



City of Parramatta Council	
File No:	DA/881/2016

SECTION 79C ASSESSMENT REPORT – THE HILLS LEP 2012

Environmental Planning & Assessment Act 1979

SUMMARY

DA No:	DA/881/2016
Property:	Nos. 87-129 Pennant Hills Road, NORTH PARRAMATTA NSW 2151, The Kings School. Lot 1 DP 59169, Lot A DP 329288, Lot B DP 329288, Lot A DP 321595, Lot 2 DP 235857, Lot 1 DP 64765, Lot 1 DP 57491, Lot 1 DP 581960, Lot 10 DP 812772
Proposal:	Alterations and refurbishment to an existing boarding house with associated external landscaping works at The Kings School. The proposal constitutes "Integrated Development" under Section 91 of the Environmental Planning and Assessment Act 1979 as a Bushfire Safety Authority is required under Section 100B Rural Fires Act 1997. The application is to be determined by the Sydney West Central Planning Panel.
Date of receipt:	20 September 2016
Applicant:	Mr D Berents
Owner:	Council of the Kings School
Property owned by a Council employee or Councillor:	The site is not known to be owned by a Council employee or Councillor
Political donations/gifts disclosed:	None disclosed on the application form
Submissions received:	1
Recommendation:	Approval
Assessment Officer:	Reinah Urqueza

LEGISLATIVE REQUIREMENTS

Relevant legislation/policies	<ul style="list-style-type: none"> State Environmental Planning Policy No. 55 – Remediation of Land; The Hills Local Environmental Plan 2012; and The Hills Development Control Plan 2012
Zoning	SP2 - Infrastructure (Educational Establishment)
Bushfire Prone Land	Yes
Heritage	No
	<p>The subject site is in the vicinity of heritage items of local significance known as the “Gowan Brae Group” which comprises of Gowan Brae House, Kings School Chapel, gatehouse and fence, aviary, fountain, rotunda, The Cedars, grave, 19th Century driveways and stables, iron palisade fence, horseshoe bridge/dam and roadway.</p> <p>The subject building has no heritage significance.</p>
Heritage Conservation Area	No
Integrated development	Yes
Clause 4.6 variation	Yes - Height
	<p>The proposal has a maximum height of 10.3 metres. This presents a departure of 1.3 metres and a variation of 14.4% to the development standard.</p>
Delegation	Sydney West Central Planning Panel

RELEVANT DEVELOPMENT HISTORY OF THE SITE

9 April 2013	Development application (DA/818/2013/HC) was approved for the alterations and additions to the existing boarding house (Forrest House) within The Kings School.
21 February 2014	Development application (DA/633/2014/HC) was approved for the alterations and additions to the existing boarding house (Baker House) within The Kings School.
14 July 2015	Development application (DA/1239/2015/HC) was approved for the alterations and additions to the existing boarding house (Waddy House) within The Kings School.

SITE DESCRIPTION AND CONDITIONS

The proposed development is located on the current Bishop Barker site within The Kings School. The site has a total area of 113.395 hectares. The Bishop Barker site is located north-west of the Waddy Boarding House. The educational establishment adjoins bushland to the north. The immediate area is characterised by existing residential development that provides accommodation to students and staff associated with the school to the east, west and south (beyond Pennant Hills Road).

The Kings School site is listed as having local heritage significance pursuant to The Hills LEP 2012 and contains items of heritage significance known as the “Gowan Brae Group”, which comprises of:

- Gowan Brae House;
- Kings School Chapel, Gatehouse and fence
- Aviary;
- Fountain;
- Rotunda;
- The Cedars;
- Grave;
- 19th century driveways and stables
- Iron palisade fence; and
- Horseshoe bridge/dam and roadway.



Figure 1: Aerial photograph of the subject proposal site in its context.



Figure 2: Extract of Site Plan showing proposal site.



Figure 3: Bishop Barker site.



Figure 4: Existing condition of Bishop Barker House and its surrounds.



Figure 5: Adjoining bushland.

SECTION 79C EVALUATION

THE PROPOSAL

The proposed development involves alterations and refurbishment works to the existing boarding house, known as the Bishop Barker House, at The Kings School.

