, as indicated in **Figure 14** above and shown in **Figure 16**.





**Figure 16:** Extract of Figure B.28 True Flood Hazard Mapping for the PMF for the South Creek Study and Plan (source: Advision)

Therefore the extent of flood risk on the PAC site is considered to be minimal, and is not identified as subject to any direct or indirect flooding impacts within any of Council's adopted flood studies. The Flood Risk Management Manual identifies the term "flood liable land" to be equivalent to "flood prone land", which is defined as "land susceptible to flooding by the PMF event".

Accordingly, the site is not considered to be 'flood prone land' or 'flood liable land', and therefore further assessment of flooding is not required. Pursuant to s3.10 of the T&I SEPP, notification of the proposal to Council and the SES is not triggered as the development is not proposed on "flood liable land". Further assessment of flood risk is therefore not warranted.

## 4.2. Environmental Risk

As the works are contained within the existing school site boundaries, the main environmental risks relevant to this assessment relates to noise and vibration, tree protection, traffic and parking and waste management.

### 4.2.1 Noise and Vibration

#### Demolition and Construction

During the proposed demolition and construction works, the works may result in potential impacts on the acoustic amenity of surrounding sensitive receivers including the residences along Wentworth Road to the north and east, and Carolyn Chase to the west of the site.

An Environmental Noise Impact Assessment has been prepared by Day Design (**Appendix I**) and identifies the main source of noise being from the proposed additions, including students, staff and mechanical plant. The report concludes that the measurements and calculations demonstrate that the level of noise emitted by the proposed development will meet acceptable noise level requirements.

### Operation

An Internal Acoustic Assessment has also been prepared by Day Design (**Appendix J**). The report sets out recommendations to reduce room reverberation, isolate undue noise transfer between rooms and provide an acceptable acoustic environment.

Operational noise emissions from the proposed works will predominantly be associated with use of the facility for teaching. It is expected that the new classrooms will not generate any additional noise impacts above the existing noise emissions generated by the College. Therefore, there will be no adverse acoustic impacts on any sensitive noise receivers during the normal operation of PAC.

### 4.2.2 Tree Protection

The proposed scope of works does not comprise any tree removal, but will involve works in the vicinity of a number of trees. An Arboricultural Impact Statement has been prepared by TreeIQ (**Appendix N**) which provides an assessment of potential tree impacts in the vicinity of the proposed demolition and building works. The trees the subject of the assessment are shown in **Figure 17**.



**Figure 17:** Extract of TPS/SRZ Plan (source: TreeIQ Arboricultural Impact Statement)

The Arboricultural Impact Statement provides the following recommendations which are aimed at addressing the risk of impacts of construction activities on the retained trees:

- *TPZ fencing should be established at the perimeter of the TPZ Trees 2-8 and 12. Alternatively, site fencing could be established to exclude the trees and their TPZ from the construction area.*



- The new pavement area within the TPZ of Tree 11 should be designed and installed above existing grade (including any sub-base layers where required) with only minimal compaction of the sub-grade (i.e. pedestrian plate compactor only).
- Excavation for the installation of columns for the new awning within the TPZ of Tree 11 should be undertaken by hand. The location of the columns should be adjusted to allow for the retention of roots (>25mmØ).
- The installation of new underground services should be routed outside of TPZ areas. Where this is not possible, trenches should be excavated using tree sensitive methods (i.e. hand or hydrovac excavation) which can be both time consuming and costly. The use of tree sensitive methods is achievable where pipe/conduit diameters are not overly large (<300mm dia.) and trench depths do not require benching, battering or the use of shoring boxes.
- Deadwood greater 30mmØ should be removed from the crowns of the trees in areas with high value targets. Pruning work should be undertaken in accordance with Australian Standard 4373: Pruning of Amenity Trees (2007), Safe Work Australia Guide for Managing Risks of Tree Trimming and Removal Work (2016) and other applicable legislation and codes.

Mitigation measures relating to the protection of trees are provided in **Sections 6.2**.

