

## COUNCIL ASSESSMENT REPORT

<b>Panel Reference</b>	2019CCI025
<b>DA Number</b>	1451/2019/JP
<b>LGA</b>	The Hills Shire Council
<b>Proposed Development</b>	Demolition of Existing Classroom Facilities, Construction of a Multi-Storey Classroom Building and Associated Works.
<b>Street Address</b>	Lot 1 DP 1073292, Lots 47-51 DP 10049 19-37 Marie Street Castle Hill
<b>Applicant</b>	Catholic Education Diocese of Parramatta C/- DFP Planning
<b>Owner</b>	Trustees Roman Catholic Church Diocese Parramatta
<b>Consultant/s</b>	DFP Planning Vista Access Architects Mark Bury Consulting Stanbury Traffic Planning Stanton Dahl Architects Inviewdesign Andrew Starr and Associates Heritage Consultants PKA Acoustic Consulting AED Group Wilde and Woollard Northrop
<b>Date of DA lodgement</b>	29 March 2019
<b>Number of Submissions</b>	6 submissions
<b>Recommendation</b>	Approval subject to conditions
<b>Regional Development Criteria (Schedule 7 of the SEPP (State and Regional Development) 2011</b>	CIV exceeding \$5 million (\$19,464.00) for educational establishments
<b>List of all relevant s4.15(1)(a) matters</b>	<ul style="list-style-type: none"> <li>• State Environmental Planning Policy (State and Regional Development 2011)</li> <li>• State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017</li> <li>• State Environmental Planning Policy No. 64 – Advertising and Signage</li> <li>• State Environmental Planning Policy No. 55 – Remediation of Land</li> <li>• The Hills Local Environmental Plan 2012</li> <li>• DCP 2012 Part C Section 1 – Parking</li> <li>• DCP 2012 Part C Section 3 – Landscaping</li> </ul>
<b>List all documents submitted with this report for the Panel's consideration</b>	<ul style="list-style-type: none"> <li>• Clause 4.6</li> <li>• Submissions</li> </ul>
<b>Report prepared by</b>	Hugh Halliwell Senior Town Planner
<b>Report date</b>	12 December 2019

### Summary of s4.15 matters

Have all recommendations in relation to relevant s4.15 matters been summarised in the Executive Summary of the assessment report? **Yes**

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### Legislative clauses requiring consent authority satisfaction

Have relevant clauses in all applicable environmental planning instruments where the consent authority must be satisfied about a particular matter been listed, and relevant recommendations summarized, in the Executive Summary of the assessment report? **Yes**  
*e.g. Clause 7 of SEPP 55 - Remediation of Land, Clause 4.6(4) of the relevant LEP*

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### Clause 4.6 Exceptions to development standards

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

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### Special Infrastructure Contributions

Does the DA require Special Infrastructure Contributions conditions (S7.24)? **No**  
*Note: Certain DAs in the Western Sydney Growth Areas Special Contributions Area may require specific Special Infrastructure Contributions (SIC) conditions*

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### Conditions

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

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## EXECUTIVE SUMMARY

The Development Application is for the demolition of existing classroom facilities, construction of a multi-storey classroom building and associated works.

The application is made under the provisions of State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017. The subject site, known as 19-37 Marie Street Castle Hill, in Lot 1 Deposited Plan 1073292, Lots 47-51 Deposited Plan 10049, is zoned R2 Low Density Residential Zone under The Hills Local Environmental Plan 2012 (THLEP 2012). The site adjoins low density housing to the south and adjoins an R3 Medium Density Residential zone to the north and east.

The site has a maximum building height of 9 metres under THLEP 2012. The Development Application is accompanied by a request to vary development standard Clause 4.3 height of Buildings under Clause 4.6 of THLEP 2012. The proposal seeks consent for a maximum building height of 13.5m, which is a variation to height for an exceedance of up to 50% (4.5m) to the development standard.

The site is identified as being an item of environmental heritage pursuant to Schedule 5 of LEP 2012. The item of environmental heritage is relates to the main building (now Block A) and the landscape, picturesque setting, which includes a well treed ridge, including two large Norfolk Island pine trees. As well, large Bunya pines in the garden, along the driveway and Marie Street contribute to the significance of the environmental heritage item.

The proposal has given due consideration to the design quality principles under Schedule 4 of SEPP (Educational Establishments and Child Care Facilities) 2017. This assessment has found the proposal to be consistent with these design principles.

The development has demonstrated consistency with the existing streetscape and residential character of the locality and zone objectives. The built form will remain consistent with the existing character of the residential area. The development will present as two storeys from Marie Street ensuring a consistent bulk and scale with the surrounding area. Existing landscape setting will be complemented with further landscaping to soften the built form from the public domain.

The application was notified for a period of 14 days with a total of six (6) submissions being received during the notification period. The key issues raised in these submissions include: traffic and congestion impacts, safety impacts associated with builders on-site, impacts on the heritage listed item, access into private properties being affected by cars being illegally parked, acoustic impacts associated with a school audio system, and general safety concerns associated with additional vehicles.

The accompanying Clause 4.6 request to vary a development standard is considered to be well-founded.

The Development Application is recommended for approval subject to conditions of consent.

## **BACKGROUND**

The subject Development Application was lodged on 29 March 2019. The proposal was notified for 14 days and six submissions were received during the notification period.

Throughout the assessment of the application, several requests for information have been issued to the applicant. These requests for information have related to the following matters: addressing the impacts of the heritage item, providing additional information with regards to stormwater management and on-site detention detail, vehicular access, landscaping requirements, acoustic impacts, capacity of the school hall from a fire safety perspective, traffic/parking impacts, visual impact associated with the built form and height. It was also requested that the applicant address the issues contained within the submissions.

A meeting was held between Council staff and the applicant including relevant consultants on 6 June 2019 to discuss the outstanding issues. Amended plans and additional technical information has been subsequently submitted at different stages of the assessment.

The Sydney Central City Planning Panel was briefed on 28 August 2019.

The applicant has responded to Council staff requests for information with amendments, which form the basis of this assessment. These amendments have satisfactorily addressed the abovementioned issues.

## **DETAILS AND SUBMISSIONS**

Owner:	Trustees Roman Catholic Church Diocese Parramatta
Zoning:	R2 Low Density Residential
Area:	110,678 m <sup>2</sup>
Existing Development:	Educational Establishment ("Gilroy College")
Section 7.12 Contribution:	\$184,640.00
Exhibition:	N/A
Notice Adj Owners:	Yes, 14 days
Number Advised:	79
Submissions Received:	Six submissions

## **PROPOSAL**

The Development Application is for works to an existing educational establishment ("Gilroy College") seeks consent for the following:

- Demolition of existing Block G and demountable building;
- Construction of a new part two (2) part (3) storey building to provide 16 classrooms/general learning areas with associated amenities and services (new Block G);
- Demolition of existing car park, and construction of a new car park with lighting and landscaping to provide 123 new car spaces;
- Tree removal;
- Business identification signage (2.15m in height x 2.45m in width)
- Mural wall on the western side of Block G establishing a gateway to the campus;
- Associated landscaping; and
- An increase in the student numbers from 1,209 to 1,380 and increase in staff numbers from 80 to 100.

## 1. Compliance with SEPP (State and Regional Development) 2011

Schedule 7 of SEPP (State and Regional Development) 2011 specifies the referral requirements to a Planning Panel:

*Development that has a capital investment value of more than \$5 million for any of the following purposes—*

*(a) air transport facilities, electricity generating works, port facilities, rail infrastructure facilities, road infrastructure facilities, sewerage systems, telecommunications facilities, waste or resource management facilities, water supply systems, or wharf or boating facilities, (b) affordable housing, child care centres, community facilities, correctional centres, **educational establishments**, group homes, health services facilities or places of public worship.*

The proposed development has a Capital Investment Value of \$19,464,000 and therefore requires referral to, and determination by, the Sydney Central City Planning Panel.

## 2. Compliance with SEPP No. 55 – Remediation of Land

This Policy aims to promote the remediation of contaminated land for the purpose of reducing the risk of harm to human health or any other aspects of the environment.

Clause 7 of the SEPP states:

*1) A consent authority must not consent to the carrying out of any development on land unless:*

*it has considered whether the land is contaminated, and*

*if the land is contaminated, it is satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for the purpose for which the development is proposed to be carried out, and*

*if the land requires remediation to be made suitable for the purpose for which the development is proposed to be carried out, it is satisfied that the land will be remediated before the land is used for that purpose.*

The proposed development is for the construction of two buildings comprising multistorey classrooms to replace existing school buildings and the extension of an existing car parking fronting Marie Street. The site has been used for the purposes of a school for almost 100 years. The use of the site for a school and associated uses are unlikely to have involved any

activities that would have contaminated the site such that it would now be unsuitable for the proposed development. Notwithstanding, condition No. 50 has been recommended in the consent requiring that ground conditions are to be monitored and should evidence such as, but not limited to, imported fill and/or inappropriate waste disposal indicate the likely presence of contamination on site, works are to cease, Council's Manager – Environment and Health is to be notified and a site contamination investigation is to be carried out in accordance with State Environmental Planning Policy 55 – Remediation of Land. In this regard, it is considered that the site is suitable for the proposed development with regard to land contamination and the provisions of SEPP 55.

### 3. Compliance with SEPP No 64 – Advertising and Signage

The application seeks consent for a business identification sign made under SEPP No 64 – Advertising and Signage.

*“A consent authority must not grant development consent to an application to display signage unless the consent authority is satisfied:*

- (a) that the signage is consistent with the objectives of this Policy as set out in clause 3 (1) (a), and*
- (b) that the signage the subject of the application satisfies the assessment criteria specified in Schedule 1.”*

Clause 3(1) of SEPP 64 states the following:

- (a) to ensure that signage (including advertising):*
  - (i) is compatible with the desired amenity and visual character of an area, and*
  - (ii) provides effective communication in suitable locations, and*
  - (iii) is of high quality design and finish, and*

The proposed signage is 2.15m in height by 2.45m in width which is modest in scale and is positioned so that it will not have an adverse impact on the amenity or visual character, in particular to those residential properties adjacent to the site to the north and west. The illuminated sign contains the wording “Gilroy Catholic College”, and is located above the school cola and gathering area accessed via the bus bay school entrance. The proposal provides a method of effective communication that will clearly identify the site for students, staff and visitors of the site. As noted above, the location is not unreasonable and discrete, so not to impact upon the visual character and amenity of the area. The design and finish is of a high-quality compared to existing signage on-site.

#### Schedule 1 - Assessment Criteria

Assessment Criteria	Proposal	Compliance
<b>Character of the Area</b>  Is the proposal compatible with the existing or desired future character of the area or locality in which it is proposed to be located?  Is the proposal consistent with a particular theme for outdoor advertising in the area or locality?	The proposed sign will remain compatible with the existing and desired future character of the site and wider locality. It is noted that signage exists along the Marie Street frontage at the existing bus bay. The signage will improve identification of the school from the public domain and positively contribute to the school site and for visitors to the school.	Yes

	The sign is consistent with the existing signage on-site, including other signage for St Gabriels School located on Old Northern Road.	
<b>Special areas</b>  Does the proposal detract from the amenity or visual quality of any environmentally sensitive areas, heritage areas, natural or other conservation areas, open space areas, waterways, rural landscapes or residential areas?	The proposal is of a modest scale in relation to larger development. As such, the sign will not detract from the amenity or visual quality of the residential area, including the existing heritage item to the south.	Yes
<b>Views and vistas</b>  Does the proposal obscure or compromise important views?  Does the proposal dominate the skyline and reduce the quality of vistas?  Does the proposal respect the viewing rights of other advertisers?	The sign will not detract from existing views and vistas.	Yes
<b>Streetscape, setting or landscape</b>  Is the scale, proportion and form of the proposal appropriate for the streetscape, setting or landscape?  Does the proposal contribute to the visual interest of the streetscape, setting or landscape?  Does the proposal reduce clutter by rationalising and simplifying existing advertising?  Does the proposal protrude above buildings, structures or tree canopies in the area or locality?	The modest scale of the sign is appropriate for the streetscape, setting and landscape.  The signage will contribute to the visual interest of the streetscape, setting and landscape by helping to identify the school from Marie Street. The design is simple, yet clear in helping to identify the school. The signage will be integrated into the building design, so not to protrude above any buildings.	Yes
<b>Site and building</b>  Is the proposal compatible with the scale, proportion and other	The existing use of the site, being an educational establishment, it is expected that some signage will be proposed to identify the school	Yes

<p>characteristics of the site or building, or both, on which the proposed signage is to be located?</p> <p>Does the proposal respect important features of the site or building, or both?</p> <p>Does the proposal show innovation and imagination in its relationship to the site or building, or both?</p>	<p>from the public domain. The proposed business identification sign will improve the building and overall site by being constructed of high-quality finishes and materials. The sign is seen as compatible with the scale, proportion and other characteristics of the site and new building on which the signage is to be located.</p> <p>The development provides for a high-quality educational establishment and the signage is seen to respect the features of the building, including the importance of the site generally, including the heritage value of Block A.</p>	
<p><b>Illumination</b></p> <p>Would illumination result in unacceptable glare?</p> <p>Would illumination affect safety for pedestrians, vehicles or aircraft?</p> <p>Would illumination detract from the amenity of any residence or other form of accommodation?</p> <p>Is the illumination subject to a curfew?</p>	<p>The proposed business identification sign will be illuminated to identify the school site from the public domain. The illumination is relatively minimal extending to only the lettering of the school name. It is not expected that the illumination will result in unacceptable glare, or adversely affect the safety of pedestrians, vehicles or aircraft. The illumination will be sufficient set back from residential properties and will be screened by existing and proposed vegetation, so to not impact on residential amenity. The illumination is conditioned to be turned off at 9pm, Monday-Sunday.</p>	Yes
<p><b>Safety</b></p> <p>Would the proposal reduce the safety for any public road?</p> <p>Would the proposal reduce the safety for pedestrians or bicyclists?</p> <p>Would the proposal reduce the safety for pedestrians, particularly children, by obscuring sightlines from public areas?</p>	<p>As above, the sign is modest in scale and will not impact on the safety of motorists, cyclists or pedestrians along Marie Street. Sightlines will be maintained, ensuring the safety of pedestrians, particularly children around the school and within the public domain.</p>	Yes

#### **4. Compliance with SEPP (Educational Establishments and Child Care Facilities) 2019**

Clause 35 Schools – development permitted with consent of SEPP (Educational Establishments and Child Care Facilities) 2019 stipulates the following:

*Before determining a development application for development of a kind referred to in subclause (1), (3) or (5), the consent authority must take into consideration:*

- (a) the design quality of the development when evaluated in accordance with the design quality principles set out in Schedule 4, and*
- (b) whether the development enables the use of school facilities (including recreational facilities) to be shared with the community.*

In accordance with the SEPP, the following design quality principles are to be considered:

##### **Principle 1—context, built form and landscape**

- Schools should be designed to respond to and enhance the positive qualities of their setting, landscape and heritage, including Aboriginal cultural heritage. The design and spatial organisation of buildings and the spaces between them should be informed by site conditions such as topography, orientation and climate.*
- Landscape should be integrated into the design of school developments to enhance on-site amenity, contribute to the streetscape and mitigate negative impacts on neighbouring sites.*
- School buildings and their grounds on land that is identified in or under a local environmental plan as a scenic protection area should be designed to recognise and protect the special visual qualities and natural environment of the area, and located and designed to minimise the development's visual impact on those qualities and that natural environment*

The application includes an extensive, detailed landscape design that integrates with the school setting, and complements the existing landscape and residential setting. Further to this, the proposal has been designed to respond to and enhance the existing setting, landscape and heritage of the site. 'Block G' has been designed to ensure a sympathetic scheme in relation to the existing school, including maintaining the spatial organisation of buildings. The buildings have been designed taking into account the site conditions, including topography, orientation and climate.

The supporting landscape design has taken into account the design of the built form, whilst positively contributing to the on-site amenity, improving the existing streetscape amenity and character, including mitigating any impacts on neighbouring properties. Much of the existing landscaping will be retained to ensure that the proposal will be sympathetic to the existing landscape setting, whilst the built form will be adequately screened from the public domain. The subject site, including school buildings and surrounding grounds are not identified as being located within a scenic protection area.

##### **Principle 2—sustainable, efficient and durable**

- Good design combines positive environmental, social and economic outcomes. Schools and school buildings should be designed to minimise the consumption of energy, water and natural resources and reduce waste and encourage recycling.*

- *Schools should be designed to be durable, resilient and adaptable, enabling them to evolve over time to meet future requirements.*

The proposal provides for a high-quality educational environment for students and teachers. The design of the development has considered the environmental, social and economic outcomes, whilst minimising the consumption of energy, water and other resources. The design maximises solar access with a north facing building, while also ensuring appropriate design methods are implemented to provide shade. The new block provides upgraded and improved learning spaces for students with natural ventilation provided to all learning spaces. A 99KVA solar panel system is also provided on other buildings on the site, which will help minimise the school's environmental impact. Overall, the buildings have been designed to ensure a sustainable, efficient and durable outcome for the school.