The proposal involves partial demolition of the existing two storey building and retention of the primary existing footprint. The proposed extensions and additions to the existing building for the provision of 18 additional bedrooms and ancillary rooms are outlined as follows:

North-East (New two-storey addition)	
Lower Ground Floor	Two (2) bedroom unit
Ground Floor	Common room
East (New three-storey addition)	
Lower Ground Floor	Laundry sorting area, and bathroom with showers
Ground Floor	Four (4) bedrooms, study area and new stairs
First Floor	Four (4) bedrooms, one-bedroom unit for staff accommodation and new stairs
South-West (New two-storey addition)	
Ground Floor	Three (3) bedrooms and new stairs
First Floor	Two (2) bedrooms, breakout space and new stairs
West (New two-storey addition)	
Ground Floor	Two (2) bedrooms, bathrooms with showers and new stairs
First Floor	One-bedroom unit for staff accommodation and new stairs
Central (New two-storey additions)	
Ground Floor	North: extension of breakout space South: extension of entry/foyer area
First Floor	Void above both extension areas

The refurbishment includes the replacement of the existing roof, retention of the predominate two storey form with the inclusion of a part three storey element on the north-eastern portion of the building. The maximum proposed building height is 10.3 metres. The proposal would also involve tree removal and associated external landscaping works.

Resurfacing of the existing driveway and construction of a new driveway comprising of a drop off area, and four new car parking spaces as well as one accessible car parking space also forms part of this application.

The proposal is identified as "Integrated Development" under Section 91 of the Environmental Planning and Assessment Act 1979 as a Bushfire Safety Authority is required under Section 100B of the Rural Fires Act 1997. The Bushfire Attack Level relevant to the proposal is BAL 29.

The current Boarding House accommodates a total of 66 students. The proposed alterations and additions to Bishop Barker House will be able to accommodate a total of 85 students.

Clause 6(b) in Schedule 4A of the Environmental Planning and Assessment Act, 1979 requires private infrastructure and community facilities over \$5 million to be assessed by a regional panel exercising the consent authority functions of councils. The proposed development has a Capital Investment Value of \$7,767,058.



Figure 1 - Aerial Perspective – North-East



Figure 2 – South-East Perspective

PERMISSIBILITY

The site is zoned SP2 Infrastructure (Educational Establishment) under The Hills Local Environmental Plan 2012. Development for the purposes of an educational establishment is permissible with the SP2 Infrastructure zone.

The proposal constitutes ancillary works to an existing educational establishment and as such, is permissible with consent.

ENVIRONMENTAL PLANNING INSTRUMENTS

STATE ENVIRONMENTAL PLANNING POLICY 55 – REMEDIATION OF LAND

Pursuant to *Clause 7 – Managing Land Contamination Planning Guidelines* in State Environmental Planning Policy No. 55 – Remediation of Land, a preliminary investigation for the potential contamination of the of the land was required to be carried out which investigated proposed areas to be development including landscaped areas, driveways and new building footprint.

Historical aerial photographs of the subject site reveal the site was extensively covered by bushland and was used for agricultural purposes. Circa 1986, The Kings School appeared to have established several buildings in which agricultural activities diminished. The greater locality simultaneously developed for residential and commercial purposes. Aerial photographs from 1994 reveal the inclusion of new buildings within the Kings School site which has remained to be substantially the same to date.

A Phase 1 Contamination Report prepared by GeoEnviro Consulting was submitted and reviewed by Council's Senior Environmental Health Officer. The findings of the report indicate the following:

- The subject site is suitable for the intended use;
- The subject site did not appear to have been subjected to potentially contaminating activities; and
- There may be potential for asbestos contamination below concrete slabs which are recommended to be removed and disposed of in accordance with EPA NSW and WorkSafe NSW guidelines.

Advice was received from Council's Senior Health Environmental Officer indicating that the proposal can be supported, subject to conditions of consent. These recommendations have been incorporated in the conditions of consent for the development application.

The development is consistent with the provisions contained within the SEPP.

SYDNEY REGIONAL ENVIRONMENTAL PLAN (SYDNEY HARBOUR CATCHMENT) 2005 (DEEMED SEPP)

The site is not located on the foreshore or adjacent to a waterway and therefore, with the exception of the objective of improved water quality, the objectives of the SREP are not applicable to the proposed development.

The development is consistent with the controls contained with the deemed SEPP.

STATE ENVIRONMENTAL PLANNING POLICY (INFRASTRUCTURE) 2007

The provisions of SEPP (Infrastructure) 2007 have been considered in the assessment of the development application.

The application is not subject to Clause 45 of the SEPP as the development does not propose works within the vicinity of electricity infrastructure that trigger a written referral to the energy authority.

The application is not subject to Clause 85, 86 and 87 of the SEPP as the site is not adjacent to an existing rail corridor or the North West Rail Corridor (under construction).