#### 4.2.3 Traffic and Parking

A Construction Pedestrian and Traffic Management Plan has been prepared by Varga Traffic Planning (**Appendix K**). The report sets out the working hours of construction which shall follow hours in accordance with the NSW Environment Protection Authority Noise Control Guidelines and includes a construction schedule for the proposed works, as shown at **Figure 18**.

CONSTRUCTION PROGRAM – APPROXIMATE DURATIONS		
Stage	Work	Duration
1	Demolition & Site Establishment	8 weeks
2	Construction of Structures & Roofing	8 months
3	Internal Fit-Out & External Finishes	8 weeks
4	External Works	4 weeks

**Figure 18:** Extract of construction schedule (source: Construction Pedestrian and Traffic Management Plan).

The report states that all demolition, excavated spoil and construction material deliveries will be loaded/unloaded wholly within the site and therefore a works zone is not considered necessary in this instance. The installation of a hoarding and/or security site fencing along the perimeter of the work area is proposed, prior to the commencement of works.

It is noted that all heavy vehicles involved in the demolition, excavation and construction of the proposed development are to approach and depart the site via Wentworth Road. Turning path assessments have been carried out for all relevant vehicle sizes to confirm that the relevant heavy vehicle movements on/off The Northern Road onto Wentworth Road, and on/off Wentworth Road onto the PAC site are satisfactory.

The Construction Pedestrian and Traffic Management Plan includes a Traffic Control Plan (**Figure 19**) which will be implemented under the mitigation measures of this Report at **Section 6.2**, including the requirements for a traffic controller and spotters to guide movements in, through and from the site.