### **Principle 3—accessible and inclusive**

- *School buildings and their grounds should provide good wayfinding and be welcoming, accessible and inclusive to people with differing needs and capabilities.*
- *Schools should actively seek opportunities for their facilities to be shared with the community and cater for activities outside of school hours.*

The proposal seeks to actively improve the existing accessibility and the overall sense of inclusiveness. The applicant has noted in their assessment that the existing main entry and bus bay is non-compliant with regards to the relevant accessibility standards and that the proposal seeks to address this. The proposed works, in particular those works at the main entry seek to improve general wayfinding for students, staff and visitors to the school. The design actively improves the openness and accessibility to the site by providing clear paths through 'Block G' and the remaining areas of the school. Accessible compliant amenities are also provided for students, staff and visitors of the school. The proposal has demonstrated compliance with the above.

### **Principle 4—health and safety**

- *Good school development optimises health, safety and security within its boundaries and the surrounding public domain, and balances this with the need to create a welcoming and accessible environment.*

Passive surveillance has been improved with the new proposal providing a safe and secure school environment and public domain for those attending or visiting the school grounds. Improved lighting and increased openness provides for a welcoming and accessible environment. The health of students and staff has been considered by providing large learning and outdoor play areas, both covered and uncovered. As previously noted, improved ventilation and natural light has been incorporated into the design by taking advantage of the northern aspect. Overall, the proposal provides for a significantly improved outcome for students and staff with regards to health and safety.

### **Principle 5—amenity**

- *Schools should provide pleasant and engaging spaces that are accessible for a wide range of educational, informal and community activities, while also considering the amenity of adjacent development and the local neighbourhood.*

- *Schools located near busy roads or near rail corridors should incorporate appropriate noise mitigation measures to ensure a high level of amenity for occupants.*
- *Schools should include appropriate, efficient, stage and age appropriate indoor and outdoor learning and play spaces, access to sunlight, natural ventilation, outlook, visual and acoustic privacy, storage and service areas.*

The school will provide upgraded, high-quality spaces that will deliver pleasant and engaging areas for students and staff for the purposes of educational, informal and community activities. The works include large, expansive learning areas and informal outdoor areas that have considered the amenity of the adjacent development and wider neighbourhood. Separation and extensive landscaping will provide buffering from the school site to adjacent residential properties along Marie Street and wider Castle Hill locality.

The school site is located adjacent to Old Northern Road; however, vehicular and pedestrian access is gained via Marie Street. Nevertheless, the proposal provides for a high level of amenity for students, teachers and visitors, while mitigating any offence noise.

As already noted, the school seeks to provide appropriate indoor and outdoor learning and play spaces, which will receive sufficient solar access, natural ventilation, privacy, storage and service areas.

#### **Principle 6—whole of life, flexible and adaptive**

- *School design should consider future needs and take a whole-of-life-cycle approach underpinned by site wide strategic and spatial planning. Good design for schools should deliver high environmental performance, ease of adaptation and maximise multi-use facilities.*

The school seeks consent for upgrade works which seeks to deliver buildings with a high environmental performance, ease of adaption and maximising multi-use facilities.

#### **Principle 7—aesthetics**

- *School buildings and their landscape setting should be aesthetically pleasing by achieving a built form that has good proportions and a balanced composition of elements. Schools should respond to positive elements from the site and surrounding neighbourhood and have a positive impact on the quality and character of a neighbourhood.*
- *The built form should respond to the existing or desired future context, particularly, positive elements from the site and surrounding neighbourhood, and have a positive impact on the quality and sense of identity of the neighbourhood.*

As previously noted, the proposed building has been designed to relate to the existing setting of the site within the education and residential landscape. The built form responds to the existing context, whilst positively contributing to the site and surrounding neighbourhood. The visual impact of the built form is sympathetic to the locality.

Overall, the development will enable the use of the existing and proposed facilities for the benefit of the community. It is considered that the proposal has satisfactorily demonstrated compliance with regards to the above design principles.

## 5. Compliance with THLEP 2012

The proposed development has been assessed against the relevant development standards and objectives of The Hills LEP 2012 and the following variations have been identified.

DEVELOPMENT STANDARD	REQUIRED	PROPOSED	COMPLIANCE
Clause 4.3 Height of buildings	9 metres	13.5 metres 4.5m or 50% non-compliance.	No – see below.
Clause 4.6 Exceptions of development standards	Exceptions will be considered subject to appropriate assessment.	A variation to Clause 4.3 height of Buildings is proposed and is addressed below.	Yes, refer to discussion below.

### Building height

The proposal is non-compliant with the 9m maximum building height prescribed by clause 4.3 of THLEP 2012. The maximum building height is a development standard, as defined by the *Environmental Planning and Assessment Act 1979* ('**EP&A Act**'), and as such, the provisions of clause 4.6 of THLEP 2012 can be applied.

Pursuant to clause 4.6(2) of THLEP 2012, consent may be granted for development even though the development would contravene a development standard prescribed by an environmental planning instrument. Whilst this clause does not apply to standards expressly excluded from this clause, the maximum building height is not expressly excluded and thus the clause can be applied in this instance.

#### Has the applicant's submission addressed the relevant criteria?

Pursuant to clause 4.6(4)(a) of THLEP 2012, consent can only be granted if the consent authority is satisfied that the applicant's written request to vary the development standard has addressed the criteria of clause 4.6(3) of THLEP 2012. The application is supported by a detailed submission (attached) addressing the provisions of clause 4.6 of THLEP 2012. The submission is considered with regard to the criteria of clause 4.6(3) of THLEP 2012, as follows:

- *That compliance with the development standard is unreasonable or unnecessary in the circumstances of the case,*

Comment: In accordance with the NSW LEC findings in the matter of *Wehbe v Pittwater Council*, one way in which strict compliance with a development standard may be found to be unreasonable or unnecessary is if it can be demonstrated that the objectives of the standard are achieved, despite non-compliance with the development standard. The applicant's submission has satisfactorily demonstrated that the proposal will achieve consistency with the objectives of the building height development standard, and as such strict compliance is considered to be unreasonable and unnecessary in the circumstances of this application.

- *That there are sufficient environmental planning grounds to justify contravening the development standard.*

Comment: In the matter of *Initial Action Pty Ltd v Woollahra Municipal Council* [2018] NSWLEC 118, “environmental planning grounds” were found to refer to grounds that relate to the subject matter, scope and purpose of the EP&A Act, including the objects prescribed by clause 1.3 of that Act. In this regard, the applicant’s submission states that the built form which protrudes the building height plane is located such that it will not cause adverse impacts on the built environment or the amenity of nearby properties. In particular, the proposal is situated away from residential properties to the north and west, across Marie Street, resulting in minimal overshadowing, privacy and amenity impacts.

The non-compliance with the development standard will allow for the orderly use of land, providing for a high-quality educational establishment accommodating for additional students and staff. The non-compliance will remain substantially set back from Marie Street, reducing its visual prominence while proposed landscaping will provide softening of the built form from the street.

With this in mind, it is considered that the applicant’s justification for non-compliance, satisfactorily demonstrates that there are sufficient environmental planning grounds to justify contravention of the 9m maximum building height development standard.

Therefore, the consent authority can be satisfied that the applicant’s written request has satisfactorily addressed the requirements under clause 4.6(3) of THLEP 2012.

Is the proposal in the public interest?

Under the provisions of clause 4.6(4) of THLEP 2012, consent must not be granted to a proposal that contravenes a development standard unless that proposed development (as a whole) will be in the public interest because it is consistent with the objectives of the particular development standard and the objectives for development within the zone in which the development is to be carried out.

The proposal is considered to be consistent with the objectives of the building height development standard, as follows:

- *To ensure the height of buildings is compatible with that of adjoining development and the overall streetscape,*

Comment: Notwithstanding the building height non-compliance, the height and scale of the proposed development will remain consistent with the established built form along Marie Street, presenting as two storeys from the public domain. The streetscape will not be impacted by the proposal with height of the building being adequately screened by landscaping, the use of recessive colours and materials softening the built form and substantial setbacks providing adequate separation.

- *To minimise the impact of overshadowing, visual impact, and loss of privacy on adjoining properties and open space areas.*

As previously discussed, the area of non-compliance will remain set back from Marie Street, including those residential properties to the north and west of the subject site. This will ensure that overshadowing is minimised, while the visual impact of the built form, in particular the building height breach is reduced. The proposal is accompanied by a detailed landscape plan, which details extensive proposed landscaping, which in conjunction with existing established landscaping will reduce any overlooking from the school. Overall, the proposal will not result in unacceptable amenity to adjoining properties and any areas of open space.

Further, the proposal is considered to be consistent with the objectives of the R2 Low Density Residential zone.

- *To provide for the housing needs of the community within a low density residential environment.*

Comment: The proposal is not found to impact on the housing needs of the community within a low-density residential environment.

- *To enable other land uses that provides facilities or services to meet the day to day needs of residents.*

Comment: The proposal provides for a high-quality educational establishment that seeks to continue to meet the needs of the local community through improved learning environments for students. The proposal is considered to provide facilities and services that meet the day to day needs of residents.

- *To maintain the existing low density residential character of the area.*

Comment: The proposal is considered to maintain the low-density residential character of the area. The bulk and scale of the built form remains predominately two storeys with the exception of a third storey component which will be largely obscured from Marie Street. The proposed design centralises the main area building height, providing separation to Marie Street as well as landscaping to soften the bulk and scale of the built form. Overall, the development will maintain the low-density residential character of the area.

Therefore, the consent authority can be satisfied that the proposal is in the public interest.

#### Has concurrence been obtained?

Pursuant to clause 4.6(4)(b) of THLEP 2012, development consent must not be granted to a development that contravenes a development standard unless the concurrence of the Secretary has been obtained. In accordance with Planning Circular PS18-003 (dated 21 February 2018) issued by the NSW Department of Planning, the Secretary's concurrence may be assumed in this instance as the application relates to a development standard within an EPI that adopts clause 4.6 of the Standard Instrument.

#### Conclusion

Overall, the consent authority can be satisfied that the clause 4.6 variation has satisfactorily addressed matters prescribed by clause 4.6 of THLEP 2012 and is well-founded. The proposal can be supported, despite contravention of the building height development standard.

#### **Heritage**

Clause 5.10 Heritage Conservation of THLEP 2012 outlines the following objectives:

- (a) to conserve the environmental heritage of The Hills,*
- (b) to conserve the heritage significance of heritage items and heritage conservation areas, including associated fabric, settings and views,*
- (c) to conserve archaeological sites,*
- (d) to conserve Aboriginal objects and Aboriginal places of heritage significance.*

The application is supported by a Heritage Impact Statement prepared by Andrew Starr and Associates which outlines the extent of the impact on the heritage item.

Council's heritage inventory sheet No. 153 states the following with respect to the heritage item:

*"The main building (now Gilroy College) is built of a dry pressed face brick, with gabled slate roof. This is a post 1922 addition to the original house. Other additions to the south. Arched brickwork tower and gables dominate building forms. Picturesque setting on well treed ridge. Two large Norfolk Island pines symmetrical about front entrance. Large Bunya pines to garden and along driveway and two in Maree Street. Major trees surround building and line the driveway (no longer in use)."*

In addition, the following is noted with regards to the item's significance:

*"Evidence of successive 19th and 20th century subdivisions of early land grants along Old Northern Road."*

Amended plans have been submitted at the request of Council staff that retains a corridor from the new car park entry at the northern end of the site towards the heritage item. Council's heritage assessment notes that while the proximity of works to the heritage item ("Block A") may result in impact on the structural integrity and heritage significance of the item, it is considered reasonable and able to satisfy the objectives of clause 5.10, subject to appropriate conditions of consent (refer to conditions 18-20 and 46-49).

## 6. Compliance with THDCP 2012

THDCP 2012 does not provide specific controls which relate directly to educational establishments. Notwithstanding, a merit assessment against the applicable controls is considered necessary to ensure a consistent character with the streetscape and wider locality.

The proposed development has been assessed against the relevant development controls and objectives of The Hills DCP 2012.

DEVELOPMENT CONTROL	THDCP REQUIREMENTS	PROPOSED DEVELOPMENT	COMPLIANCE
Building Setbacks	10m	18.9m (north-west) 10.7m (north-east)	Yes Yes
Parking	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	Two metre landscaping strip between car spaces at a rate of one in every ten car parking spaces.  Staff: 100 spaces Year 12 students: 25 spaces Parents: 46 spaces  Total: 171 spaces	No – see below

DEVELOPMENT CONTROL	THDCP REQUIREMENTS	PROPOSED DEVELOPMENT	COMPLIANCE
		The proposal provides 123 formal on-site parking spaces, and 14 spaces provided as part of an overflow, informal parking area within the south-western corner of the site. In total, the proposal results in a shortfall of 34 spaces.	

### **Car parking**

The expanded car park fails to provide a landscaping strip for every ten car spaces. This is largely in response to Council's heritage assessment which required a corridor to be provided across the expanded car park to maintain available views from Marie Street towards the heritage item. Notwithstanding, the proposal provides extensive, high-quality landscaping that complements the existing landscaped setting and low-density residential character. The proposal is reasonable and supported.

### **THDCP 2012 parking rate**

<b>Staff</b>	1 space per employee
<b>Year 12 students</b>	1 space per 8 year 12 students
<b>Visitors and/or parents</b>	1 space per 30 students enrolled

### **Existing and proposed student and staff numbers**

Existing student numbers	Proposed student numbers	Increase
1,209	1,380	171

Existing staff numbers	Proposed staff numbers	Increase
80	100	20

### **Existing parking**

Existing parking	DCP parking rate	Shortfall
94 spaces	144 spaces	50 spaces

### **Proposed parking**

Proposed parking	DCP parking rate	Shortfall
137 spaces	171 spaces	34 spaces

As indicated above, the site currently provides for 94 off-street parking spaces, equating to a shortfall of 50 spaces with the minimum 144 parking space requirement based on existing student and staff numbers.

As the proposal seeks to increase the staff and student numbers to 100 and 1,380 respectively, the school is required to provide a total of 171 parking spaces in accordance with the parking provisions under THDCP 2012.

The applicant has noted that 137 spaces will be provided with 123 new off-street parking spaces accessed from Marie Street to the north-east, with the remaining 14 spaces located in the south-west corner of the site. In light of this, the proposal results in a parking shortfall of 34 spaces. Comparatively, the existing parking arrangement results in a 50 space shortfall based on existing student and staff numbers; therefore, the proposal results in an additional 16 spaces.

Whilst resulting in a numerical non-compliance, the proposal results in a notable improvement with regards to off-street parking, which will assist in alleviating congestion issues along Marie Street and surrounding streets.

The supporting traffic and parking assessment, prepared by Stanbury Traffic Planning, states that the parking is to be allocated as follows:

- 100 spaces for staff; and
- 37 spaces for students and visitors.

It is understood that the school currently provides no off-street parking for students and visitors. The 37 spaces dedicated for the exclusive use of students and parking will help ease congestion and safety concerns raised by local residents (refer to submissions above). The supporting traffic and parking assessment found that the additional off-street parking is expected to reduce on-street parking demand during operational periods of the school of up to 30 spaces.

Although the proposal will remain non-compliant with parking requirements under THDCP 2012, the amended parking arrangement provides for an improved parking outcome for the school and wider community. Furthermore, the supporting traffic and parking assessment notes that the school is well serviced by several bus services, whereby 344 students travelled to the school in a total of 13 buses during the morning peak period and 568 students travelled from the school in a total of 16 buses during the afternoon peak. Furthermore, it is expected that student bus utilisation will increase at a rate proportional to the number of students attending the school (i.e. by 14%), which equates to 392 students (or an increase of 48 students). Similarly, the supporting traffic and parking assessment finds that students utilising buses in the afternoon peak will increase to 648 (or an increase of 80 students).

Overall, the proposal is considered to be reasonable by providing an adequate number of parking spaces. It is expected that the proposed parking arrangement on-site will result in a substantially improved outcome for the school, whilst also improving the residential amenity and overall streetscape. The reduced parking rate is reasonable for the reasons above and supported on merit.

## **Signage**

The following provides an assessment of the proposed signage against Part C, Section 2 – Signage of THDCP 2012.

## RESIDENTIAL ZONE SIGNAGE REQUIREMENTS

CONTROL		PERMISSIBLE	PROPOSED	COMPLIANCE
2.3	a)	Max area is 2.25m <sup>2</sup> with max dimensions of 1.5m x 1.5m.	Area: 5.27m, Dimensions: 2.15m x 2.45m	No; however, the sign is acceptable on merit.
	d)	Illuminated signage is prohibited within residential zones other than an illuminated cube light to identify health care premises.	Illumination proposed.	No; however, illumination is acceptable on merit, subject to a condition of consent restricting the time of illumination.

## ILLUMINATION OF SIGNS

CONTROL		PERMISSIBLE	PROPOSED	COMPLIANCE
2.11	a)	Any illuminated signage shall not adversely impact upon adjoining properties and shall be designed to ensure that no light spills onto adjoining or adjacent properties.	Significant separation and landscaping will minimise any impact associated with the illuminated signage on nearby residential properties.	Yes
	b)	Any illumination of signage shall be switched off upon the closure of business each day. Should the business operate during normal business hours only, illumination shall be switched off by 9 p.m. daily.	Condition included ensuring illumination is switched off at 9pm daily.	Yes
	c)	Illuminated signage is prohibited within Residential zones other than an illuminated cube light to identify health care premises.	Illumination proposed.	No, see below.
	d)	Illuminated signs are not to be used on the land upon which a heritage item is located.	Heritage item located on the site.	No, see below.