The application is not subject to Clause 101 of the SEPP as the site does not have immediate frontage to a classified road.

The application is not subject to Clause 102 of the SEPP as the subject building does not have a frontage to a road with an average daily traffic volume of no more than 40,000 vehicles. The subject building is in excess of approximately 630 metres from Pennant Hills Road.

COMPLIANCE TABLE – LOCAL ENVIRONMENTAL PLAN

On 12 May 2016, Local Government (City of Parramatta and Cumberland) Proclamation 2016 was gazetted; creating the City of Parramatta. The Hills Local Environmental Plan 2012 still applies to the land previously within The Hills Shire Council.

The relevant matters to be considered under The Hills Local Environmental Plan 2012 for the proposed development are outlined below.

Development standard	Compliance
Minimum lot size	N/A The proposal does not involve subdivision.
Height of Buildings Allowable – 9 metres Proposed – 10.3 metres Variation – 1.3 metres (14.4%)	No – refer to Clause 4.6 discussion below.
Floor Space Ratio There are no floor space ratio restrictions applicable to the site.	N/A Total GFA: 1,908m ² Lower Ground: 141m ² Ground Floor: 958m ² First Floor: 809m ²
Discussion Clause 4.6 Exceptions to Development Standards A written request under the provisions of <i>Clause 4.6 Exceptions to Development Standards</i> was lodged with the application. The development proposes a building height of 10.3 metres, which exceeds the maximum height by 1.3 metres prescribed by <i>Clause 4.3 Height of Buildings</i> in The Hills Local Environmental Plan 2012. This represents a 14.4% variation to the development standard. The applicant has submitted the following justification for the variation to the building height requirement of The Hills Local Environmental Plan 2012 as follows: <ul style="list-style-type: none"> <i>There are three points where the maximum building height of the proposed additions exceeds the maximum 9 metre height resulting in non-compliances. The first two are at the existing wings running North to South where the ridge of the new proposed roof is to be increased to match roofs elsewhere in the school and specifically Broughton Forrest House and Baker Hake House, reaching a maximum height of 9.2</i> 	

metres measured from ground to the ridge of the new roof (some 0.6 higher than the tallest point of the building);

- *The third non-compliance appears at the East wing extension. This extension maintains the existing ridge height of the existing East wing but due to the steep sloping existing ground results in a maximum height of 9.95 metres on the East elevation (from roof ridge to existing ground level). All three non-compliances relate to the shape of the roofs which correspond and are consistent with the architectural language of the school and the recently completed Boarding Houses;*
- *The house proximity to Wade Road to the South and to the existing Master's residence to the North West in conjunction with the building footprint configuration results on specific constraints when assessing the areas for extension. The open space available to the North and East are presented as the most suitable direction for the extension. The height difference between the existing external ground level provides the opportunity to incorporate part of the brief in a lower ground, making sensible use of the topographic conditions while still relating in the principles established in the recent building upgrades surrounding it. As a result, it will become part of a visually cohesive group of 'modern' school buildings. While the height of the proposed building exceeds 9 metres at the indicated locations, the upgraded building mass will still be perceived as a 2 storey building from Wade Road. The 3 storey parts of the building are visible only when approached from the bush track (Northeast), which is transited occasionally by the Boarders. No overshadowing impact, visual impact or loss of privacy on near constructions or open spaces will result from the non-compliances.*
- *In accordance with the HLEP 2012, the proposed roof elements are in line with the parameters established in Clause 5.6 – Architectural Roof Features:*
 - “(1)(a) to allow architectural roof features that will integrate with building composition and form and encourage a high quality built form;*
 - (2) Development that includes an architectural roof feature that exceeds, or causes a building to exceed, the height limits set by Clause 4.3 may be carried out, but only with development consent;*
 - (3)(a)(i) comprises a decorative element on the uppermost portion of a building, and*
 - (iii) does not include floor space area and is not reasonably capable of modification to include floor space area, and*
 - (iv) will cause minimal overshadowing.”*
- *The proposed development is totally within the Kings School grounds and is not visible from any neighbouring properties; therefore the non-compliances in relation to height have no adverse impact on surrounding neighbours.*

Planner's Comments:

Pursuant to Clause 4.6(4)(a)(i) of The Hills Local Environmental Plan 2012, it is considered that the applicant's written request to vary the maximum building height of 9 metres is satisfactory for the following reasons:

- The proposed building has a maximum height of 10.3 metres, which presents a 14.4% departure to the development standard. The roof form presents an architectural style that is consistent with the adopted architectural style and design

language of the school.