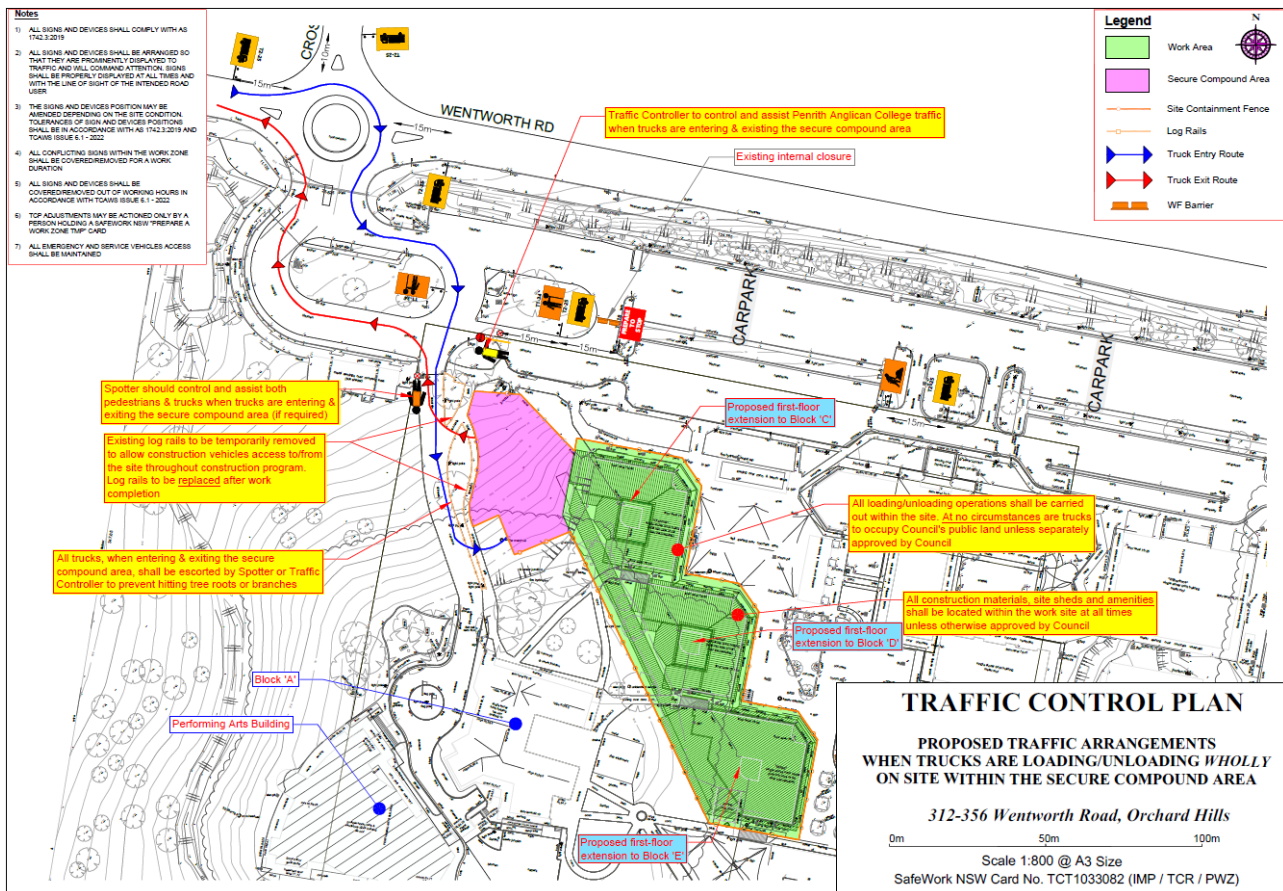


Figure 19: Extract of construction schedule (source: Construction Pedestrian and Traffic Management Plan).

#### 4.2.4 Waste Management

The Waste Management Plan prepared by Glendenning Szoboszlay Architects (**Appendix L**) sets out the type of materials and their destination for reuse and recycling or disposal during the demolition and construction stages. In terms of the operational stage of the development, the plan includes the estimated garbage and recycling generation per week and the equipment/systems that will be used for managing the waste. The site wastage provisions will be as existing and are considered to comply with the relevant requirements of the T&I SEPP.

Mitigation measures relating to the management of demolition and construction waste are provided in **Sections 6.2**.

#### Operation

It is not anticipated that the proposed activity will result in an increase in the total waste generated by the site. Existing operational waste management measures will continue to apply to the site.

### 4.3. Section 171 Considerations

Section 171 of the EP&A Regulation details factors that must be taken into account when assessing the impact of an activity on the environment. The table overleaf provides an assessment of these considerations.

Section 171 Review of Environmental Factors	Assessment	Mitigation Required
Any environmental impacts on a community?	<p>The proposed works will result in negligible environmental impacts on the community. In regard to visual impacts, the Visual Impact Assessment (<b>Appendix H</b>) provides recommendations to ensure the ongoing protection of scenic qualities, and these have been integrated into the mitigation measures at <b>Section 6.2</b>.</p> <p>In regard to traffic management, the Construction Pedestrian &amp; Traffic Management Plan (<b>Appendix K</b>) provides recommendations and both traffic and pedestrian control plans to mitigate any potential impacts of the proposed construction activities on the community, and these have been integrated into the mitigation measures at <b>Section 6.2</b>.</p>	<p>Visual Impact Protection Measures proposed at <b>Section 6.2</b></p> <p>Pedestrian and Traffic Construction Control Measures proposed at <b>Section 6.2</b></p>
Any transformation of a locality?	The proposed works will not result in any transformation of a locality, they are limited to the construction of new classrooms within an existing school campus.	Nil
Any environmental impact on the ecosystems of the locality?	The proposed works will result in negligible environmental impacts on the ecosystems of the locality. In regard to potential impact on retained trees, the Arboricultural Impact Assessment ( <b>Appendix N</b> ) has provided recommendations to ensure the protection and ongoing health and safety of trees in the vicinity of demolition and construction works, and these have been integrated into the mitigation measures at <b>Section 6.2</b> .	Tree Protection Measures proposed at <b>Section 6.2</b>
Any reduction of the aesthetic, recreational, scientific or other environmental quality or value of a locality?	The proposed works will not be visible from the public realm and therefore, will not reduce aesthetic, recreational, scientific or other environmental quality or value of the locality.	Nil
Any effect on a locality, place or building having aesthetic, anthropological, archaeological, architectural, cultural, historical, scientific or social significance or other special value for present or future generations?	As the proposed works are located within an existing school site and visually contained within the "body" of the existing developments on site. The proposal will result in negligible effects on a locality, place or building.	Nil
Any impact on the habitat of any protected animals (within the meaning of the <i>Biodiversity Conservation Act 2016</i> )?	The carrying out of the proposed works will result in negligible impact on the habitat of any protected animals, as not tree removal is required to facilitate the proposed works.	Nil
Any endangering of any species of animal, plant or other form of life, whether living on land, in water or in the air?	The proposed works will not endanger any species of animal, plant or other form of life.	Nil
Any long-term effects on the environment?	The proposed works will result in negligible long-term effects on the environment.	Nil
Any degradation of the quality of the environment?	The proposed works will not result in degradation of the quality of the environment.	Nil
Any risk to the safety of the environment?	The proposed works present no risk to the safety of the environment. Appropriate hoarding will be established around the construction works site to protect the safety of staff and students.	Nil