As indicated above, the proposed signage exceeds the maximum permitted area and dimensions under Part C, Section 2. The following objectives are noted under Clause 2.3 of Part C, Section 2:

- i. To permit an approved use to adequately identify their premises while maintaining the residential character of the area.*
- ii. To ensure that business and building identification signs are appropriate to the size and scale of the activity conducted on the property.*
- iii. To ensure that business and building identification signs do not detract from any residential area by requiring the size, shape, materials and location of the signage to complement the visual character of the surrounding area.*

Notwithstanding the non-compliance, the proposed signage helps to identify an existing approved educational establishment where existing signage is present. The business identification sign is seen as a necessary component of a school by helping identify the site from the public domain and for those visiting the site. Whilst the site is located within a residential area, the sign is not unreasonable in terms of scale and remains sensitive to the amenity of surrounding residents. The sign is proposed to be integrated into the building design, so not to protrude beyond the building.

Clause 2.11 of Part C, Section 2 states the following objective with regards to illuminated signage:

- i. To ensure that illuminated signage does not adversely impact on adjacent property owners or the amenity of the area*

The school sign, specifically the lettering of the school name, is to be illuminated. Although illuminated signage is prohibited in residential areas under THDCP 2012, the illumination is considered minimal. As such, the illumination will not detract from the residential amenity of the area, maintaining amenity to the nearby residential properties. The sign is to be integrated into the building design, whilst proposed landscaping will provide screening to residential properties.

Overall, notwithstanding the non-compliances, the proposed sign is found to satisfy the objectives above and is considered acceptable on merit.

## **ISSUES RAISED IN SUBMISSIONS**

The application was notified for 14 days and six submissions were received. The issues raised in the submissions are summarised and addressed in the table below.

<b>ISSUE/OBJECTION</b>	<b>COMMENT</b>	<b>OUTCOME</b>
Increase in traffic congestion along Marie Street and Freeman Avenue during peak drop off/pick up times.	Council's Traffic Engineer has reviewed the proposal and raises no objection with regard to traffic impact. Council's Traffic Engineer advises that the <i>"net increase in traffic expected to be generated by the proposed development is relatively low and therefore will have no major effects on the existing environmental capacity of the road"</i> .	Issue addressed. Refer to conditions 52 and 76 for traffic requirements and parking allocations associated with the development.

ISSUE/OBJECTION	COMMENT	OUTCOME
	<p>In addition, Council's Traffic Engineer provides the following recommendations to assist traffic flow in peak periods;</p> <ul style="list-style-type: none"> <li>- Install part time no stopping restrictions to the street frontage of properties No. 5 – No. 9 Freeman Avenue. This would assist in reducing queuing lengths and improve sight distances on the bend approaching Marie Street.</li> <li>- To improve pedestrian safety, Gilroy College will be responsible for the development of a east-west footpath along the section of Freeman Avenue and along the entire site along Excelsior Avenue extending from the current footpath at the intersection of Roxborough Park Rd and Excelsior Avenue,</li> </ul>	
<p>Insufficient student parking provided on site resulting in parking issues on the surrounding streets.</p>	<p>The proposal seeks to increase the number of off-street parking spaces including 37 spaces for student/visitor use. This would alleviate some concerns regarding students parking in Freeman Avenue.</p> <p>In conjunction with the existing bus services and additional car spaces, it is anticipated that the parking situation will improve by providing opportunity to remove cars from the surrounding streets.</p>	<p>Issue addressed.</p>
<p>Illegal parking in front of driveways on Freeman Avenue and general pedestrian/road safety</p>	<p>The school has advised that parking is currently being managed in conjunction with the police and local residents regarding illegal parking. To ensure general pedestrian/road safety, the following methods will be implemented:</p>	<p>Issue addressed.</p>

ISSUE/OBJECTION	COMMENT	OUTCOME
	<ul style="list-style-type: none"> <li>• Remind parents and students of the parking rules in school newsletters;</li> <li>• Remind students of appropriate driving at regular year meetings;</li> <li>• Should issues be raised by neighbours, these are dealt with as quickly as possible;</li> <li>• Should complaints be received regarding illegal parking, students are to move cars immediately;</li> <li>• Many year 12 students are entitled to get to school late or leave school early if they have study at the beginning or end of the day, helping to stagger the school day; and</li> <li>• The school often ask that police patrol the streets at peak time when available with the result being that many parents have received infringement notices. This will continue to be done.</li> </ul>	
Impact on heritage item	<p>A submission has raised concern with regards to impacts on the existing heritage item associated with the proposed development.</p> <p>Council's heritage inventory sheet No. 153 states the following with respect to the heritage item:</p> <p><i>"The main building (now Gilroy College) is built of a dry pressed face brick, with gabled slate roof. This is a post 1922 addition to the original house. Other additions to the south. Arched brickwork tower and gables dominate building forms. Picturesque setting on well treed ridge. Two large Norfolk Island pines symmetrical about front entrance. Large Bunya pines to garden and along driveway and two in Maree Street. Major trees surround</i></p>	Issue addressed. Refer to conditions 18-20 and 46-49.

ISSUE/OBJECTION	COMMENT	OUTCOME
	<p><i>building and line the driveway (no longer in use)."</i></p> <p>In addition, the following is noted with regards to the item's significance:</p> <p><i>"Evidence of successive 19th and 20th century subdivisions of early land grants along Old Northern Road."</i></p> <p>Council staff have reviewed the proposal with regards to the heritage item. Subject to amendments which ensure the significance and integrity of the heritage item is maintained, the proposal is supported subject to conditions of consent (refer to conditions 18-20 and 46-49).</p>	
<p>Acoustic impacts associated with the school audio system</p>	<p>Council's Environmental Health Officer has requested amended information be submitted with regard to acoustic assessments to ensure any noise generated from the school is of an appropriate dB(A).</p> <p>Conditions of consent have been included to alleviate concerns raised by neighbours. The public address and school bell system is to be reviewed by an acoustic consultant to confirm the use of these systems do not cause offensive noise to residential receivers. Furthermore, the acoustic consultant must progressively inspect the installation of the required noise reduction methods as recommended in the accompanying acoustic report.</p> <p>It is considered that enforcement of various conditions of consent will address any acoustic concerns raised by nearby property owners (refer to draft consent).</p>	<p>Issue addressed. See conditions 61, 63, 64, 66, 68, 71, 73 and 74 all relating to acoustic requirements to be fulfilled pre and post development.</p>

ISSUE/OBJECTION	COMMENT	OUTCOME
Safety concerns with builders and contractors on-site during construction. What are the required background checks / screening for the engaged contractors?	<p>A submission has raised concerns about contractors/builders on-site potentially impacting on the safety and security of surrounding residential homes.</p> <p>Condition 34 requires the applicant and the nominated Principal Certifying Authority provide Council with the contact names and numbers of the engaged contractors working on site.</p> <p>Should there be concerns about personal safety and well-being during the construction phase, it is recommended that those residents should approach the school directly, otherwise are advised to contact local police.</p>	Issue addressed, see condition 34.

#### **FIRE SAFETY COMMENTS**

No objections to the proposal subject to conditions.

#### **LANDSCAPE COMMENTS**

No objections to the proposal subject to conditions.

#### **ENGINEERING COMMENTS**

No objections to the proposal subject to conditions.

#### **TRAFFIC COMMENTS**

Council's Traffic Engineer has reviewed the proposal and provides the following comments:

##### *i) Existing Traffic Environment*

*The application proposes to seek approval for the construction of a new part two part three storey building and the expansion of the existing car parking area. The works are proposed to facilitate an increase in student population from 1,209 to 1,380 students and an increase the staff population from 80 to 100 employees. A traffic impact assessment has been submitted by Stanbury Traffic Planning in support of the application.*

*Marie Street is 600m in length and currently functions as a minor collector road with a sign posted speed limit of 50km/hr. It has a carriageway width of 9-11m and accommodates one lane of traffic in either direction. The site provides a link to arterial and local road systems as it connects Excelsior Avenue to Old Northern Road.*

ii) Cumulative Impact on Locality

*The consultant's traffic report refers to traffic count data undertaken during peak hour times and concludes that Marie Street accommodates between 450-600 vehicles during the morning peak hour and 250-350 vehicles in the afternoon peak hour. Contained within the Residential Development and Traffic Study undertaken by TAR Technologies in August 2005 on behalf of Council, Marie Street has an Environmental Capacity (EC) of 300 vehicles per hour which is exceeded by a substantial margin.*

*In recognition of the longstanding environmental capacity issues on Marie St, Council have implemented Local Area Traffic Management devices whereby the provision of a pedestrian crossing on Marie Street to the west of the primary site access road and to the south of Freeman Avenue assist with reducing vehicle speeds by acting as slow points. Additionally, school zone flashing lights currently operate on each end of Marie Street during school zone hours.*

*The consultant's report refers to the Transport for NSW's Guide to Transport Impact Assessments. This publication presents that secondary schools typically generate an average of 0.5 and 0.3 hourly vehicle trips per student during the morning and afternoon peak periods. Application of this rate to the increase in student numbers from 1,208 to 1,380 results in a generation of 86 additional vehicle trips during the AM peak period and 52 trips in the PM peak period. This equates to a 14% increase in traffic generation potential above that existing.*

iii) Sight Distance and other Safety Issues

*Vehicular access to the site is proposed via entry/exit driveways to the east of Marie Street. An analysis of the sight distance requirements has been carried out and established that the available sight distance for vehicles exiting/entering the premises to be within acceptable limits. Consequently, there have been no recorded accidents in the past 5 years.*

iv) Recommendations/Conditions

*The net increase in traffic expected to be generated by the proposed development is relatively low and therefore will have no major effects on the existing environmental capacity of the road. There are no objections to the proposal in terms of traffic impact. However to improve the existing traffic conditions around the subject site during AM and PM peak periods, it is proposed that part time no stopping restrictions be applied on Freeman Avenue between house no. 5-9 (subject to approval pending consultation with residents) to help reduce queue length and improve sight distance around the bend on the approach to Marie St.*

*To improve the existing traffic conditions around the site, a condition has been recommended in the consent requiring the implementation of no stopping signs in front of properties No. 5 – No. 9 Freeman Avenue Castle Hill is to be installed subject to approval from Council's Local Traffic Committee to assist school buses in manoeuvring through Freeman Avenue without crossing double white centre lines (refer condition 52).*

## **ENVIRONMENTAL HEALTH COMMENTS**

Council's Environmental Health Officer has reviewed the proposal with regard to the provisions under SEPP 55 and provides the following comments:

*SEPP 55 has been considered and justification has been provided in the submitted Statement of Environmental Effects (SOEE) within Section 5.1.1 SEPP No 55.*

*Within the SOEE it has been stated that the proposed development is not changing its uses and that the site has been used for the purposes of a school for almost 100 years. It has further been stated that the use of the site as a school and associated uses would not have involved any activities that would have contaminated the site such that it would now be unsuitable for the proposed additions to the school.*

A condition has been included (see condition 50) addressing potential contamination.

## **RESOURCE RECOVERY COMMENTS**

No objections to the proposal subject to conditions.

## **HERITAGE COMMENTS**

No objections to the proposal subject to conditions.

## **ROADS & MARITIME SERVICES COMMENTS**

No objections to the proposal.

## **CONCLUSION**

The proposal has been assessed having regard to the provisions of Section 4.15 of the Environmental Planning and Assessment Act, 1979, SEPP (Educational Establishments and Child Care Facilities) 2017, SEPP No. 64, SEPP No. 55, THLEP 2012 and The Hills Development Control Plan and is considered satisfactory.

The issues raised in the submissions have been addressed in the report. Further amendment or refusal of the application is not warranted.

The accompanying Clause 4.6 request for variation has been assessed and is determined to be well-founded, and therefore, is supported.

Accordingly, the proposal is recommended for approval subject to conditions.

## **IMPACTS:**

### **Financial**

This matter has no direct financial impact upon Council's adopted budget or forward estimates.

### **The Hills Future - Community Strategic Plan**

The proposed development is consistent with the planning principles, vision and objectives outlined within "Hills 2026 – Looking Towards the Future" as the proposed development provides for satisfactory urban growth without adverse environmental or social amenity impacts and ensures a consistent built form is provided with respect to the streetscape and general locality.

## **RECOMMENDATION**

The Development Application be approved subject to the following conditions.

## **GENERAL MATTERS**

### **1. Development in Accordance with Submitted Plans**

The development being carried out in accordance with the following approved plans and details, stamped and returned with this consent except where amended by other conditions of consent.

### **REFERENCED PLANS AND DOCUMENTS**

PROJECT NO	DESCRIPTION	DRAWING NO	REVISION	DATE
2247.18	Site Plan	DA03	-	21.03.19
2247.18	Demolition & Tree Removal Plan	DA04	-	21.03.19
2247.18	Carpark Plan	DA05	4	22.10.19
2247.18	Level 1 Floor Plan	DA06	4	22.10.19
2247.18	Level 2 Floor Plan	DA07	2	10.07.19
2247.18	Level 3 Floor Plan	DA08	2	10.07.19
2247.18	Roof Plan	DA09	-	21.03.19
2247.18	Elevations – Sheet 1	DA10	3	25.09.19
2247.18	Elevations – Sheet 2	DA11	2	10.07.19
2247.18	Sections	DA12	3	25.09.19
2247.18	Signage Details	DA13	2	10.07.19
2247.18	Materials & Finishes Schedule	DA18	2	10.07.19
	Overall Site Plan	L01	8	23.10.19
2247.18	Landscape Plan – Entry and COLA	L02	9	23.10.19
2247.18	Landscape Plan – Carpark and Details	L03	9	23.10.19

No work (including excavation, land fill or earth reshaping) shall be undertaken prior to the issue of the Construction Certificate, where a Construction Certificate is required.

### **2. Tree Removal**

Approval is granted for the removal of Trees 1-8 and 15-71 as indicated on Demolition & Tree Removal Plan DA04 prepared by Stanton Dahl Architects dated 21/03/19.

All other trees are to remain and are to be protected during all works. Suitable replacement trees are to be planted upon completion of construction.

### **3. Planting Requirements**

All trees planted as part of the approved landscape plan are to be minimum 75 litre pot size. All shrubs planted as part of the approved landscape plan are to be minimum 200mm pot size. Groundcovers are to be planted at 5/m<sup>2</sup>.

### **4. Protection of Existing Vegetation**

Any excavated material not used in the construction of the subject works is to be removed from the site and under no circumstances is to be deposited in bushland areas.

## **5. Protection of Public Infrastructure**

Adequate protection must be provided prior to work commencing and maintained during building operations so that no damage is caused to public infrastructure as a result of the works. Public infrastructure includes the road pavement, kerb and gutter, concrete footpaths, drainage structures, utilities and landscaping fronting the site. The certifier is responsible for inspecting the public infrastructure for compliance with this condition before an Occupation Certificate is issued. Any damage must be made good in accordance with the requirements of Council and to the satisfaction of Council.

## **6. Vehicular Access and Parking**

The formation, surfacing and drainage of all driveways, parking modules, circulation roadways and ramps are required, with their design and construction complying with:

- AS/ NZS 2890.1
- AS/ NZS 2890.6
- DCP Part C Section 1 – Parking
- Council's Driveway Specifications

Where conflict exists the Australian Standard must be used.

The following must be provided:

- All driveways and car parking areas must be prominently and permanently line marked, signposted and maintained to ensure entry and exit is in a forward direction at all times and that parking and traffic circulation is appropriately controlled.
- All driveways and car parking areas must be separated from landscaped areas by a low level concrete kerb or wall.
- All driveways and car parking areas must be concrete or bitumen.
- All driveways and car parking areas must be graded, collected and drained by pits and pipes to a suitable point of legal discharge.

## **7. Vehicular Crossing Request**

Each driveway requires the lodgement of a separate vehicular crossing request accompanied by the applicable fee as per Council's Schedule of Fees and Charges. The vehicular crossing request must be lodged before an Occupation Certificate is issued. The vehicular crossing request must nominate a contractor and be accompanied by a copy of their current public liability insurance policy. Do not lodge the vehicular crossing request until the contractor is known and the driveway is going to be constructed.

## **8. Minor Engineering Works**

The design and construction of the engineering works listed below must be provided for in accordance with Council's Design Guidelines Subdivisions/ Developments and Works Specifications Subdivisions/ Developments.

Works on existing public roads or any other land under the care and control of Council must be approved and inspected by Council in accordance with the Roads Act 1993 or the Local Government Act 1993. A separate minor engineering works application and inspection fee is payable as per Council's Schedule of Fees and Charges.

### **a) Driveway Requirements**

The design, finish, gradient and location of all driveway crossings must comply with the above documents and Council's Driveway Specifications.

The proposed driveway must be built to Council's medium duty standard.

The driveway must be 9.0m wide at the kerb.

The driveway must be a minimum of 6m wide for the first 6m into the site, measured from the boundary.

Specifically, only one driveway crossing is approved/ permitted.

A separate vehicular crossing request fee is payable as per Council's Schedule of Fees and Charges.

#### **b) Disused Layback/ Driveway Removal**

All disused laybacks and driveways must be removed and replaced with kerb and gutter together with the restoration and turfing of the adjoining footpath verge area. Specifically, this includes the removal of any existing laybacks, regardless of whether they were in use beforehand or not.