- The roof form is desired in order to integrate with the prevailing roof forms and architectural style of the existing campus. The school consists of other Boarding Houses which have been approved with a departure to the height control of 9 metres. Notwithstanding, the proposed boarding house building is isolated from other buildings on campus by bushland and would not result in adverse impacts on adjoining properties.
- The subject building is located approximately 500 metres from Pennant Hills Road. Given the existing topography and vegetation, the proposal would not be visible from Pennant Hills Road or adjoining residential properties. The building would not be visible to the public but to people associated with the school only.
- There is no public benefit in maintaining the development standard as proposed. The departure from the maximum building height is acceptable in the circumstances given the underlying objectives are achieved and would not set an undesirable precedent for future development in the locality.

Having regard to the above, the variation sought with the development standard would not compromise the public interest. There are sufficient planning grounds to warrant support for a variation to the maximum building height. In this regard, full compliance with the development standard is considered to be unreasonable and unnecessary in this instance.

Clause 4.6(3)(b) requires a variation sought to be based on sufficient environmental planning grounds in order to justify contravening the development standard. Despite the non-compliance with the maximum building height control, the proposal remains consistent with the objectives of the zone and has demonstrated the following:

- The subject building is located within The Kings School campus. Buildings maintain substantial separation both within the campus and from buildings on adjoining sites. As such, the variation to the maximum height would not unreasonably impact on the privacy and solar access of adjoining buildings and adjoining properties.
- The proposed development would be consistent with the existing bulk and scale of buildings as well as the architectural design language located within the Kings School campus. The variation to height would not be dissimilar to other buildings on the campus which have also been approved to vary the height control.
- The variation would not adversely impact on the quality of the heritage items located in the vicinity to the proposed works and provide a visual distinction of older buildings and contemporary development.

The proposed development responds to the site and does so without compromising its relationship with the built environment. It is considered compliance with the development standard is unreasonable and unnecessary in this instance and as such, the departure can be supported.

Development on land intended to be acquired for public purposes.	The proposal is not identified on the map.
Architectural roof features	An architectural roof feature is not proposed.
Development below mean high water mark	The proposal is not for the development of land that is covered by tidal waters.

Preservation of trees	<p>Yes</p> <p>The application was accompanied with an Arboricultural Impact Assessment Report. The report detailed the significance of trees located within the subject site which include species of Hinterland Sandstone Gully Forest as well as Turpentine Ironbark Forest. The recommendations outlined in the report have been reviewed by Council's Landscape Officer who endorses the recommendations for removal of one hundred and twenty-five (125) trees and retention of sixty-four (64) trees.</p> <p>Further, the site is subject to 10/50 vegetation clearing. A Bushfire Hazard Assessment Report was submitted with the application and referred to NSW Rural Fire Services, in which concurrence was established.</p>
Heritage Conservation	<p>Yes</p> <p>According to the Heritage Item and heritage conservation maps the subject building is not a heritage item or within a heritage conservation area. Notwithstanding, the proposal is located within The Kings School which contains several heritage listed items of local significance. The proposal was reviewed by Council's Heritage Advisor who considers that ample separation is provided to ensure that new works do not detract from the setting of nearby heritage items.</p>
Aboriginal Places of Heritage significance	<p>Yes</p> <p>Conditions shall be imposed to ensure that if during works any evidence of European or Aboriginal archaeological relics found, all works on site are to cease and the Office of Environment and Heritage be contact immediately. All relics are to be retained in situ unless otherwise directed by the Office of Environment and Heritage.</p>
Acid sulphate soils	<p>Yes.</p> <p>An Acid Sulphate Soils Management plan is not required to be prepared.</p>
Earthworks	<p>Council's Development Engineer has reviewed the application and considers that the proposed earthworks are satisfactory.</p>

Flood planning	The site is not identified by council as being flood prone.
Biodiversity protection	The site is not identified on this map
Water protection	The site is not identified on this map
Development on landslide risk land	The site is not identified on this map.
Affected by a Foreshore Building Line	The site is not located in the foreshore area.
Bushfire Prone Land	<p>Yes</p> <p>The development application was referred to NSW Rural Fire Service as an Integrated Development pursuant to Section 91(1) of the Environmental Planning and Assessment Act 1979 as a Bushfire Safety Authority is required under the Rural Fires Act 1997. On 4 January 2017, concurrence was received from the RFS.</p>

COMPLIANCE TABLE – DEVELOPMENT CONTROL PLAN

On 12 May 2016, Local Government (City of Parramatta and Cumberland) Proclamation 2016 was gazetted; creating the City of Parramatta. The Hills Development Control Plan 2012 still applies to the land previously within The Hills Shire Council.