Section 171 Review of Environmental Factors	Assessment	Mitigation Required
Any reduction in the range of beneficial uses of the environment?	The proposed works will not result in the reduction in the range of beneficial uses of the environment.	Nil
Any pollution of the environment?	The carrying out of the proposed works will not result in the pollution of the environment, subject to mitigation measures relating to construction	Nil
Any environmental problems associated with the disposal of waste?	There will be no environmental problems associated with the disposal of waste as confirmed in the Waste Management Plan prepared by Glendenning Szoboszlai Architects ( <b>Appendix L</b> ).	Waste Management measures proposed in <b>Section 6.2</b>
Any increased demands on resources (natural or otherwise) which are, or are likely to become, in short supply?	The proposed works will not result in any increased demands on resources.	Nil
Any cumulative environmental effect with other existing or likely future activities?	The existing and future use of the site will remain as a school site as a result of these works and therefore there will be no cumulative environmental effect arising from the works.	Nil
Any impact on coastal processes and coastal hazards, including those under projected climate change conditions?	The works will have no impact on coastal processes or hazards.	Nil
Any applicable local strategic planning statements, regional strategic plans or district strategic plans made under the Act, Division 3.1?	The Penrith Local Strategic Planning Statement of July 2020 sets out a 20-year vision for land use in Penrith.  The proposal by the College meets the LGA's 'Priority 6: Ensure our social infrastructure meets the changing needs of our communities.'	Nil
Any other relevant environmental factors?	There are no other relevant environmental factors that require assessment in relation to the proposed internal works.	Nil



## 5. CONCLUSION

This document has reviewed the proposal, assessed the works against the relevant statutory framework and has carried out an environmental impact assessment, pursuant to the requirements of the EP&A Act, EP&A Regulation, the T&I SEPP and the Code. This REF has examined and taken into account to the fullest extent possible all matters affecting or likely to affect the environment by reason of the proposed activity. This has included consideration of flood, bushfire, biodiversity, contamination, hazardous materials, noise, traffic and waste management impacts.

The proposal is identified as *“a portable classroom (including a modular or prefabricated classroom) that is not more than 2 storeys high”* and *“demolition of structures or buildings (unless a State heritage item or local heritage item)”* under the provisions of the Code and trigger the notification requirement under the provisions of the T&I SEPP.

Specialist assessment of BCA compliance has accompanied this assessment and has found the proposed works must comply with several conditions of approval and certification of the installation of the nominated fire safety systems. A mitigation measure relating to BCA compliance has been included to ensure these outcomes are achieved.

Specialist assessment of bushfire safety and compliance with *Planning for Bushfire Protection 2019* has accompanied this assessment and concludes that the new development is within an area that is rated as <10kW/m<sup>2</sup> and BAL Low.

Management measures are proposed to help address potential impacts on retained trees, and to address potential construction traffic impacts.

A number of potential environmental impacts from the proposal have been avoided or reduced during the development of concept design and options assessment for the proposal. The proposal as described in this REF best meets the project objectives but would still result in some short-term impacts during the demolition. Mitigation measures as detailed in this REF would avoid, ameliorate or minimise these expected impacts. The proposal would also facilitate the installation of a new maintenance shed under a separate planning pathway. On balance the proposal is considered justified.