#### **c) Site Stormwater Drainage**

The entire site area must be graded, collected and drained by pits and pipes to a suitable point of legal discharge.

#### **d) Water Sensitive Urban Design Elements**

Water sensitive urban design elements are to be located generally in accordance with the plans and information submitted with the application.

Detailed plans for the water sensitive urban design elements must be submitted for approval. The detailed plans must be suitable for construction, and include detailed and representative longitudinal and cross sections of the proposed infrastructure. The design must be accompanied, informed and supported by detailed water quality and quantity modelling. The modelling must demonstrate a reduction in annual average pollution export loads from the development site in line with the following environmental targets:

- 90% reduction in the annual average load of gross pollutants
- 85% reduction in the annual average load of total suspended solids
- 65% reduction in the annual average load of total phosphorous
- 45% reduction in the annual average load of total nitrogen

All model parameters and data outputs are to be provided to the Principal Certifying Authority.

In this regard, the detailed design must reflect the submitted Stormwater Concept Plan prepared by Northrop, Drawings C1.1, C3.2, C3.5, C5.0, C5.1, C6.1 - C6.3, Revision G dated 21 October 2019 and MUSIC model (MUSIC\_191018) subject to the following necessary changes:

- i. The swale sections on Drawing C6.2 Revision A must be extended to the carpark floor to demonstrate how the proposed "flush kerb" facilitates drainage from the carpark entry to the swale. The 100 year Top Water Level (TWL) in the swale must also be shown to verify that the swale does not overflow for all storm events up to and including 1 in 100 year storm.
- ii. The swale is intended as a Water Quality Treatment measure and as such the Council's Biofiltration Specifications must be complied with, particularly with respect to the plant species used.
- iii. The catchments used in the MUSIC model must reflect the Catchment Plan Drawing C3.5 Revision G and the model network must include the missing link from Catchment Q1.

#### **e) Earthworks/ Site Regrading**

Earthworks are limited to that shown on the approved plans. Where earthworks are not shown on the approved plan the topsoil within lots must not be disturbed.

Retaining walls are limited to those locations and heights shown on the concept engineering plan prepared by Northrop, Drawings C1.1, C3.2, C3.5, C5.0, C5.1, C6.1 - C6.3, Revision G dated 21 October 2019.

#### **9. Construction Certificate**

Prior to construction of the approved development, it is necessary to obtain a Construction Certificate. A Construction Certificate may be issued by Council or an Accredited Certifier. Plans submitted with the Construction Certificate are to be amended to incorporate the conditions of the Development Consent.

#### **10. Demolition Notification**

Both Council and any adjoining properties must be notified in writing five days before demolition works commence.

#### **11. Building Work to be in Accordance with BCA**

All building work must be carried out in accordance with the provisions of the Building Code of Australia.

#### **12. Demolition Inspections**

Before demolition works commence, a pre-demolition inspection must be arranged with Council's Development Certification team. All conditions required to be addressed before works commence must be satisfied. Once demolition works are complete, a post demolition inspection must be arranged with Council's Development Certification team. Fees apply and are to be paid prior to or at the time of booking the inspection. The Development Certification Team can be contacted to book and pay for inspections on 9843 0431.

#### **13. Acoustic Requirements**

All the recommendations outlined within the DA Acoustic Report prepared by PJ Knowland Pty Ltd, trading as PKA Acoustic Consulting, referenced as 102CED RO1v4, dated 12 July 2019 and submitted as part of the Development Application are to be implemented as part of this approval. In particular recommendations outlined in the following sections of the acoustic report:

- Section 5.1 Outdoor activity, acoustic treatment proposed to the under-croft area of Block G (gathering space/cola)
- Section 5.2 Carpark,
- Section 5.3 Noise from proposed mechanical services (acoustic treatment to mechanical plant enclosures),
- Section 5.4 PA and School bell system.

#### **14. Control of early morning noise from trucks**

Trucks associated with the construction of the site, must not enter the site prior to 7am unless alternate approval is provided by council on certain occasions i.e. concrete pours, crane setups & major deliveries via an out of hours works application.

#### **15. Adherence to Waste Management Plan**

All requirements of the Waste Management Plan submitted as part of the Development Application must be implemented except where contrary to other conditions of consent. The information submitted regarding construction and demolition wastes can change provided that the same or a greater level of reuse and recycling is achieved as detailed in the plan. Any material moved offsite is to be transported in accordance with the requirements of the Protection of the Environment Operations Act 1997 and only to a place that can lawfully be used as a waste facility. Receipts of all waste/recycling tipping must be kept onsite at all

times and produced in a legible form to any authorised officer of the Council who asks to see them.

Transporters of asbestos waste (of any load over 100kg of asbestos waste or 10 square metres or more of asbestos sheeting) must provide information to the NSW EPA regarding the movement of waste using their WasteLocate online reporting tool [www.wastelocate.epa.nsw.gov.au](http://www.wastelocate.epa.nsw.gov.au).

#### **16. Management of Construction and/or Demolition Waste**

Waste materials must be appropriately stored and secured within a designated waste area onsite at all times, prior to its reuse onsite or being sent offsite. This includes waste materials such as paper and containers which must not litter the site or leave the site onto neighbouring public or private property. A separate dedicated bin must be provided onsite by the builder for the disposal of waste materials such as paper, containers and food scraps generated by all workers. Building waste containers are not permitted to be placed on public property at any time unless a separate application is approved by Council to locate a building waste container in a public place.

Any material moved offsite is to be transported in accordance with the requirements of the Protection of the Environment Operations Act 1997 and only to a place that can lawfully be used as a waste facility. The separation and recycling of the following waste materials is required: metals, timber, masonry products and clean waste plasterboard. This can be achieved by source separation onsite, that is, a bin for metal waste, a bin for timber, a bin for bricks and so on. Alternatively, mixed waste may be stored in one or more bins and sent to a waste contractor or transfer/sorting station that will sort the waste on their premises for recycling. Receipts of all waste/recycling tipping must be kept onsite at all times and produced in a legible form to any authorised officer of the Council who asks to see them.

Transporters of asbestos waste (of any load over 100kg of asbestos waste or 10 square metres or more of asbestos sheeting) must provide information to the NSW EPA regarding the movement of waste using their WasteLocate online reporting tool [www.wastelocate.epa.nsw.gov.au](http://www.wastelocate.epa.nsw.gov.au).

#### **17. Disposal of Surplus Excavated Material**

The disposal of surplus excavated material, other than to a licenced waste facility, is not permitted without the previous written approval of Council prior to works commencing on site. Any unauthorized disposal of waste, which includes excavated material, is a breach of the Protection of the Environment Operations Act 1997 and subject to substantial penalties. Receipts of all waste/ recycling tipping must be kept onsite at all times and produced in a legible form to any authorised officer of the Council who asks to see them.

#### **18. Clause 94 Upgrade**

Under clause 94 of the Environmental Planning & Assessment Regulation, the following fire safety/Building Code of Australia (BCA) works are to be completed prior to the issue of the occupation certificate:

- i. The existing hydrant system serving the building is to be upgraded to comply with the current BCA and relevant Australian Standard, appropriate to EP1.3 of the BCA.
- ii. The existing hose reel system serving the required parts of the building is to be upgraded to comply with the current BCA and relevant Australian Standard, appropriate to EP1.1 of the BCA.
- iii. Exit signage is to be upgraded to facilitate evacuation appropriate to EP4.2 of the BCA.
- iv. Emergency lighting is to be upgraded to provide a safe level of illumination during an emergency appropriate to EP4.1 of the BCA. In this regard a review is to be undertaken to ensure that emergency lighting is provided:

- a. In every room or space in the class 9b portions of the building
  - b. Over every required stairway
  - c. On external balconies that lead to exits
- v. A review of egress is to be undertaken to ensure that occupants have direct connection to a public road at all times. In this regard, lockable gates restricting connection to the road are to have appropriate latches which do not impede egress.
- vi. A review of exit doors and doors in a path of travel to exits is to be undertaken to ensure that occupants can evacuate safely at all times and that any locks do not impede egress, appropriate to DP4 and EP2.2 of the BCA.
- vii. The following upgrade works are to be undertaken on the existing school hall which is considered to be an entertainment venue:
  - a. Evacuation plans are to be provided to the premises and is to be added as an essential fire safety measure on the fire safety schedule
  - b. Maximum capacity signage is to be provided to the premises and is to be added as an essential fire safety measure on the fire safety schedule
  - c. Existing storerooms are to be separated with construction that achieves a fire resistance level of 60/60/60 and doorways fitted with self-closing -/60/30 fire rated doorsets.
  - d. Panic bars are to be provided to each door required for egress.
  - e. Portable fire extinguishers are to be provided to the kitchen servicing the hall
  - f. Suitable landings are to be provided externally to exit doorways
  - g. Existing exit doors are to be capable of opening completely and not restrict egress width on the external landing/stairway on the South Eastern corner of the premises
  - h. The existing hose reels is to be relocated to be within 4m of an exit

### **19. Structural Integrity**

A structural engineers report is required to address the methods to be used during excavation to ensure that the structural integrity of the heritage building ('Block A') will not be affected by the construction of the new 'Block G' and associated works.

### **20. Dilapidation Survey**

A dilapidation survey shall be completed by an experienced and qualified Structural Engineer for the adjacent heritage building ('Block A'), with a view to identifying the current state of the structure, materials and finishes and identifying items of the above which may be prone to damage or decay during the construction period. The survey shall include recommendations for the protection of those areas. A copy of the survey is to be submitted both to Council and the property owner.

### **21. Landscaping**

All landscaping shall be in accordance with the Landscape Plan prepared by Inview Design dated 26<sup>th</sup> August 2019 (revision 7).

## **PRIOR TO THE ISSUE OF A CONSTRUCTION CERTIFICATE**

### **22. Onsite Stormwater Detention – Upper Parramatta River Catchment Area**

Onsite Stormwater Detention (OSD) is required in accordance with Council's adopted policy for the Upper Parramatta River catchment area, the Upper Parramatta River Catchment Trust OSD Handbook.

The stormwater concept plan prepared by Northrop, Drawings C1.1, C3.2, C3.5, C5.0, C5.1, C6.1 - C6.3, Revision G dated 21 October 2019 is for development application purposes only and is not to be used for construction. The detailed design must reflect the approved concept plan.

The design and construction of the OSD system must be approved by either Council or an accredited certifier. A Compliance Certificate certifying the detailed design of the OSD system can be issued by Council. The following must be included with the documentation approved as part of any Construction Certificate:

- Design/ construction plans prepared by an accredited OSD designer.
- A completed OSD Drainage Design Summary Sheet.
- Drainage calculations and details, including those for all weirs, overland flow paths and diversion (catch) drains, catchment areas, times of concentration and estimated peak run-off volumes.
- A completed OSD Detailed Design Checklist.
- A maintenance schedule.

### **23. Security Bond – Road Pavement and Public Asset Protection**

In accordance with Section 4.17(6) of the Environmental Planning and Assessment Act 1979, a security bond of \$30,000.00 is required to be submitted to Council to guarantee the protection of the road pavement and other public assets in the vicinity of the site during construction works. The above amount is calculated based on the size and scale of the development. It is usually calculated at the rate of \$88.00 per square metre based on the road frontage of the subject site plus an additional 50m on either side multiplied by the width of the road.

The bond must be lodged with Council before a Construction Certificate is issued for the building works.

The bond is refundable upon written application to Council and is subject to all work being restored to Council's satisfaction. Should the cost of restoring any damage exceed the value of the bond, Council will undertake the works and issue an invoice for the recovery of these costs.

### **24. Erosion & Sediment Control Plan**

Submission of an Erosion and Sediment Control Plan to the Principal Certifying Authority, including details of:

- a) Allotment boundaries
- b) Location of the adjoining roads
- c) Contours
- d) Existing vegetation
- e) Existing site drainage
- f) Critical natural areas
- g) Location of stockpiles
- h) Erosion control practices
- i) Sediment control practices
- j) Outline of a maintenance program for the erosion and sediment controls

(NOTE: For guidance on the preparation of the Plan refer to 'Managing Urban Stormwater Soils & Construction' produced by the NSW Department of Housing).

### **25. Section 7.12 Contribution**

Pursuant to section 4.17 (1) of the Environmental Planning and Assessment Act 1979, and The Hills Section 7.12 Contributions Plan, a contribution of **\$184,640.00** shall be paid to

Council. This amount is to be adjusted at the time of the actual payment in accordance with the provisions of the Hills Section 7.12 Contributions Plan.

The contribution is to be paid prior to the issue of the Construction Certificate.

You are advised that the maximum percentage of the levy for development under section 7.12 of the Act having a proposed construction cost is within the range specified in the table below;

<b>Proposed cost of the development</b>	<b>Maximum percentage of the levy</b>
Up to \$100,000	Nil
\$100,001 - \$200,000	0.5 %
More than \$200,000	1%

## **PRIOR TO WORK COMMENCING ON THE SITE**

### **26. Protection of Existing Trees**

The trees that are to be retained are to be protected during all works strictly in accordance with AS4970- 2009 Protection of Trees on Development Sites.

At a minimum a 1.8m high chain-wire fence is to be erected at least three (3) metres from the base of each tree and is to be in place prior to works commencing to restrict the following occurring:

- Stockpiling of materials within the root protection zone,
- Placement of fill within the root protection zone,
- Parking of vehicles within the root protection zone,
- Compaction of soil within the root protection zone.

All areas within the root protection zone are to be mulched with composted leaf mulch to a depth of not less than 100mm.

A sign is to be erected indicating the trees are protected.

The installation of services within the root protection zone is not to be undertaken without prior consent from Council.

### **27. Sydney Water Building Plan Approval**

A building plan approval must be obtained from Sydney Water Tap in™ to ensure that the approved development will not impact Sydney Water infrastructure.

A copy of the building plan approval and receipt from Sydney Water Tap in™ (if not already provided) must be submitted to the Principal Certifying Authority upon request prior to works commencing.

Please refer to the website <http://www.sydneywater.com.au/tapin/index.htm>, Sydney Water Tap in™, or telephone 13 20 92.

### **28. Trenching and Excavation within Tree Protection Zone**

Any trenching for installation of drainage, sewerage, irrigation or any other services or excavation shall not occur within the Tree Protection Zone of trees identified for retention under supervision of a project arborist.

Certification of supervision must be provided to the Certifying Authority within 14 days of completion of trenching works.

Root pruning should be avoided, however where necessary, all cuts shall be clean cuts made with sharp tools such as secateurs, pruners, handsaws, chainsaws or specialised root

pruning equipment. Where possible, the roots to be pruned should be located and exposed using minimally destructive techniques such as hand-digging, compressed air or water-jetting, or non-destructive techniques. No roots larger than 40mm diameter to be cut without Arborist advice and supervision. All root pruning must be done in accordance with Section 9 of Australia Standard 4373-2007 Pruning of Amenity Trees.

### **29. Separate OSD Detailed Design Approval**

No work is to commence until a detailed design for the Onsite Stormwater Detention system has been approved by either Council or an accredited certifier.

### **30. Property Condition Report – Public Assets**

A property condition report must be prepared and submitted to Council recording the condition of all public assets in the direct vicinity of the development site. This includes, but is not limited to, the road fronting the site along with any access route used by heavy vehicles. If uncertainty exists with respect to the necessary scope of this report, it must be clarified with Council before works commence. The report must include:

- Planned construction access and delivery routes; and
- Dated photographic evidence of the condition of all public assets.

### **31. Consultation with Service Authorities**

Applicants are advised to consult with Telstra, NBN Co and Australia Post regarding the installation of telephone conduits, broadband connections and letterboxes as required.

Unimpeded access must be available to the electricity supply authority, during and after building, to the electricity meters and metering equipment.

### **32. Approved Temporary Closet**

An approved temporary closet connected to the sewers of Sydney Water, or alternatively an approved chemical closet is to be provided on the land, prior to building operations being commenced.

### **33. Stabilised Access Point**

A stabilised all weather access point is to be provided prior to commencement of site works, and maintained throughout construction activities until the site is stabilised. The controls shall be in accordance with the requirements with the details approved by Council and/or as directed by Council Officers. These requirements shall be in accordance with Managing Urban Stormwater – Soils and Construction produced by the NSW Department of Housing (Blue Book).

### **34. Details and Signage - Principal Contractor and Principal Certifying Authority**

#### **Details**

Prior to work commencing, submit to the Principal Certifying Authority (PCA) notification in writing of the principal contractor's (builder) name, address, phone number, email address and licence number.<sup>9</sup>

No later than two days before work commences, Council is to have received written details of the PCA in accordance with Clause 103 of the Environmental Planning and Assessment Regulations 2000.

#### **Signage**

A sign is to be erected in accordance with Clause 98A(2) of the Environmental Planning and Assessment Regulations 2000. The sign is to be erected in a prominent position and show –

- a) the name, address and phone number of the PCA for the work,
- b) the name and out of working hours contact phone number of the principal contractor/person responsible for the work.

The sign must state that unauthorised entry to the work site is prohibited.

### **35. Notification of Asbestos Removal**

Prior to commencement of any demolition works involving asbestos containing materials, all adjoining neighbours and Council must be given a minimum five days written notification of the works.