There are limited design or development controls relating to educational establishments in The Hills Development Control Plan 2012.

The relevant matters to be considered under The Hills Development Control Plan for the proposed development is outlined below:

Part C Section 1 – Parking

Part C Section 1 – Parking, requires that car parking be provided at the following rate for an educational establishment:

*“1 space per employee, plus
1 space per 8 year 12 students, plus
1 space per 30 students enrolled for visitors and/or parent parking”*

Planner’s Comment:

The current Boarding House accommodates a total of 66 students. The proposed alterations and additions to Bishop Barker House would accommodate a total of 85 students.

It is noted that the proposed development would permit an additional 20 students to board at the existing Bishop Barker House. No additional car parking requirements are proposed as the additional students being accommodated at the Bishop Barker House are existing students of The Kings School who already reside on campus.

The refurbishment of Bishop Barker House would result in a completed House called Bishop Barker Harris House, which incorporates the existing students from Bishop Barker House and existing students from the old Harris House, which in turn would be converted into a day boy house.

Two existing staff car parking spaces would be relocated to a new parking area, north-east of the building, adjacent to the existing carport.

As part of the proposal, one accessible car space would be provided within the new parking area to be connected to the main building entry via a footpath.

An additional four (4) new parking bays would also be provided to the west of the building.

The provision of car parking is supported by Council's Traffic Engineer.

Part C Section 4 – Heritage

The proposal has been assessed having regard to the provisions of Section 3.5 'Development in the Vicinity of a Heritage Item' in Part C Section 4 – Heritage The Hills Development Control Plan 2012.

Council's Heritage Advisor had reviewed the proposal and outlined that there is satisfactory separation to ensure that the new works do not detract from the setting of the nearby heritage item (Rotunda) and views to and from the item will not be obstructed.

The proposed boarding house building would be suitably screened by existing established vegetation and is located a satisfactory distance from the Rotunda. The new building would not overshadow the heritage item or impact on its significance. Therefore, the proposal is considered satisfactory from a heritage viewpoint.

REFERRALS

Section	Comments
Internal Referrals	
Landscaping & Tree Management Officer	<p>One hundred and twenty-five (125) trees are proposed to be removed as part of this application. While a large amount of tree removal is proposed, most of the removal comes under the 10/50 regulations as the site is located in a Category 1 & 2 bush fire prone area. Therefore, the tree removal is exempt from Council approval.</p> <p>Tree Nos. : 1393-1396, 1398-1400, 1476, 1477, 1479-1494, 1496-1502, 1508-1515, 1517, 1533-1540, 2294, 2296, 2297, 2299-2305, 2310-2313, 2703-2722, 2727-2730, 2732, 2737, 2740-2748, 2750-</p>

	<p>2757, 2760-2777, 2780 and 2785-2787 are approved for removal.</p> <p>There are sixty-four (64) trees to be retained/protected, plus replacement tree planting as a part of the landscape proposal for the site.</p> <p>As such, no objections are raised subject to the imposition of recommended conditions.</p>
Engineering	Revised stormwater plans have been submitted and reviewed. It is considered the development can be supported subject to the impositions of recommended conditions.
Traffic Management	No objections are raised subject to the imposition of recommended conditions.
Heritage Advisor	<p>Council's Heritage Advisor has outlined that the immediate site of the proposed development is not of heritage interest in its own right. However, the site is located within the vicinity of components of which are listed items in The Hills LEP 2012 to be of local heritage significance, and in the vicinity of Lake Parramatta Reserve which is a listed item in the PLEP 2011.</p> <p>In any case, given the separation between buildings, and given their disposition, it is deemed that significant views will not be impacted.</p> <p>Based on the above, no objections from heritage perspective were raised.</p>
Waste Management	No objections are raised to the proposed development subject to the imposition of conditions.
Waste Management (Contamination)	The Phase 1 Preliminary Contamination Report was submitted and reviewed. It is considered the proposal can be supported subject to the imposition of recommended conditions.
External Referrals	
Rural Fire Service	The proposal is identified as "Integrated Development" under Section 91 of the Environmental Planning and Assessment Act 1979 as a Bushfire Safety Authority is required under Section 100B of the Rural Fires Act 1997. Approval has been granted by NSW RFS with the imposition of nominated conditions.