The environmental impacts of the proposal are not likely to be significant and therefore it is not necessary for an environmental impact statement to be prepared and approval to be sought for the proposal from the Minister for Planning under Part 5 Division 5.2 of the EP&A Act.

The proposal is unlikely to affect threatened species, populations or ecological communities or their habitats, within the meaning of the BC Act and/or FM Act. Therefore, a species impact statement or biodiversity development assessment report is not required. The proposal does not affect the environment of Commonwealth land or have an impact on any matters of national environmental significance.

This assessment has found that there are no unreasonable or detrimental impacts resulting from the minor works assessed under this REF and accordingly they can proceed pursuant to the Mitigation Measures set out under **Section 6**.

## 6. MITIGATION MEASURES

### 6.1. Authorised Documents

The development shall take place in accordance with the following plans prepared by Glendenning Szoboszlay Architects:

Drawing Name	Drawing No.	Issue	Date
Cover Sheet	A-0000	D01	18/03/2024
Cover Sheet – BCA Access Specifications	A-0001	-	18/03/2024
Demolitions Blocks C & D – Level 1 Plan	A-0300	D01	18/03/2024
Site Analysis Plan	A-0400	D01	18/03/2024
Proposed Site Plan	A-0401	D01	18/03/2024
Proposed Blocks C & D – Ground Level	A-1100	D01	18/03/2024
Proposed Blocks C & D – Level 1 Plan	A-1101	D01	18/03/2024
Proposed Blocks C & D - Roof	A-1103	D01	18/03/2024
Proposed Blocks C & D - Sections	A-1201	D01	18/03/2024
Proposed Block D – Elevations	A-1301	D01	18/03/2024
Proposed Block C - Elevations	A-1302	D01	18/03/2024

The development shall also take place in accordance with the following plans prepared by Birzulis Associates:

Drawing Name	Drawing No.	Issue	Date
Cover Sheet	C.00	B	16/04/2024
Construction Notes – Sheet 1	C.01	B	16/04/2024
Construction Notes – Sheet 2	C.02	B	16/04/2024
Soil Erosion & Sediment Control Plan	C.10	B	16/04/2024
Soil Erosion & Sediment Control Details	C.11	B	16/04/2024
Civil Works Drainage Plan – Ground Floor	C.20	B	16/04/2024
Civil Works Drainage Plan – Level 1	C.21	B	16/04/2024
Stormwater Details 01	C.30	B	16/04/2024
Stormwater Details 02	C.31	B	16/04/2024
Civil Works Pavement Plan	C.40	B	16/04/2024
Civil Works Details 01	C.50	B	16/04/2024
Civil Works Details 02	C.51	B	16/04/2024

The development shall also take place in accordance with the following documentation:

Document Name	Author	Issue	Date
Bushfire Assessment Report	Australian Bushfire Consulting Services	A	9 May 2024
BCA Compliance Statement	Group DLA	A	2 April 2024

Document Name	Author	Issue	Date
Access Report	Vista Access Architects	A	27 May 2024
Visual Impact Assessment Report	Glendenning Szoboszlay Architects	3	27 May 2024
Environmental Noise Impact Assessment	Day Design	A	24 May 2024
Internal Acoustics Assessment	Day Design	A	24 May 2024
Construction Pedestrian and Traffic Management Plan	Varga Traffic Planning	-	25 March 2024
Waste Management Plan	Glendenning Szoboszlay Architects	B	27 March 2024
Arboricultural Impact Assessment	TreeIQ	-	21 May 2024

### 6.1.1 Obligation to Prevent Impacts to The Environment

In addition to meeting all of the conditions/mitigation measures in this determination, all reasonable and feasible measures should be implemented to prevent impacts to the environment that may result from the construction and on-going operation of the approved activity.

### 6.1.2 Copies of Approved Plans and Conditions/Mitigation Measures To Be Kept On-site

A copy of the approved plans and conditions/mitigation measures must be kept at an appropriate location on-site where the works are taking place and must be available for inspection on request.