### **36. Erosion and Sedimentation Controls**

Erosion and sedimentation controls shall be in place prior to the commencement of site works and maintained throughout construction activities, until the site is landscaped and/or suitably revegetated. These requirements shall be in accordance with *Managing Urban Stormwater – Soils and Construction (Blue Book)* produced by the NSW Department of Housing.

This will include, but not be limited to a stabilised access point and appropriately locating stockpiles of topsoil, sand, aggregate or other material capable of being moved by water being stored clear of any drainage line, easement, natural watercourse, footpath, kerb or roadside.

### **37. Erosion & Sediment Control Plan Kept on Site**

A copy of the Erosion and Sediment Control Plan must be kept on site at all times during construction and available to Council on request.

### **38. Demolition Works and Asbestos Management**

The demolition of any structure is to be carried out in accordance with the Work Health and Safety Act 2011. All vehicles transporting demolition materials offsite are to have covered loads and are not to track any soil or waste materials on the road. Should demolition works obstruct or inconvenience pedestrian or vehicular traffic on adjoining public road or reserve, a separate application is to be made to Council to enclose the public place with a hoard or fence. All demolition works involving the removal and disposal of asbestos must only be undertaken by a licenced asbestos removalist who is licenced to carry out the work. Asbestos removal must be carried out in accordance with the SafeWork NSW, Environment Protection Authority and Office of Environment and Heritage requirements. Asbestos to be disposed of must only be transported to waste facilities licenced to accept asbestos. No asbestos products are to be reused on the site.

### **39. Compliance with Critical Stage Inspections and Other Inspections Nominated by the Principal Certifying Authority**

Section 109E(d) of the Act requires certain specific inspections (prescribed by Clause 162A of the Regulations) and known as “Critical Stage Inspections” to be carried out for building work. Prior to permitting commencement of the work, your Principal Certifying Authority is required to give notice of these inspections pursuant to Clause 103A of the Regulations.

N.B. An Occupation Certificate cannot be issued and the building may not be able to be used or occupied where any mandatory critical stage inspections or other inspections required by the Principal Certifying Authority are not carried out.

Where Council is nominated as Principal Certifying Authority, notification of all inspections required is provided with the Construction Certificate approval.

**NOTE:** You are advised that inspections may only be carried out by the PCA unless by prior agreement of the PCA and subject to that person being an accredited certifier.

## **DURING CONSTRUCTION**

### **40. Hours of Work**

Work on the project to be limited to the following hours: -

**Monday to Saturday - 7.00am to 5.00pm;**

No work to be carried out on Sunday or Public Holidays.

The builder/contractor shall be responsible to instruct and control sub-contractors regarding the hours of work.

#### **41. Critical Stage Inspections and Inspections Nominated by the PCA**

Section 6.5 of the Environmental Planning and Assessment Act 1979 requires critical stage inspections to be carried out for building work as prescribed by Clause 162A of the Environmental Planning and Assessment Regulation 2000. Prior to allowing building works to commence the PCA must give notice of these inspections pursuant to Clause 103A of the Environmental Planning and Assessment Regulation 2000.

An Occupation Certificate cannot be issued and the building may not be able to be used or occupied where any mandatory critical stage inspection or other inspection required by the PCA is not carried out. Inspections can only be carried out by the PCA unless agreed to by the PCA beforehand and subject to that person being an accredited certifier.

#### **42. Stockpiles**

Stockpiles of topsoil, sand, aggregate or other material capable of being moved by water shall be stored clear of any drainage line, easement, natural watercourse, footpath, kerb or roadside.

#### **42. Asbestos Removal**

Asbestos containing material, whether bonded or friable, shall be removed by a licenced asbestos removalist. A signed contract between the removalist and the person having the benefit of the development application is to be provided to the Principle Certifying Authority, identifying the quantity and type of asbestos being removed. Details of the landfill site that may lawfully receive the asbestos is to be included in the contract.

Once the materials have been removed and delivered to the landfill site, receipts verifying the quantity received by the site are to be provided to the Principle Certifying Authority.

Transporters of asbestos waste (of any load over 100kg of asbestos waste or 10 square metres or more of asbestos sheeting) must provide information to the NSW EPA regarding the movement of waste using their WasteLocate online reporting tool [www.wastelocate.epa.nsw.gov.au](http://www.wastelocate.epa.nsw.gov.au).

#### **43. Dust Control**

The emission of dust must be controlled to minimise nuisance to the occupants of the surrounding premises. In the absence of any alternative measures, the following measures must be taken to control the emission of dust:

- Dust screens must be erected around the perimeter of the site and be kept in good repair for the duration of the construction work;
- All dusty surfaces must be wet down and suppressed by means of a fine water spray. Water used for dust suppression must not cause water pollution; and
- All stockpiles of materials that are likely to generate dust must be kept damp or covered.

#### **44. Project Arborist**

The Project Arborist must be on site to supervise any works in the vicinity of or within the Tree Protection Zone (TPZ) of any trees required to be retained on the site or any adjacent sites.

Supervision of the works shall be certified by the Project Arborist and a copy of such certification shall be submitted to the PCA within 14 days of completion of the works.

#### **45. Construction Noise**

The emission of noise from the construction of the development shall comply with the *Interim Construction Noise Guideline published by the Department of Environment and Climate Change (July 2009)*.

#### **46. Protection of Heritage Building during Construction**

The heritage building ('Block A') shall be protected during construction on the site. A 1.8m high chain wire mesh fence shall be utilised to protect the item from any impacts during the construction period. The heritage building ('Block A') and its immediate surroundings is not to be used for storage of building materials or waste.

#### **47. Stabilisation and Protection of the Heritage Item during Construction**

A structural engineer's report is required to address the method/s of protecting and supporting the item and its foundations during construction of the proposed development. This report is to be submitted to Council prior to the issue of a construction certificate.

#### **48. Final Dilapidation Survey**

On completion of the excavation, the structural engineer shall carry out a further dilapidation survey of the heritage building ('Block A') and submit a copy of the survey both to Council and the property owner.

#### **49. European Sites or Relics**

If, during the earthworks, any evidence of a European archaeological site or relic is found, all works on the site are to cease and the Office of Environment and Heritage be contacted immediately. All relics are to be retained in situ unless otherwise directed by the Office of Environment and Heritage.

#### **50. Contamination**

Ground conditions are to be monitored and should evidence such as, but not limited to, imported fill and/or inappropriate waste disposal indicate the likely presence of contamination on site, works are to cease, Council's Manger – Environment and Health is to be notified and a site contamination investigation is to be carried out in accordance with State Environmental Planning Policy 55 – Remediation of Land.

The report is to be submitted to Council's Manger – Environment and Health for review and acceptances prior to works commencing on site.

### **PRIOR TO ISSUE OF AN OCCUPATION CERTIFICATE**

#### **51. Landscaping Prior to Issue of any Occupation Certificate**

Landscaping of the site shall be carried out prior to issue of any Occupation Certificate (within each stage if applicable). The Landscaping shall be either certified to be in accordance with the approved plan by an Accredited Landscape Architect or be to the satisfaction of Council's Manager Environment and Health. All landscaping is to be maintained at all times in accordance with THDCP Part C, Section 3 – Landscaping and the approved landscape plan.

#### **52. Installation of No Stopping Signs to improve Traffic Flow**

The implementation of no stopping signs in front of properties No. 5 – No. 9 Freeman Avenue Castle Hill is to be installed subject to approval from Council's Local Traffic Committee to assist school buses in manoeuvring through Freeman Avenue without crossing double white centre lines.

#### **53. Completion of Engineering Works**

An Occupation Certificate must not be issued prior to the completion of all engineering works covered by this consent, in accordance with this consent.

#### **54. Property Condition Report – Public Assets**

Before an Occupation Certificate is issued, an updated property condition report must be prepared and submitted to Council. The updated report must identify any damage to public assets and the means of rectification for the approval of Council.

### **55. OSD System Certification**

The Onsite Stormwater Detention (OSD) system must be completed to the satisfaction of the Principal Certifying Authority (PCA) prior to the issuing of an Occupation Certificate. The following documentation is required to be submitted upon completion of the OSD system and prior to a final inspection:

- Works as executed plans prepared on a copy of the approved plans;
- A certificate of hydraulic compliance (Form B.11) from a suitably qualified engineer or surveyor verifying that the constructed OSD system will function hydraulically;
- A certificate of structural adequacy from a suitably qualified structural engineer verifying that the structures associated with the constructed OSD system are structurally adequate and capable of withstanding all loads likely to be imposed on them during their lifetime.

Where Council is not the PCA a copy of the above documentation must be submitted to Council.

### **56. Creation of Restrictions/ Positive Covenants**

Before an Occupation Certificate is issued the following restrictions/ positive covenants must be registered on the title of the subject site via dealing/ request document or Section 88B instrument associated with a plan. Council's standard recitals must be used for the terms:

#### **a) Restriction/ Positive Covenant – Onsite Stormwater Detention**

The subject site must be burdened with a restriction and a positive covenant using the "onsite stormwater detention systems" terms included in the standard recitals.

#### **b) Restriction/ Positive Covenant – Water Sensitive Urban Design**

The subject site must be burdened with a positive covenant that refers to the water sensitive urban design elements referred to earlier in this consent using the "water sensitive urban design elements" terms included in the standard recitals.

### **57. Water Sensitive Urban Design Certification**

An Occupation Certificate must not be issued prior to the completion of the WSUD elements conditioned earlier in this consent. The following documentation must be submitted in order to obtain an Occupation Certificate:

- WAE drawings and any required engineering certifications;
- Records of inspections;
- An approved operations and maintenance plan; and
- A certificate of structural adequacy from a suitably qualified structural engineer verifying that any structural element of the WSUD system are structurally adequate and capable of withstanding all loads likely to be imposed on them during their lifetime.

Where Council is not the PCA a copy of the above documentation must be submitted to Council.

### **58. Maximum Capacity Signage to be Displayed in the Premises**

With effect from 26 January 2010, it is a Prescribed Condition under Clause 98D of the Environmental Planning and Assessment Regulation 2000 that Entertainment Venues, Function Centres, Pubs, Registered Clubs and Restaurant shall have a Maximum Capacity Signage on display. The following signage is ready for use and shall be displayed in a prominent position in the building:

### **Maximum Capacity of Venue**

**Pursuant to Development Consent No. 1451/2019/JP, the maximum number of patrons and staff that are permitted in the school hall is 900.**

Note:

1. The approved method to calculate that the authorised capacity is not exceeded is by the issue of numbered tickets to patrons upon admission, together with regular head counts at intervals during the hours of operation; or
2. The approved method to calculate that the authorized capacity is not exceeded is by a counting device accurately indicating numbers of patrons "IN" and "OUT" of the premises during high peak periods. These details are to be kept in a logbook and updated at the end of trading on each day. The logbook is to be available for inspection upon request by the Consent Authority or other licensing authorities.

**The name, address and telephone number of the council area in which the building is located:**

**The Hills Shire Council  
3 Columbia Ct  
NORWEST NSW 2153  
Tel: 9843 0555**

**The name and business telephone number of an owner or manager of the building (to be completed by owner or manager):**

**Owner/Manager's Name:**  
**Tel:**  
**Mob:**

### **59. Entertainment Venue – Compliance with Prescribed Conditions**

The Entertainment Venue (school hall) shall comply with the Prescribed Conditions in Clause 98D (Maximum Capacity Signage) and Schedule 3A of the Environmental Planning and Assessment Regulation 2000 below:

**a) Nitrate film**

An entertainment venue must not screen a nitrate film.

**b) Stage management**

During a stage performance, there must be at least one suitably trained person in attendance in the stage area at all times for the purpose of operating, whenever necessary, any proscenium safety curtain, drencher system and smoke exhaust system.

**c) Proscenium safety curtains**

If a proscenium safety curtain is installed at an entertainment venue:

- i. there must be no obstruction to the opening or closing of the safety curtain, and
- ii. the safety curtain must be operable at all times.

**d) Projection suites**

- i. When a film is being screened at an entertainment venue, at least one person trained in the operation of the projectors being used and in the use of the firefighting equipment provided in the room where the projectors are installed (the "projection room") must be in attendance at the entertainment venue.
- ii. If the projection room is not fitted with automatic fire suppression equipment and a smoke detection system, in accordance with the Building Code of Australia , the person required by subclause (2) to be in attendance must be in the projection suite in which the projection room is located during the screening of a film.
- iii. No member of the public is to be present in the projection suite during the screening of a film.

**e) Emergency evacuation plans**

- i. An emergency evacuation plan must be prepared, maintained and implemented for any building (other than a temporary structure) used as an entertainment venue.
- ii. An "emergency evacuation plan" is a plan that specifies the following:
  - a. the location of all exits, and fire protection and safety equipment, for any part of the building used as an entertainment venue,
  - b. the number of any fire safety officers that are to be present during performances,
  - c. how the audience are to be evacuated from the building in the event of a fire or other emergency.
- iii. Any fire safety officers appointed to be present during performances must have appropriate training in evacuating persons from the building in the event of a fire or other emergency.

**60. Retaining Walls**

All retaining walls shown on the approved plans shall be completed prior to the issue of a Final Occupation Certificate.

**61. Acoustic Compliance Report**

The acoustic consultant shall progressively inspect the installation of the required noise suppressant components as recommended in report titled DA Acoustic Report prepared by PJ Knowland Pty Ltd trading as PKA Acoustic Consulting, dated 12 July 2019, report number 102CED R01v4.

Prior to the issue of an occupation certificate including an interim occupation certificate, an acoustic compliance report shall be submitted to the Manager – Environment & Health at the Hills Shire Council. This report shall certify that all acoustic treatment recommended within the acoustic report has been installed.

**62. Clearance Certificate**

On completion of the asbestos removal works a Clearance Certificate in accordance with clause 474 of the Work Health and Safety Regulation 2017 shall be provided to the Principal Certifying Authority.

**63. Noise Management Plan**

Prior to the issue of an occupation certificate including an interim occupation certificate, a noise management plan shall be submitted to the Manager – Environment & Health at the Hills Shire Council. The noise management plan is to incorporate the following items;

- A clear commitment by the school to minimising noise from the school;
- A description of each type of event, activity and/or use to be undertaken;
- Identification of noise sensitive receivers, existing and proposed, likely to be adversely affected by activities undertaken;

- Clearly defined noise management objective that incorporates all recommended mitigation measures contained in the DA Acoustic Report prepared by PJ Knowland Pty Ltd, trading as PKA acoustic consulting, report number 102CED R01v4, dated 12 July 2019;
- Provision of information for neighbours including the issuing of the noise management plan to any potentially impacted neighbour and contact details of the person responsible for investigating offensive noise complaints;
- Actions to be taken in the event of excessive noise from people within the car park area or noise break out from within the school;
- Any other item or action deemed relevant to minimising noise within the school; and
- Details of noise complaints handling procedures and actions to be taken at the time of each complaint to monitor and minimise noise impacts. The procedures must include:
  - i. the time and date each complaint was received;
  - ii, how the complaint was received;
  - iii, the contact details of the person lodging the complaint;
  - iv, the proposed actions to prevent a reoccurrence of the noise impact.

#### **64. Acoustic review of public address and school bell**

Prior to the issue of an occupation certificate the installed public address and school bell system is to be reviewed by an acoustic consultant to confirm that the use of these systems does not cause offensive noise to the residential receivers. The acoustic consultant shall prepare an acoustic report to be submitted to the Manager – Environment & Health at The Hills Shire Council, for review and acceptance.

The acoustic report must confirm:

- that the speakers are directed inwards towards the school and not directed towards residential receivers;
- that the speaker placement ensures that the noise from the use of the speakers does not have hard surfaces reflecting sound towards residential receivers;
- the noise level that the speakers must be set to ensure that the surrounding residential properties are not affected by offensive noise;
- that all maintenance requirements have been implement to ensure that the public address speakers and school bell are operated at a noise level that is not in excess of 5 dB(A) above the background noise level at the boundary of residential receivers.

### **THE USE OF THE SITE**

#### **65. Lighting**

Any lighting on the site shall be designed so as not to cause a nuisance to other residences in the area or to motorists on nearby roads and to ensure no adverse impact on the amenity of the surrounding area by light overspill. All lighting shall comply with the *Australian Standard AS 4282:1997 Control of Obtrusive Effects of Outdoor Lighting*.

#### **66. Final Acoustic Report**

Within three months from the issue of an Occupation Certificate, an acoustical compliance assessment is to be carried out by an appropriately qualified person, in accordance with the NSW EPA's - Industrial Noise Policy and submitted to Council's Manager - Environment and Health for review and acceptance.

This report shall include but not be limited to the following:

- Details verifying that the noise control measures as recommended in the acoustic report submitted with the application are effective in attenuating noise to an acceptable noise level and that the activities does not give rise to “offensive noise” as defined under the *Protection of the Environment Operation Act 1997*.
- Verify that the operational noise levels does not exceed the recommended noise levels as identified within DA Acoustic Report prepared by PJ Knowland Pty Ltd, trading as PKA Acoustic Consulting, report number 102CED R01v4, dated 12 July 2019.
- Provide recommendations for the school to implement if any noise exceedances are found.

#### **67. Hours of collection of waste**

All collection of waste from the premises shall be restricted to the following times;  
Monday to Friday – 7.00am to 6.00pm

#### **68. Offensive Noise - Acoustic Report**

The use of the premises and/or machinery equipment installed must not create offensive noise so as to interfere with the amenity of the neighbouring properties.