PUBLIC CONSULTATION

On 12 May 2016, Local Government (City of Parramatta and Cumberland) Proclamation 2016 was gazetted; creating the City of Parramatta. In accordance with Clause 18 Local Government (City of Parramatta and Cumberland) Proclamation 2016, “anything done or omitted to be done by a former council and having any force or effect immediately before the amalgamation day continues to have effect as if it had been done or omitted to be done by the new council.” Therefore the notification policies and procedures of the former Council apply to this property.

The application was notified in accordance with the notification procedures contained within *The Hills DCP 2012 – Part A: 3 Advertising and Notification* between 5 October 2016 and 26 October 2016. In response 1 submission was received. The issue raised within the submission is addressed below.

1. The submission requested that a condition be imposed requiring all vehicles associated with the proposal enter and exit The School’s property via Pennant Hills Road and not Masons Drive which would disrupt The Council of Tara Anglican School.

Planner’s Comment:

It is considered that the submission received is reasonable, and as such, a condition of consent is recommended to be imposed to for vehicles associated with the construction phase of the proposed development enter and exit via the Kings School entrance on Pennant Hills Road.

Amended Plans

N/A

OTHER MATTERS

N/A

DEVELOPMENT CONTRIBUTIONS – The Hills Shire Contributions Schemes

On 12 May 2016, Local Government (City of Parramatta and Cumberland) Proclamation 2016 was gazetted; creating the City of Parramatta. In accordance with Clause 18 Local Government (City of Parramatta and Cumberland) Proclamation 2016, “anything done or omitted to be done by a former council and having any force or effect immediately before the amalgamation day continues to have effect as if it had been done or omitted to be done by the new council.” Therefore the notification policies and procedures of the former Council apply to this property.

Does The Shire Wide Section 94A Contribution Plan apply to the subject site?	No
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OTHER SECTION 94 CONTRIBUTION PLAN REQUIREMENTS	
What Contribution Plan No. is applicable to the subject land?	07B. The Hills Section 94 Contributions Plan CP7 – North Rocks/Oatlands/Carlingford
Is a Section 94 Contribution required to be paid for this development proposal?	Yes
If “yes”, has a Section 94 Part File Referral been sent for a contribution calculation?	Yes
What is the total Section 94 Contribution Required?	\$28,878.20

The subject site is located within 07B CP7 – North Rocks/Oatlands/Carlingford Precinct and as such, The Hills Contribution Plan No. 7 applies to the site. The Hills Contribution Plan No. 7 provides no exemptions to any development on land identified within this precinct.

BONDS

On 12 May 2016, Local Government (City of Parramatta and Cumberland) Proclamation 2016 was gazetted; creating the City of Parramatta. In accordance with Clause 18 Local Government (City of Parramatta and Cumberland) Proclamation 2016, “anything done or omitted to be done by a former council and having any force or effect immediately before the amalgamation day continues to have effect as if it had been done or omitted to be done by the new council.”

In accordance with The Hills Shire Council 2016/2017 Schedule of Fees and Charges, the developer will be obliged to pay Security Bonds to ensure the protection of civil infrastructure located in the public domain adjacent to the site.

EP&A REGULATION 2000

Applicable Regulation considerations including demolition, fire safety, fire upgrades, compliance with the Building Code of Australia, compliance with the Home Building Act, PCA appointment, notice of commencement of works, sign on work sites, critical stage inspections and records of inspection have been addressed by appropriate consent conditions, refer to Appendix 4.

CONCLUSION

Conditional consent

After consideration of the development against Section 79C of the Environmental Planning and Assessment Act 1979, and the relevant statutory and policy provisions, the proposal is suitable for the site and is in the public interest. Therefore, it is recommended that the application be approved subject to conditions.

RECOMMENDATION

Pursuant to Section 80(1) of the Environmental Planning and Assessment Act, 1979

A APPROVAL SUBJECT TO CONDITIONS

- a) **That** Sydney West Central Planning Panel (SWCPP) support the Clause 4.6 – Exceptions to Development Standards in respect to the maximum height of buildings pursuant to Clause 4.3 Height of Buildings under The Hills Local Environmental Plan 2012;
- b) **That** Sydney West Central Planning Panel (SWCPP) grant development consent to DA/881/2016 for a period of five (5) years within which physical commencement is to occur from the date on the Notice of Determination, subject to conditions of consent; and
- c) **That** those who have made a submission be advised of SWCPP's decision.