### 6.1.3 Copies of REF To Be Kept on School Website

In accordance with the requirements of the NSW Code of Practice of Part 5 activities for registered non-government schools (August 2017):

- A copy of the REF and Decision Statement are to be published on the school's website for a minimum period of 5 years from the commencement of the works.
- A copy of the REF and Decision Statement are to be provided to any member of the public who requests a copy in accordance with the requirements of Section 5.2 of the Code of Practice.

### 6.1.4 Amendment Tracking

Where a minor amendment to a plan approved under a condition/mitigation measure or an amendment to an approved condition/mitigation measure forming part of this REF determination to correct a typo is required, an amendment register for the REF must outline the proposed amendment, demonstrate the need for the proposed amendment and demonstrate why the proposed amendment is considered to be substantially the same as the approved REF.

If amending a plan approved under a condition/mitigation measure, the amendment register must also outline how the environmental impacts of the proposed amendment have already been considered and how it will reduce the overall environmental impact of the approved REF. Each amendment is required to be endorsed by the school and is required to be published on the school's website along with the REF and Decision Statement.

### 6.1.5 Compliance With Conditions/Mitigation Measures

All relevant personnel, including contractors and their subcontractors must be made aware of these conditions/ mitigation measures and the requirement to undertake the works as per these conditions/mitigation measures.

## **6.2. Prior to Commencement of Any Construction Work**

### **6.2.1 BCA Compliance**

The proposed works are to be carried out in accordance with the conditions set out in the BCA Compliance Statement prepared by Group DLA, dated 2 April 2024, such that the works will comply with the applicable requirements of the NCC Building Code of Australia 2022.

### **6.2.2 Access Compliance**

The proposed works are to be carried out in accordance with the recommendations set out in the Access Report prepared by Vista Access Architects, dated 27 May 2024, such that the works will comply with the applicable requirements of the Access Code of Disability Standards 2010 and Building Code of Australia 2022.

### **6.2.3 Bushfire**

The proposed works are to be carried out in accordance with the recommendations of the Bushfire Assessment Report prepared by Australian Bushfire Consulting Services dated 9 May 2024.

### **6.2.4 Waste Management**

The management of waste during the carrying out of works must be in accordance with the Waste Management Statement prepared by Glendenning Szoboszlay Architects dated 27 May 2024.

### **6.2.6 Staff and Student Safety**

Before any construction works commence on site, appropriate measures should be established on site to protect staff and students during the works. No access to the construction works site shall be provided to staff or students.

### **6.2.7 Tree Protection Measures**

Prior to the commencement of any construction work, trees not approved to be pruned or removed are to be protected in accordance with AS 4970-2009 Protection of Trees on Development Sites and the recommendations provided in the approved Arboricultural Impact Assessment prepared by TreeiQ dated 21 May 2024. The tree protection measures are to remain in place until the completion of all work.

### **6.2.8 Erosion and Sediment Control**

Erosion and sediment controls must be implemented in accordance with the Landcom/Department of Housing *Managing Urban Stormwater, Soils and Construction Guidelines* (Blue Book) prior to work commencing, as documented in the Civil Plans prepared by Birzulis Associates Dated 16 April 2024. The controls must be in place, inspected and managed until the works are complete and all exposed erodible materials are stable. Inspection records must be kept and provided on request.

### **6.2.9 Demolition**

Any demolition work must be undertaken in accordance with the provisions of Australian Standard AS 2601-2001 The Demolition of Structures.

### **6.2.10 Construction Pedestrian and Traffic Management**

Prior to the commencement of any demolition or construction works, the pedestrian and traffic management measures outlined in the Construction Pedestrian & Traffic Management Plan prepared by Varga Traffic Planning dated 25 March 2024 must be arranged and implemented, inclusive of the requirements of the Traffic Control Plan and the Pedestrian Management Plan which accompany the report.