Should an offensive noise complaint be received and verified by Council staff, an acoustic assessment is to be undertaken (by an appropriately qualified consultant) and an acoustic report is to be submitted to Council's Manager – Environment and Health for review. Any noise attenuation measures directed by Council's Manager - Environment and Health must be implemented.

#### **69. Waste and Recycling Management**

To ensure the adequate storage and collection of waste from the use of the two new buildings, all garbage and recyclable materials emanating from the new Block G must be stored in site's existing waste storage area, which must include provision for the storage of all waste generated on the premises between collections. Arrangement must be in place in all areas of the new buildings for the separation of recyclable materials from garbage.

#### **70. Mechanical Plant**

All mechanical plant (air conditioning units) is to comply with EPA NPfI and DA Acoustic Report prepared by PJ Knowland Pty Ltd, trading as PKA Acoustic Consulting, report number 102CED R01v4, dated 12 July 2019).

#### **71. Acoustic – Maintenance**

All approved acoustic attenuation measures installed as part of the development are to be maintained at all times and in a manner that is consistent with the accepted acoustic report (DA Acoustic Report prepared by PJ Knowland Pty Ltd, trading as PKA Acoustic Consulting, report number 102CED R01v4, dated 12 July 2019). This includes but is not limited to:

- Acoustic louvre around air conditioning plant;
- Mechanical plant acoustic barriers;
- The acoustic treatment to the undercroft area (block G).

#### **72. Ground Maintenance**

Grounds maintenance involving the use of power equipment must be restricted to between:  
a) 7.30am and 6.00pm Monday to Fridays.

#### **73. Noise Management Signage**

Noise management signage is to be installed in prominent locations within the school and the carpark advising attendees to please consider neighbours and minimise noise when entering and exiting the premises.

#### **74. Noise control**

Noise associated with the operation of the school public address system, school bell or other equipment on the subject site, must not exceed 5 db(A) above the ambient background noise level when measured at the boundary of residential receivers.

#### **75. Noise Management Plan to be kept on site**

The approved noise management plan is to be complied with at all times when the school is in operation. The Plan is to be kept on site at all times when the school is in operation and is to be made available to Council Officers upon request.

#### **76. Parking allocation**

Parking is to be allocated as follows:

- Staff: 100 spaces
- Student/visitors: 37 spaces

Parking is to be clearly identified using appropriate signage.

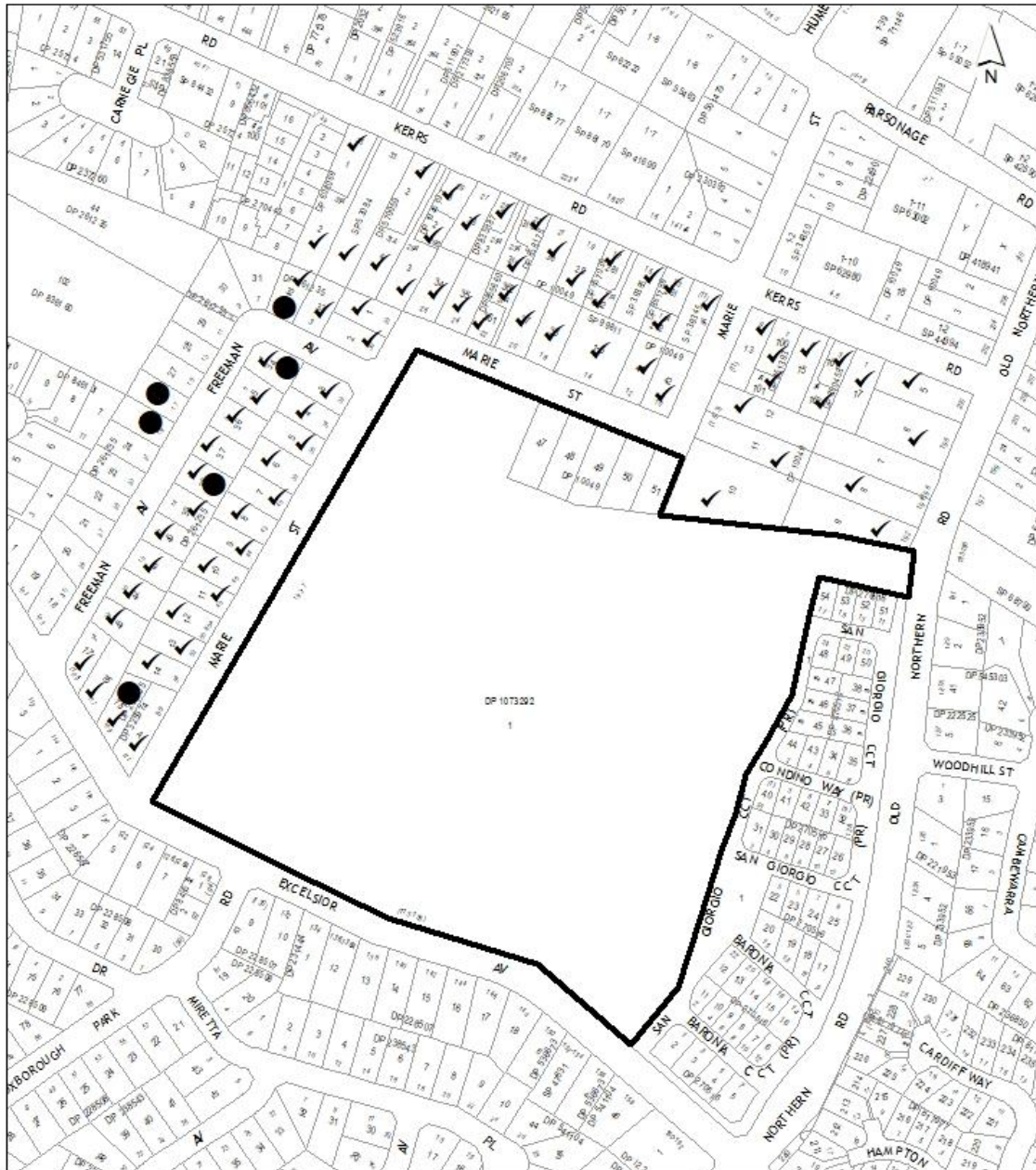
#### **77. Signage illumination**

All illumination emitted from any signage is to be turned off by 9pm, Monday-Sunday.

### **ATTACHMENTS**

1. Locality Plan
2. Aerial Map
3. LEP Zoning Map
4. LEP Building Height Map
5. LEP Heritage Map
6. Site Plan
7. Elevations
8. Elevations
9. Sections
10. Signage Plan
11. Carpark Plan
12. Level 1 Floor Plan
13. Level 2 Floor Plan
14. Level 3 Floor Plan
15. Roof Plan
16. Materials and Finishes Schedule
17. Landscape Plan
18. Landscape Plan
19. 9m Building Height Plane
20. Photomontage
21. Photomontage
22. Photomontage
23. Clause 4.6 Variation Request

## ATTACHMENT 1 – LOCALITY PLAN



- ☐ SUBJECT SITE
- ✓ PROPERTIES NOTIFIED
- SUBMISSIONS RECEIVED

**THE HILLS**  
Sydney's Garden Shire


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## ATTACHMENT 2 – AERIAL MAP



 SUBJECT SITE

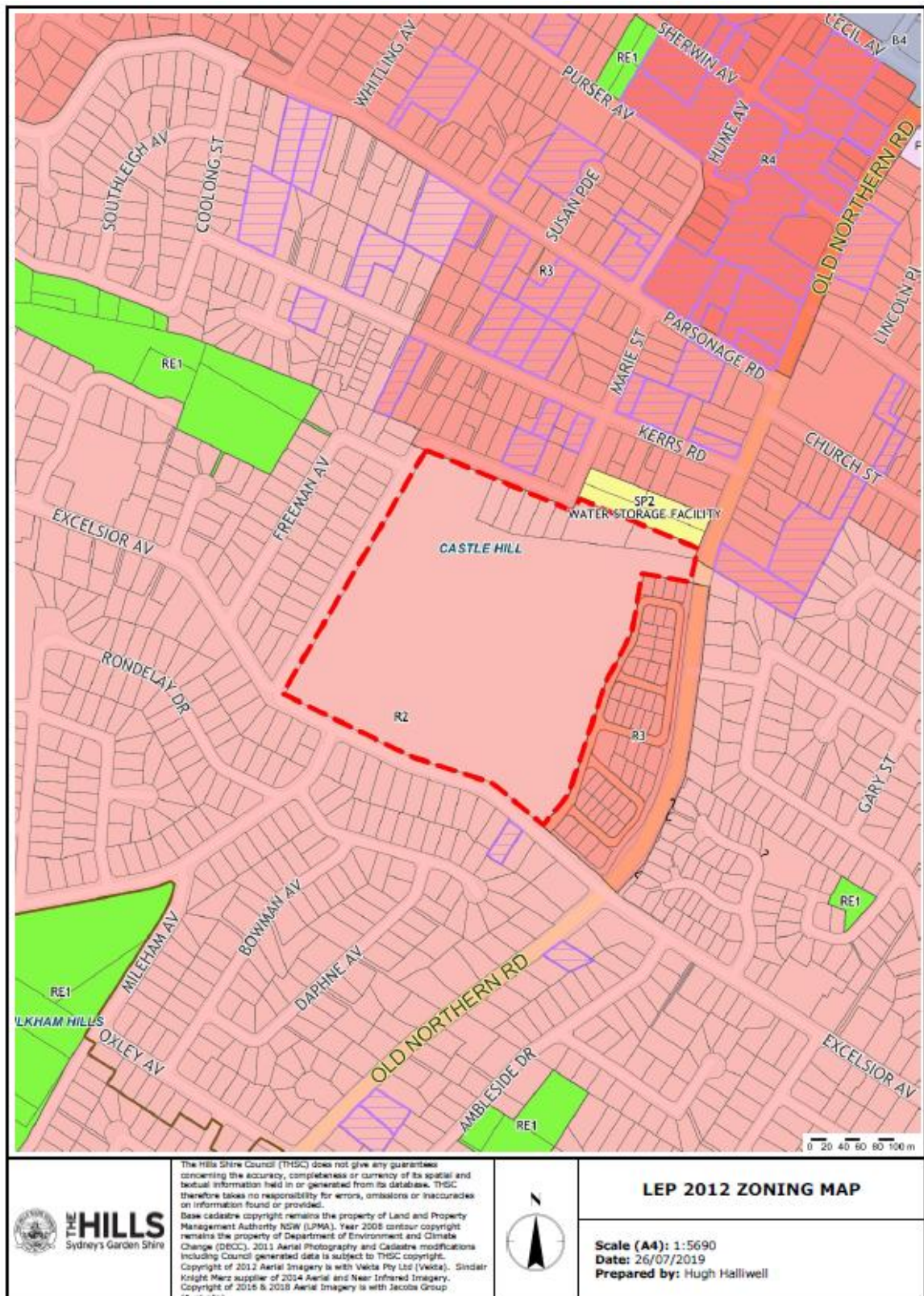
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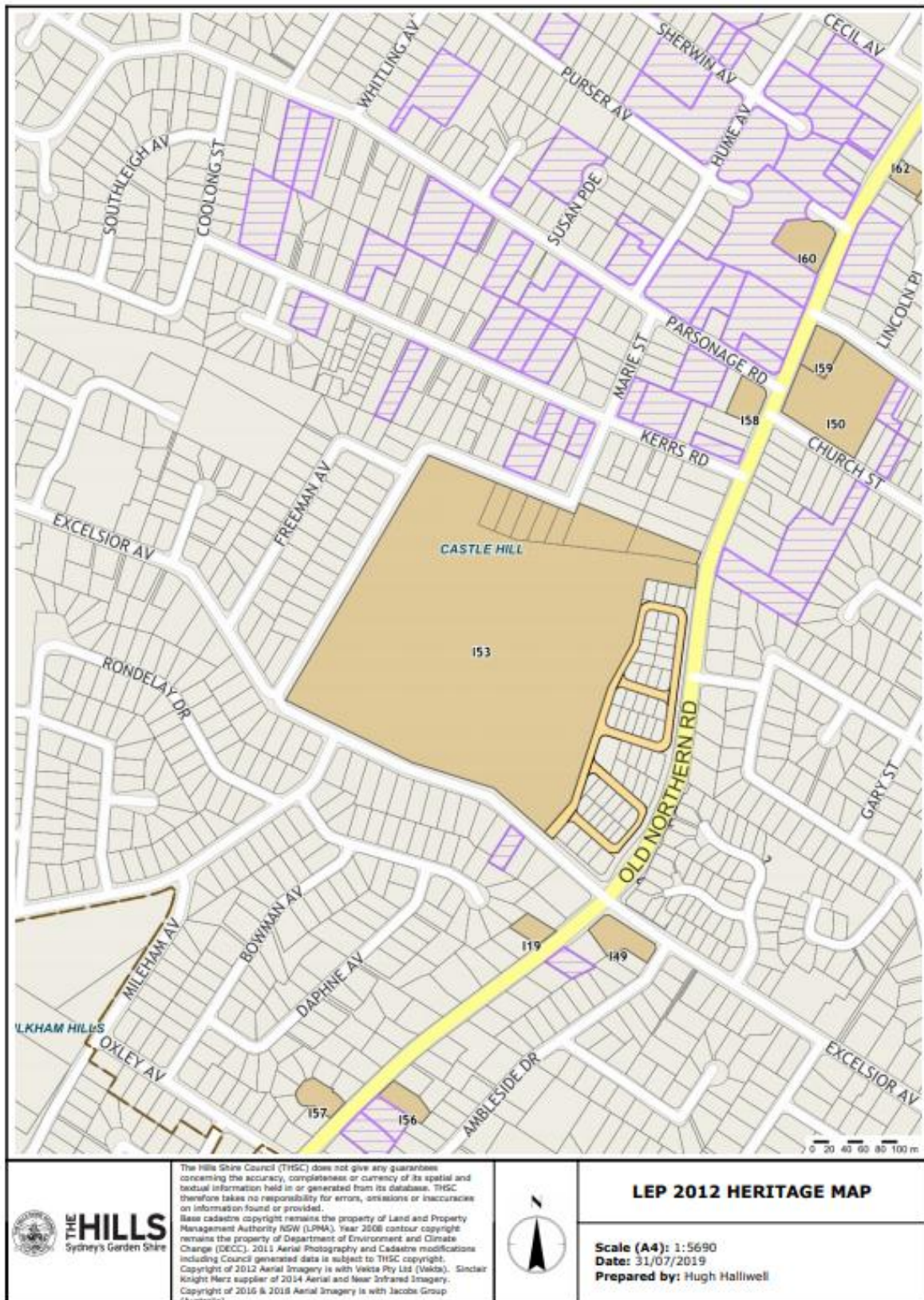
## ATTACHMENT 3 – LEP 2012 ZONING MAP



## ATTACHMENT 4 – LEP 2012 HEIGHT OF BUILDINGS MAP



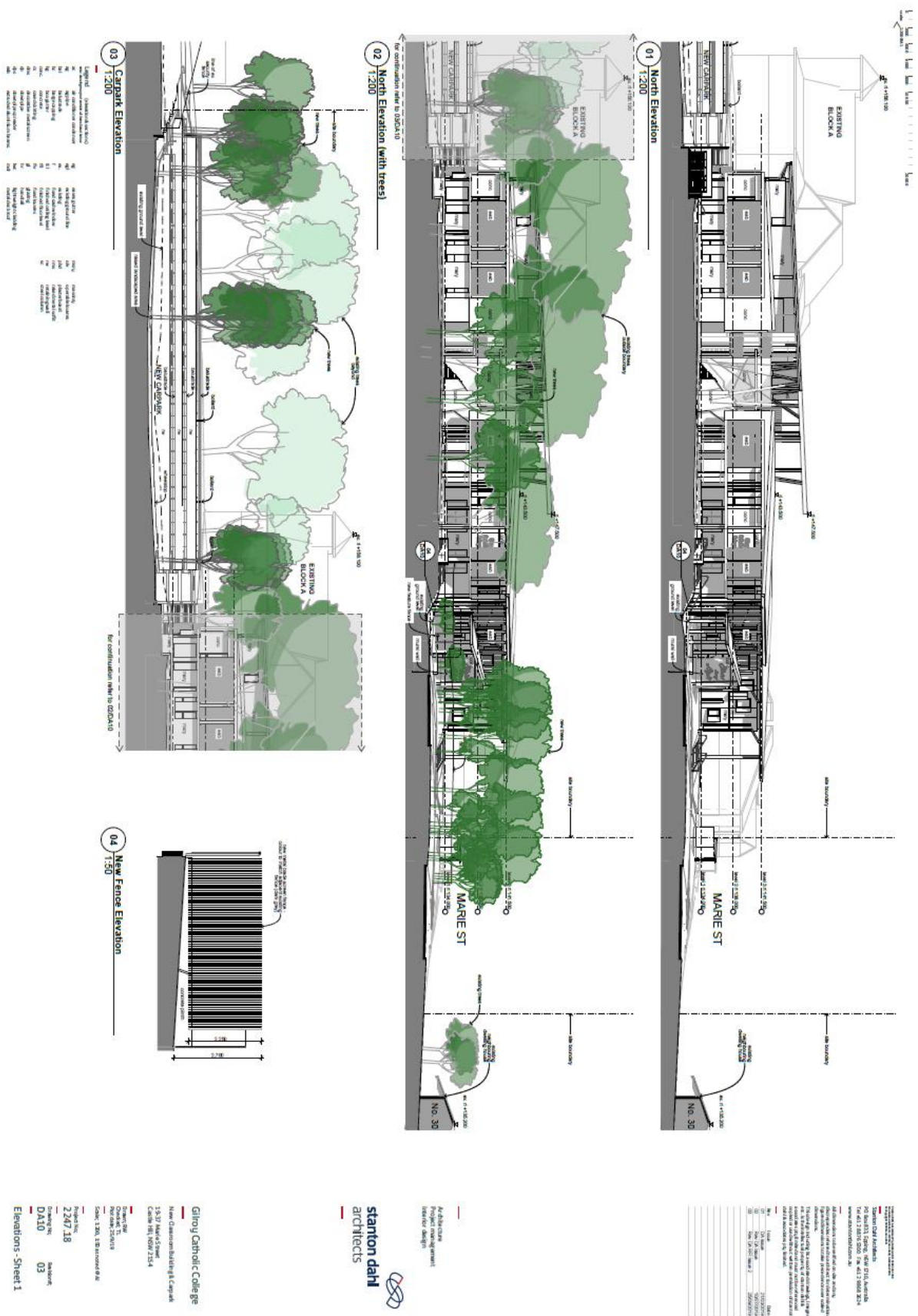
## ATTACHMENT 5 – LEP 2012 HERITAGE MAP



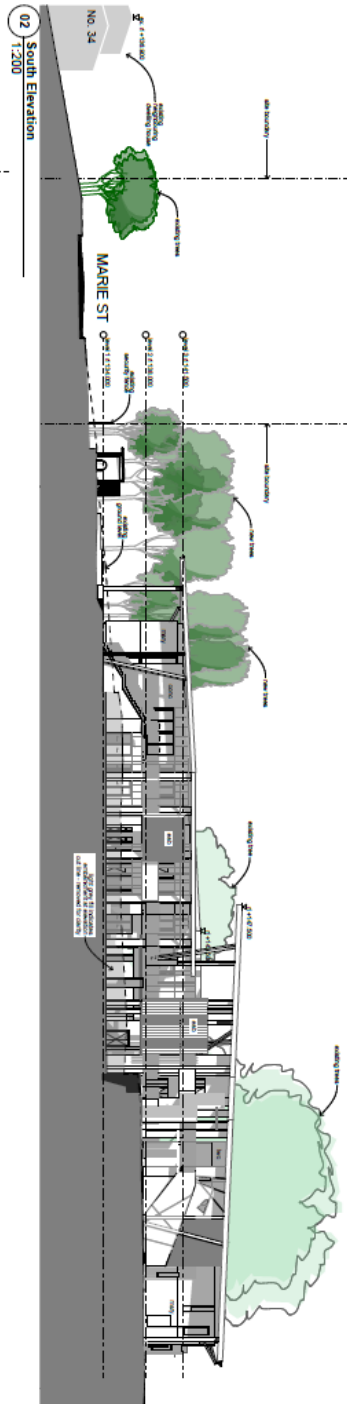
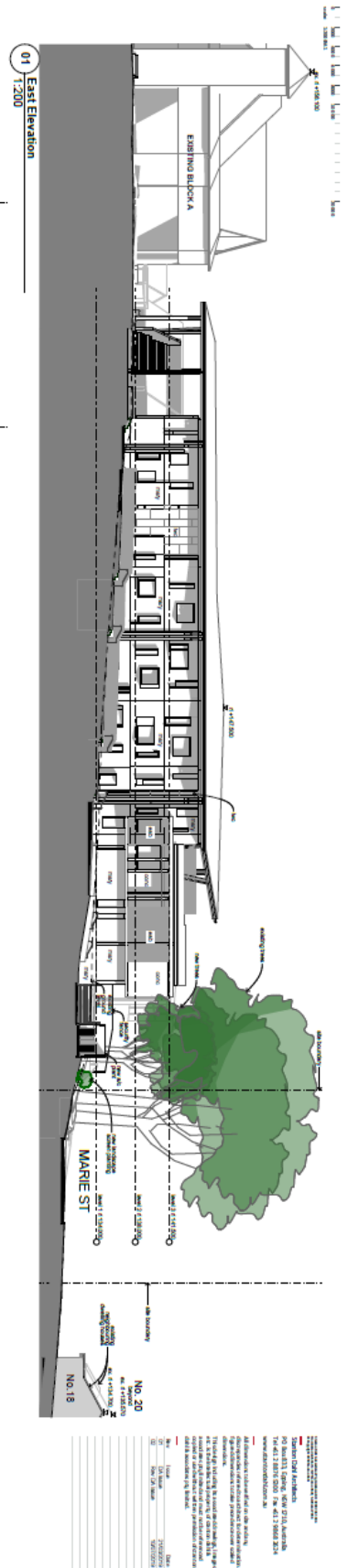
ATTACHMENT 6 – SITE PLAN



## ATTACHMENT 7 – ELEVATIONS



## ATTACHMENT 8 – ELEVATIONS



Year	Number of publications
1970	10
1971	12
1972	15
1973	18
1974	20
1975	22
1976	25
1977	28
1978	30
1979	32
1980	35
1981	38
1982	40
1983	42
1984	45
1985	48
1986	50
1987	52
1988	55
1989	58
1990	60
1991	62
1992	65
1993	68
1994	70
1995	72
1996	75
1997	78
1998	80
1999	82
2000	85
2001	88
2002	90
2003	92
2004	95
2005	98
2006	100
2007	102
2008	105
2009	108
2010	110



## 1:200



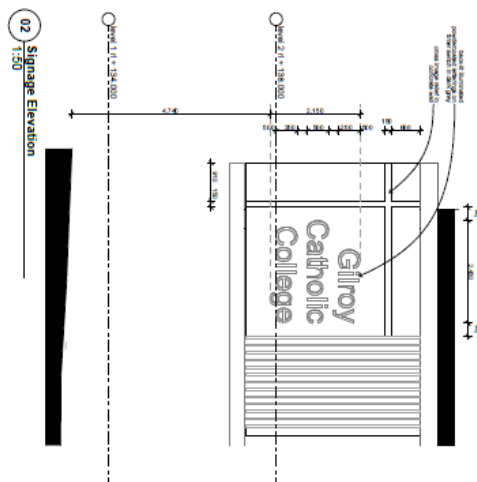
## 1:200



## 1:200

[illegible]

## ATTACHMENT 10 – SIGNAGE PLAN

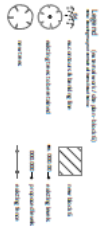
[illegible]

At the core  
Project management:  
interior design

**stanton dahl**  
architects

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New Classroom Building & Campus  
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Cable: HI, NOK 215.4  
Dinner: CN  
Dinner: TT  
Per day: 11/17/18  
Salem: 1.200, 1.218, 1.219, 1.220, 1.221, 1.222, 1.223, 1.224, 1.225, 1.226, 1.227, 1.228, 1.229, 1.230, 1.231, 1.232, 1.233, 1.234, 1.235, 1.236, 1.237, 1.238, 1.239, 1.240, 1.241, 1.242, 1.243, 1.244, 1.245, 1.246, 1.247, 1.248, 1.249, 1.250, 1.251, 1.252, 1.253, 1.254, 1.255, 1.256, 1.257, 1.258, 1.259, 1.260, 1.261, 1.262, 1.263, 1.264, 1.265, 1.266, 1.267, 1.268, 1.269, 1.270, 1.271, 1.272, 1.273, 1.274, 1.275, 1.276, 1.277, 1.278, 1.279, 1.280, 1.281, 1.282, 1.283, 1.284, 1.285, 1.286, 1.287, 1.288, 1.289, 1.290, 1.291, 1.292, 1.293, 1.294, 1.295, 1.296, 1.297, 1.298, 1.299, 1.300, 1.301, 1.302, 1.303, 1.304, 1.305, 1.306, 1.307, 1.308, 1.309, 1.310, 1.311, 1.312, 1.313, 1.314, 1.315, 1.316, 1.317, 1.318, 1.319, 1.320, 1.321, 1.322, 1.323, 1.324, 1.325, 1.326, 1.327, 1.328, 1.329, 1.330, 1.331, 1.332, 1.333, 1.334, 1.335, 1.336, 1.337, 1.338, 1.339, 1.340, 1.341, 1.342, 1.343, 1.344, 1.345, 1.346, 1.347, 1.348, 1.349, 1.350, 1.351, 1.352, 1.353, 1.354, 1.355, 1.356, 1.357, 1.358, 1.359, 1.360, 1.361, 1.362, 1.363, 1.364, 1.365, 1.366, 1.367, 1.368, 1.369, 1.370, 1.371, 1.372, 1.373, 1.374, 1.375, 1.376, 1.377, 1.378, 1.379, 1.380, 1.381, 1.382, 1.383, 1.384, 1.385, 1.386, 1.387, 1.388, 1.389, 1.390, 1.391, 1.392, 1.393, 1.394, 1.395, 1.396, 1.397, 1.398, 1.399, 1.400, 1.401, 1.402, 1.403, 1.404, 1.405, 1.406, 1.407, 1.408, 1.409, 1.410, 1.411, 1.412, 1.413, 1.414, 1.415, 1.416, 1.417, 1.418, 1.419, 1.420, 1.421, 1.422, 1.423, 1.424, 1.425, 1.426, 1.427, 1.428, 1.429, 1.430, 1.431, 1.432, 1.433, 1.434, 1.435, 1.436, 1.437, 1.438, 1.439, 1.440, 1.441, 1.442, 1.443, 1.444, 1.445, 1.446, 1.447, 1.448, 1.449, 1.450, 1.451, 1.452, 1.453, 1.454, 1.455, 1.456, 1.457, 1.458, 1.459, 1.460, 1.461, 1.462, 1.463, 1.464, 1.465, 1.466, 1.467, 1.468, 1.469, 1.470, 1.471, 1.472, 1.473, 1.474, 1.475, 1.476, 1.477, 1.478, 1.479, 1.480, 1.481, 1.482, 1.483, 1.484, 1.485, 1.486, 1.487, 1.488, 1.489, 1.490, 1.491, 1.492, 1.493, 1.494, 1.495, 1.496, 1.497, 1.498, 1.499, 1.500, 1.501, 1.502, 1.503, 1.504, 1.505, 1.506, 1.507, 1.508, 1.509, 1.510, 1.511, 1.512, 1.513, 1.514, 1.515, 1.516, 1.517, 1.518, 1.519, 1.520, 1.521, 1.522, 1.523, 1.524, 1.525, 1.526, 1.527, 1.528, 1.529, 1.530, 1.531, 1.532, 1.533, 1.534, 1.535, 1.536, 1.537, 1.538, 1.539, 1.540, 1.541, 1.542, 1.543, 1.544, 1.545, 1.546, 1.547, 1.548, 1.549, 1.550, 1.551, 1.552, 1.553, 1.554, 1.555, 1.556, 1.557, 1.558, 1.559, 1.560, 1.561, 1.562, 1.563, 1.564, 1.565, 1.566, 1.567, 1.568, 1.569, 1.570, 1.571, 1.572, 1.573, 1.574, 1.575, 1.576, 1.577, 1.578, 1.579, 1.580, 1.581, 1.582, 1.583, 1.584, 1.585, 1.586, 1.587, 1.588, 1.589, 1.590, 1.591, 1.592, 1.593, 1.594, 1.595, 1.596, 1.597, 1.598, 1.599, 1.600, 1.601, 1.602, 1.603, 1.604, 1.605, 1.606, 1.607, 1.608, 1.609, 1.610, 1.611, 1.612, 1.613, 1.614, 1.615, 1.616, 1.617, 1.618, 1.619, 1.620, 1.621, 1.622, 1.623, 1.624, 1.625, 1.626, 1.627, 1.628, 1.629, 1.630, 1.631, 1.632, 1.633, 1.634, 1.635, 1.636, 1.637, 1.638, 1.639, 1.640, 1.641, 1.642, 1.643, 1.644, 1.645, 1.646, 1.647, 1.648, 1.649, 1.650, 1.651, 1.652, 1.653, 1.654, 1.655, 1.656, 1.657, 1.658, 1.659, 1.660, 1.661, 1.662, 1.663, 1.664, 1.665, 1.666, 1.667, 1.668, 1.669, 1.670, 1.671, 1.672, 1.673, 1.674, 1.675, 1.676, 1.677, 1.678, 1.679, 1.680, 1.681, 1.682, 1.683, 1.684, 1.685, 1.686, 1.687, 1.688, 1.689, 1.690, 1.691, 1.692, 1.693, 1.694, 1.695, 1.696, 1.697, 1.698, 1.699, 1.700, 1.701, 1.702, 1.703, 1.704, 1.705, 1.706, 1.707, 1.708, 1.709, 1.710, 1.711, 1.712, 1.713, 1.714, 1.715, 1.716, 1.717, 1.718, 1.719, 1.720, 1.721, 1.722, 1.723, 1.724, 1.725, 1.726, 1.727, 1.728, 1.729, 1.730, 1.731, 1.732, 1.733, 1.734, 1.735, 1.736, 1.737, 1.738, 1.739, 1.740, 1.741, 1.742, 1.743, 1.744, 1.745, 1.746, 1.747, 1.748, 1.749, 1.750, 1.751, 1.752, 1.753, 1.754, 1.755, 1.756, 1.757, 1.758, 1.759, 1.760, 1.761, 1.762, 1.763, 1.764, 1.765, 1.766, 1.767, 1.768, 1.769, 1.770, 1.771, 1.772, 1.773, 1.774, 1.775, 1.776, 1.777, 1.778, 1.779, 1.780, 1.781, 1.782, 1.783, 1.784, 1.785, 1.786, 1.787, 1.788, 1.789, 1.790,

Age Group	No opinion	Strongly agree	Disagree	Strongly disagree	Don't know
18-24	~10%	~10%	~10%	~10%	~60%
25-34	~10%	~10%	~10%	~10%	~60%
35-44	~10%	~10%	~10%	~10%	~60%
45-54	~10%	~10%	~10%	~10%	~60%
55-64	~10%	~10%	~10%	~10%	~60%
65-74	~10%	~10%	~10%	~10%	~60%
75+	~10%	~10%	~10%	~10%	~60%



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 Yuba, CA 95912  
 Call: 530.888.2154