### **6.2.11 Works Notification**

Prior to the commencement of any construction work, Council and the occupiers of any land within 80 metres of the site boundaries must be notified in writing of the project. The notice must outline the works to be undertaken, the expected timing for commencement and expected timing for completion of construction works. A minimum period of 48 hours notification prior to the commencement of any construction work shall be given.

### **6.2.12 Site Notice Board**

Prior to the commencement of any construction work, a site notice board must be located at eye level at the entrance or other appropriate location at the site in a prominent position for the benefit of the community. The site notice must be displayed throughout the entire construction period, be A1 sized, durable, weatherproof and include the following information:

- a) 24-hour contact person for the site;
- b) Telephone and email addresses;
- c) Site works and timeframes; and
- d) Details of where accessible project information can be sourced.

### **6.2.13 Complaints Handling**

Prior to commencement of any construction work, a Complaints Register is to be developed to record the details of all complaints received and the means of resolution of those complaints. The Complaints Register shall be made available on request. On receiving a complaint, it is to be recorded and provided to the relevant authorised person and reviewed to determine whether issues relating to the complaint can be resolved, avoided or minimised. A response approved by the relevant authorised person shall be provided to the complainant within 7 days of receiving the complaint explaining what remedial actions (if any) were taken.

## **6.3. During Construction Work**

### **6.3.1 Construction Management**

The site and all construction works are to be managed and carried out in accordance with:

- The approved REF, plans and supporting documents approved under condition/mitigation measure **6.1.2**; and
- Any other licences, permits, approvals and land owners consents as required under any other legislation.

### **6.3.2 No Obstruction of Public Way**

Building materials, machinery, vehicles, refuse, skip bins or the like must not be stored or placed in the public way (outside of any approved construction works zone) under any circumstances.

### **6.3.3 Pedestrian Access**

Safe pedestrian access in and around the site shall remain unimpeded at all times. Required informative signage and directional information must be provided in appropriate locations. Where necessary, traffic control measures will be implemented.

### **6.3.4 Work Hours**

The undertaking of any construction work, including the entry and exiting of construction and delivery vehicles at the site, is restricted to the following standard work hours:

- Monday to Friday inclusive: Between 7.00am to 6.00pm;
- Saturday: Between 8.00am to 1.00pm; and

- Sunday and Public Holidays: No work permitted.

### **6.3.5 Services and Utilities**

All services and utilities in the construction area must be appropriately disconnected and reconnected as required. The contractor is required (if necessary) to consult with the relevant authorities to determine disconnection and reconnection requirements. Where services or utilities are found not to be adequate to support the works, they are to be appropriately augmented, subject to obtaining any required approvals or permits.

### **6.3.6 Asbestos Handling**

Prior to the commencement of any construction work where asbestos or asbestos-containing material is to be impacted or uncovered, compliance with SafeWork NSW requirements shall be adhered to. Asbestos shall be removed by a suitably qualified and experienced contractor, licensed by SafeWork NSW. The removal of such material shall be carried out in accordance with the requirements of SafeWork NSW and the material transported and disposed of in accordance with NSW Environment Protection Authority requirements.

### **6.3.7 Unexpected Site Contamination**

During construction works, should any contamination information or contaminants be identified which have the potential to alter previous site contamination assessments and recommendations, the relevant Project Manager must be immediately notified and works must cease in the location of the contamination. Works must not recommence until a suitably qualified contamination consultant has investigated the unexpected contamination and provided recommendations for the necessary remedial work required to render the site suitable for the activity.

Following completion of the remediation, a Site Remediation and Validation Report is to be submitted to a NSW EPA-Accredited Site Auditor to confirm site suitability. A copy of the Site Remediation and Validation Report is also to be provided to the relevant authorised person. A notice of completion of remediation work must also be given in accordance with Section 4.14 and Section 4.15 of *State Environmental Planning Policy (Resilience and Hazards) 2021*.

### **6.3.8 Aboriginal Heritage**

If any Aboriginal objects, sites or places (or potential Aboriginal objects, site or places) are discovered during any construction work, all works in the vicinity must cease and the area must be appropriately protected. The school is to be notified and an archaeologist engaged to undertake a site inspection to assess the find.

Following the on-site assessment, the archaeologist and RAPs (if they attended the site) are to advise on whether further management, mitigation or approvals are required in consultation with the school. Should Aboriginal objects be identified, these are to be registered in the Aboriginal Heritage Information Management System (AHIMS). An Aboriginal Heritage Impact Permit (AHIP) would also need to be obtained to impact the site.

## **6.4. Following Completion of Construction Works**

### **6.4.1 Landscape and Scenic Values**

In accordance with the recommendations of the Visual Impact Assessment prepared by Glendenning Szoboszlai Architects (Issue 3) dated 27 May 2024, the School is to:

- Seek to retain the existing landscape elements as buffers to soften the visual impact of the works; and
- Ensure regular maintenance to landscaped areas.

# Glossary and Abbreviations

<b>ACHAR</b>	Aboriginal Cultural Heritage Assessment Report
<b>AEP</b>	Annual Exceedance Probability
<b>AHD</b>	Australian Height Datum
<b>AHIP</b>	Aboriginal Heritage Impact Permit
<b>ARI</b>	Average recurrence interval
<b>AS</b>	Australian Standard
<b>ASS</b>	Acid Sulfate Soils
<b>BAL</b>	Bushfire Attack Level
<b>BC Act</b>	NSW <i>Biodiversity Conservation Act 2016</i>
<b>BCA</b>	Building Code of Australia
<b>BDAR</b>	Biodiversity Development Assessment Report
<b>BFA</b>	Bushfire Safety Authority
<b>Council</b>	Penrith City Council
<b>Code of Practice</b>	NSW <i>Code of Practice for Part 5 activities for registered non-government schools</i> (August 2017)
<b>Determining Authority</b>	A Minister or public authority and, in relation to any active, the Minister or public authority by or on whose behalf the activity is or is to be carried out or any Minister or public authority whose approval is required in order to enable the activity to be carried out.
<b>DCP</b>	Development Control Plan
<b>DoE</b>	NSW Department of Education
<b>DPE</b>	NSW Department of Planning and Environment
<b>EDC</b>	Estimated Development Cost
<b>EEC</b>	Endangered Ecological Communities
<b>EIS</b>	Environmental Impact Statement
<b>EPBC Act</b>	Commonwealth <i>Environment Protection and Biodiversity Conservation Act 1999</i>
<b>EP&amp;A Act</b>	NSW <i>Environmental Planning and Assessment Act 1979</i>
<b>EP&amp;A Regulation</b>	NSW <i>Environmental Planning and Assessment Regulation 2021</i>
<b>EPI</b>	Environmental Planning Instrument
<b>EPM</b>	EPM Projects
<b>FFL</b>	Finished Floor Level
<b>FPL</b>	Flood Planning Level
<b>FSR</b>	Flood Space Ratio
<b>GFA</b>	Gross Floor Area
<b>Division 5.1 Guidelines</b>	Department of Planning and Environment Guidelines for Division 5.1 assessments (June 2022)
<b>Heritage Act</b>	NSW <i>Heritage Act 1977</i>
<b>LEP</b>	Local Environmental Plan
<b>LGA</b>	Local Government Area
<b>NPW Act</b>	NSW <i>National Parks and Wildlife Act 1974</i>

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<b>PBP 2019</b>	<i>Planning for Bushfire Protection 2019</i>
<b>PMF</b>	Probable Maximum Flood
<b>Public Authority</b>	Government departments, statutory bodies and registered non-government schools pursuant to Schedule 1 of the EP&A Regulation.
<b>REF</b>	Review of Environmental Factors
<b>RF Act</b>	<i>Rural Fires Act 1997</i>
<b>RFS</b>	NSW Rural Fire Service
<b>RNS</b>	Registered Non-government schools
<b>SEPP</b>	State Environmental Planning Policy
<b>SES</b>	State Emergency Services
<b>SIS</b>	Species Impact Statement
<b>TfNSW</b>	Transport for NSW
<b>WM Act</b>	<i>Water Management Act 2000</i>