ATTACHMENT 12 – LEVEL 1 FLOOR PLAN



note:  
refer to civil  
drawings for levels

1	1.1	1.2	1.3	1.4	1.5	1.6	1.7	1.8	1.9	1.10	1.11	1.12	1.13	1.14	1.15	1.16	1.17	1.18	1.19	1.20	1.21	1.22	1.23	1.24	1.25	1.26	1.27	1.28	1.29	1.30	1.31	1.32	1.33	1.34	1.35	1.36	1.37	1.38	1.39	1.40	1.41	1.42	1.43	1.44	1.45	1.46	1.47	1.48	1.49	1.50	1.51	1.52	1.53	1.54	1.55	1.56	1.57	1.58	1.59	1.60	1.61	1.62	1.63	1.64	1.65	1.66	1.67	1.68	1.69	1.70	1.71	1.72	1.73	1.74	1.75	1.76	1.77	1.78	1.79	1.80	1.81	1.82	1.83	1.84	1.85	1.86	1.87	1.88	1.89	1.90	1.91	1.92	1.93	1.94	1.95	1.96	1.97	1.98	1.99	2.00	2.01	2.02	2.03	2.04	2.05	2.06	2.07	2.08	2.09	2.10	2.11	2.12	2.13	2.14	2.15	2.16	2.17	2.18	2.19	2.20	2.21	2.22	2.23	2.24	2.25	2.26	2.27	2.28	2.29	2.30	2.31	2.32	2.33	2.34	2.35	2.36	2.37	2.38	2.39	2.40	2.41	2.42	2.43	2.44	2.45	2.46	2.47	2.48	2.49	2.50	2.51	2.52	2.53	2.54	2.55	2.56	2.57	2.58	2.59	2.60	2.61	2.62	2.63	2.64	2.65	2.66	2.67	2.68	2.69	2.70	2.71	2.72	2.73	2.74	2.75	2.76	2.77	2.78	2.79	2.80	2.81	2.82	2.83	2.84	2.85	2.86	2.87	2.88	2.89	2.90	2.91	2.92	2.93	2.94	2.95	2.96	2.97	2.98	2.99	3.00	3.01	3.02	3.03	3.04	3.05	3.06	3.07	3.08	3.09	3.10	3.11	3.12	3.13	3.14	3.15	3.16	3.17	3.18	3.19	3.20	3.21	3.22	3.23	3.24	3.25	3.26	3.27	3.28	3.29	3.30	3.31	3.32	3.33	3.34	3.35	3.36	3.37	3.38	3.39	3.40	3.41	3.42	3.43	3.44	3.45	3.46	3.47	3.48	3.49	3.50	3.51	3.52	3.53	3.54	3.55	3.56	3.57	3.58	3.59	3.60	3.61	3.62	3.63	3.64	3.65	3.66	3.67	3.68	3.69	3.70	3.71	3.72	3.73	3.74	3.75	3.76	3.77	3.78	3.79	3.80	3.81	3.82	3.83	3.84	3.85	3.86	3.87	3.88	3.89	3.90	3.91	3.92	3.93	3.94	3.95	3.96	3.97	3.98	3.99	4.00	4.01	4.02	4.03	4.04	4.05	4.06	4.07	4.08	4.09	4.10	4.11	4.12	4.13	4.14	4.15	4.16	4.17	4.18	4.19	4.20	4.21	4.22	4.23	4.24	4.25	4.26	4.27	4.28	4.29	4.30	4.31	4.32	4.33	4.34	4.35	4.36	4.37	4.38	4.39	4.40	4.41	4.42	4.43	4.44	4.45	4.46	4.47	4.48	4.49	4.50	4.51	4.52	4.53	4.54	4.55	4.56	4.57	4.58	4.59	4.60	4.61	4.62	4.63	4.64	4.65	4.66	4.67	4.68	4.69	4.70	4.71	4.72	4.73	4.74	4.75	4.76	4.77	4.78	4.79	4.80	4.81	4.82	4.83	4.84	4.85	4.86	4.87	4.88	4.89	4.90	4.91	4.92	4.93	4.94	4.95	4.96	4.97	4.98	4.99	5.00	5.01	5.02	5.03	5.04	5.05	5.06	5.07	5.08	5.09	5.10	5.11	5.12	5.13	5.14	5.15	5.16	5.17	5.18	5.19	5.20	5.21	5.22	5.23	5.24	5.25	5.26	5.27	5.28	5.29	5.30	5.31	5.32	5.33	5.34	5.35	5.36	5.37	5.38	5.39	5.40	5.41	5.42	5.43	5.44	5.45	5.46	5.47	5.48	5.49	5.50	5.51	5.52	5.53	5.54	5.55	5.56	5.57	5.58	5.59	5.60	5.61	5.62	5.63	5.64	5.65	5.66	5.67	5.68	5.69	5.70	5.71	5.72	5.73	5.74	5.75	5.76	5.77	5.78	5.79	5.80	5.81	5.82	5.83	5.84	5.85	5.86	5.87	5.88	5.89	5.90	5.91	5.92	5.93	5.94	5.95	5.96	5.97	5.98	5.99	6.00	6.01	6.02	6.03	6.04	6.05	6.06	6.07	6.08	6.09	6.10	6.11	6.12	6.13	6.14	6.15	6.16	6.17	6.18	6.19	6.20	6.21	6.22	6.23	6.24	6.25	6.26	6.27	6.28	6.29	6.30	6.31	6.32	6.33	6.34	6.35	6.36	6.37	6.38	6.39	6.40	6.41	6.42	6.43	6.44	6.45	6.46	6.47	6.48	6.49	6.50	6.51	6.52	6.53	6.54	6.55	6.56	6.57	6.58	6.59	6.60	6.61	6.62	6.63	6.64	6.65	6.66	6.67	6.68	6.69	6.70	6.71	6.72	6.73	6.74	6.75	6.76	6.77	6.78	6.79	6.80	6.81	6.82	6.83	6.84	6.85	6.86	6.87	6.88	6.89	6.90	6.91	6.92	6.93	6.94	6.95	6.96	6.97	6.98	6.99	7.00	7.01	7.02	7.03	7.04	7.05	7.06	7.07	7.08	7.09	7.10	7.11	7.12	7.13	7.14	7.15	7.16	7.17	7.18	7.19	7.20	7.21	7.22	7.23	7.24	7.25	7.26	7.27	7.28	7.29	7.30	7.31	7.32	7.33	7.34	7.35	7.36	7.37	7.38	7.39	7.40	7.41	7.42	7.43	7.44	7.45	7.46	7.47	7.48	7.49	7.50	7.51	7.52	7.53	7.54	7.55	7.56	7.57	7.58	7.59	7.60	7.61	7.62	7.63	7.64	7.65	7.66	7.67	7.68	7.69	7.70	7.71	7.72	7.73	7.74	7.75	7.76	7.77	7.78	7.79	7.80	7.81	7.82	7.83	7.84	7.85	7.86	7.87	7.88	7.89	7.90	7.91	7.92	7.93	7.94	7.95	7.96	7.97	7.98	7.99	8.00	8.01	8.02	8.03	8.04	8.05	8.06	8.07	8.08	8.09	8.10	8.11	8.12	8.13	8.14	8.15	8.16	8.17	8.18	8.19	8.20	8.21	8.22	8.23	8.24	8.25	8.26	8.27	8.28	8.29	8.30	8.31	8.32	8.33	8.34	8.35	8.36	8.37	8.38	8.39	8.40	8.41	8.42	8.43	8.44	8.45	8.46	8.47	8.48	8.49	8.50	8.51	8.52	8.53	8.54	8.55	8.56	8.57	8.58	8.59	8.60	8.61	8.62	8.63	8.64	8.65	8.66	8.67	8.68	8.69	8.70	8.71	8.72	8.73	8.74	8.75	8.76	8.77	8.78	8.79	8.80	8.81	8.82	8.83	8.84	8.85	8.86	8.87	8.88	8.89	8.90	8.91	8.92	8.93	8.94	8.95	8.96	8.97	8.98	8.99	9.00	9.01	9.02	9.03	9.04	9.05	9.06	9.07	9.08	9.09	9.10	9.11	9.12	9.13	9.14	9.15	9.16	9.17	9.18	9.19	9.20	9.21	9.22	9.23	9.24	9.25	9.26	9.27	9.28	9.29	9.30	9.31	9.32	9.33	9.34	9.35	9.36	9.37	9.38	9.39	9.40	9.41	9.42	9.43	9.44	9.45	9.46	9.47	9.48	9.49	9.50	9.51	9.52	9.53	9.54	9.55	9.56	9.57	9.58	9.59	9.60	9.61	9.62	9.63	9.64	9.65	9.66	9.67	9.68	9.69	9.70	9.71	9.72	9.73	9.74	9.75	9.76	9.77	9.78	9.79	9.80	9.81	9.82	9.83	9.84	9.85	9.86	9.87	9.88	9.89	9.90	9.91	9.92	9.93	9.94	9.95	9.96	9.97	9.98	9.99	10.00	10.01	10.02	10.03	10.04	10.05	10.06	10.07	10.08	10.09	10.10	10.11	10.12	10.13	10.14	10.15	10.16	10.17	10.18	10.19	10.20	10.21	10.22	10.23	10.24	10.25	10.26	10.27	10.28	10.29	10.30	10.31	10.32	10.33	10.34	10.35	10.36	10.37	10.38	10.39	10.40	10.41	10.42	10.43	10.44	10.45	10.46	10.47	10.48	10.49	10.50	10.51	10.52	10.53	10.54	10.55	10.56	10.57	10.58	10.59	10.60	10.61	10.62	10.63	10.64	10.65	10.66	10.67	10.68	10.69	10.70	10.71	10.72	10.73	10.74	10.75	10.76	10.77	10.78	10.79	10.80	10.81	10.82	10.83	10.84	10.85	10.86	10.87	10.88	10.89	10.90	10.91	10.92	10.93	10.94	10.95	10.96	10.97	10.98	10.99	11.00	11.01	11.02	11.03	11.04	11.05	11.06	11.07	11.08	11.09	11.10	11.11	11.12	11.13	11.14	11.15	11.16	11.17	11.18	11.19	11.20	11.21	11.22	11.23	11.24	11.25	11.26	11.27	11.28	11.29	11.30	11.31	11.32	11.33	11.34	11.35	11.36	11.37	11.38	11.39	11.40	11.41	11.42	11.43	11.44	11.45	11.46	11.47	11.48	11.49	11.50	11.51	11.52	11.53	11.54	11.55	11.56	11.57	11.58	11.59	11.60	11.61	11.62	11.63	11.64	11.65	11.66	11.67	11.68	11.69	11.70	11.71	11.72	11.73	11.74	11.75	11.76	11.77	11.78	11.79	11.80	11.81	11.82	11.83	11.84	11.85	11.86	11.87	11.88	11.89	11.90	11.91	11.92	11.93	11.94	11.95	11.96	11.97	11.98	11.99	12.00	12.01	12.02	12.03	12.04	12.05	12.06	12.07	12.08	12.09	12.10	12.11	12.12	12.13	12.14	12.15	12.16	12.17	12.18	12.19	12.20	12.21	12.22	12.23	12.24	12.25	12.26	12.27	12.28	12.29	12.30	12.31	12.32	12.33	12.34	12.35	12.36	12.37	12.38	12.39	12.40	12.41	12.42	12.43	12.44	12.45	12.46	12.47	12.48	12.49	12.50	12.51	12.52	12.53	12.54	12.55	12.56	12.57	12.58	12.59	12.60	12.61	12.62	12.63	12.64	12.65	12.66	12.67	12.68	12.69	12.70	12.71	12.72	12.73	12.74	12.75	12.76	12.77	12.78	12.79	12.80	12.81	12.82	12.83	12.84	12.85	12.86	12.87	12.88	12.89	12.90	12.91	12.92	12.93	12.94	12.95	12.96	12.97	12.98	12.99	13.00	13.01	13.02	13.03	13.04	13.05	13.06	13.07	13.08	13.09	13.10	13.11	13.12	13.13	13.14	13.15	13.16	13.17	13.18	13.19	13.20	13.21	13.22	13.23	13.24	13.25	13.26	13.27	13.28	13.29	13.30	13.31	13.32	13.33	13.34	13.35	13.36	13.37	13.38	13.39	13.40	13.41	13.42	13.43	13.44	13.45	13.46	13.47	13.48	13.49	13.50	13.51	13.52	13.53	13.54	13.55	13.56	13.57	13.58	13.59	13.60	13.61	13.62	13.63	13.64	13.65	13.66	13.67	13.68	13.69	13.70	13.71	13.72	13.73	13.74	13.75	13.76	13.77	13.78	13.79	13.80	13.81	13.82	13.83	13.84	13.85	13.86	13.87	13.88	13.89	13.90	13.91	13.92	13.93	13.94	13.95	13.96	13.97	13.98	13.99	14.00	14.01	14.02</
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**stanton dahl**  
architects

**Gilroy Catholic College**

New Classroom Building & Campus  
150 S. Main St.  
Gilroy, CA 95020  
Cedar Hill, NSW 7154

District SW  
District T1  
Phone: 816-377-7119  
Fax: 816-377-7119

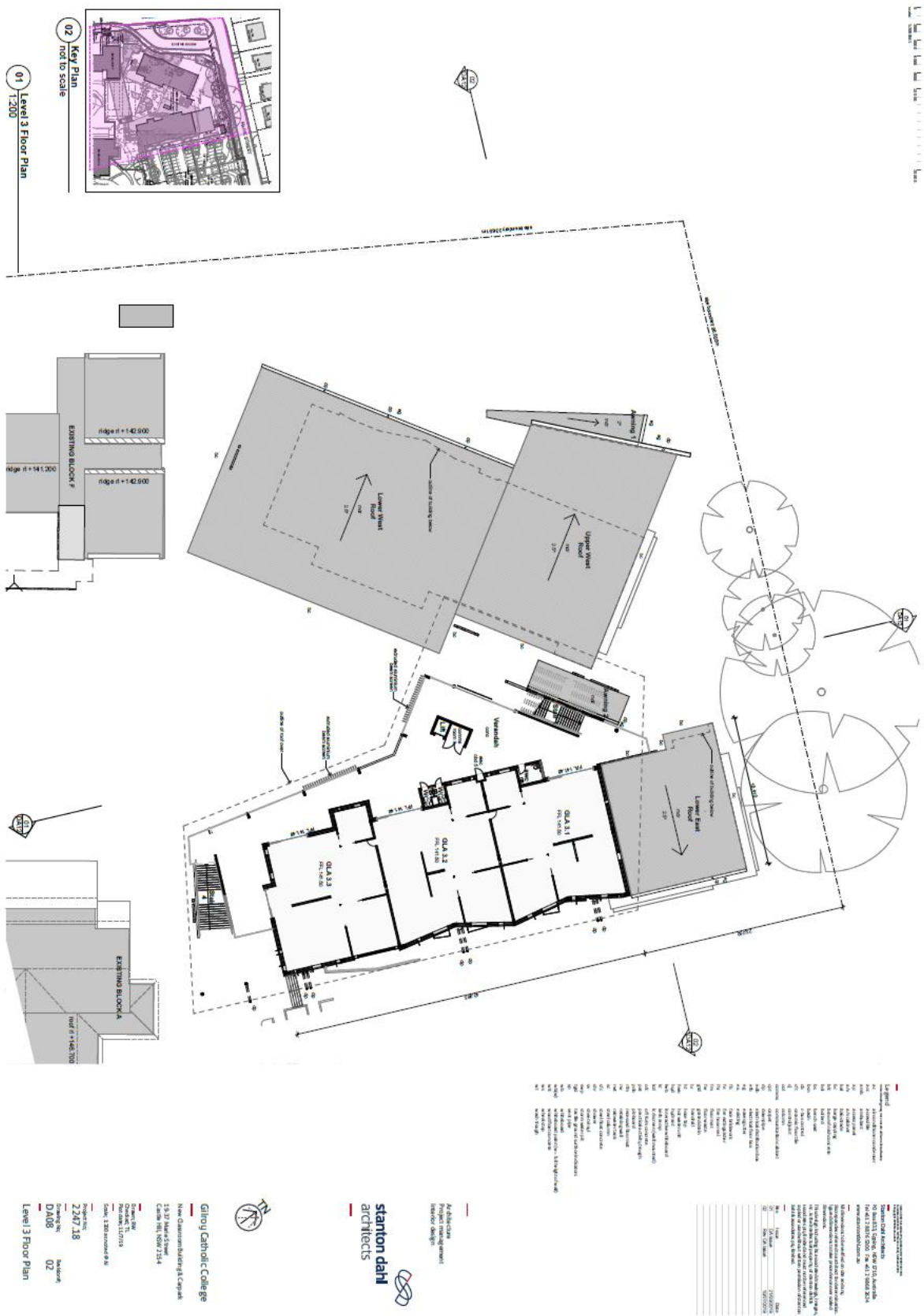
Scale: 1:300 as recorded @ NLS

+/- 2' Contour Interval  
**2,247.18'**

Township 1N Range 1W  
Section 02

**Level 2 Floor Plan**

ATTACHMENT 14 – LEVEL 3 FLOOR PLAN



**Gilroy Catholic College**  
New Classroom Building & Campus  
1500 Santa Teresa Ave  
Gilroy, CA 95020  
Phone: (408) 841-7254  
Fax: (408) 841-7255  
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Email: info@stationdah.com  
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Mode of Transport	Number of People
car	1,200
train	800
bus	600
bicycle	300
on foot	200



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architects

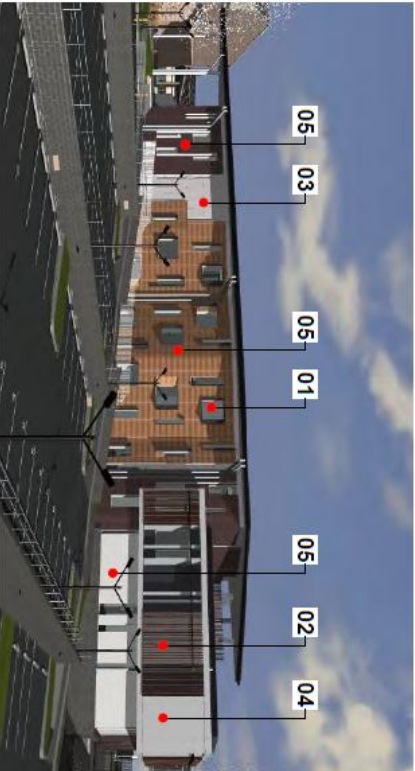


<b>Gilroy Catholic College</b>	<b>New Classroom Building &amp; Campus</b>
13.937 Miles from Crestle Hill, NSW 2124	
<b>Drawing SW</b>	
Chapel Hill	
Plot dated 27/10/19	
Scale: 1:200 as noted on A4	
<b>Project No.</b>	
<b>2247.18</b>	
<b>Drawing No.</b>	
<b>D609</b>	<b>Section</b>
<b>Root Plan</b>	

ATTACHMENT 16 – MATERIALS AND FINISHES SCHEDULE



western facade (new trees removed for clarity)  
not to scale



eastern facade (new trees removed for clarity)  
not to scale

Gilroy Catholic College  
19-37 Marie Street, Castle Hill, NSW



04\_ glazing (gl)

02\_ extruded aluminium beams (eab)



03\_ light weight cladding examples (lwc)



04\_ rendered, painted, off-form & concrete (conc)



05\_ masonry (msry)

06\_ fencing

please note: these images are indicative of the proposed palette of materials and finishes and are not intended to be used as a guide to the final design.

STANTON DAHL ARCHITECTS  
19-37 Marie Street, Castle Hill, NSW 2158, Australia  
Phone: 02 9648 2222  
www.stanton-dahl.com.au

Project: Gilroy Catholic College  
Project Number: 2020/001  
Project Manager: [Name]  
Architect: [Name]  
Date: 2020/001

Drawings: 01 - Site Plan  
02 - Floor Plan  
03 - Section  
04 - Elevation  
05 - Detail  
06 - Material Schedule  
07 - Landscape Plan  
08 - Construction Details  
09 - Section  
10 - Section  
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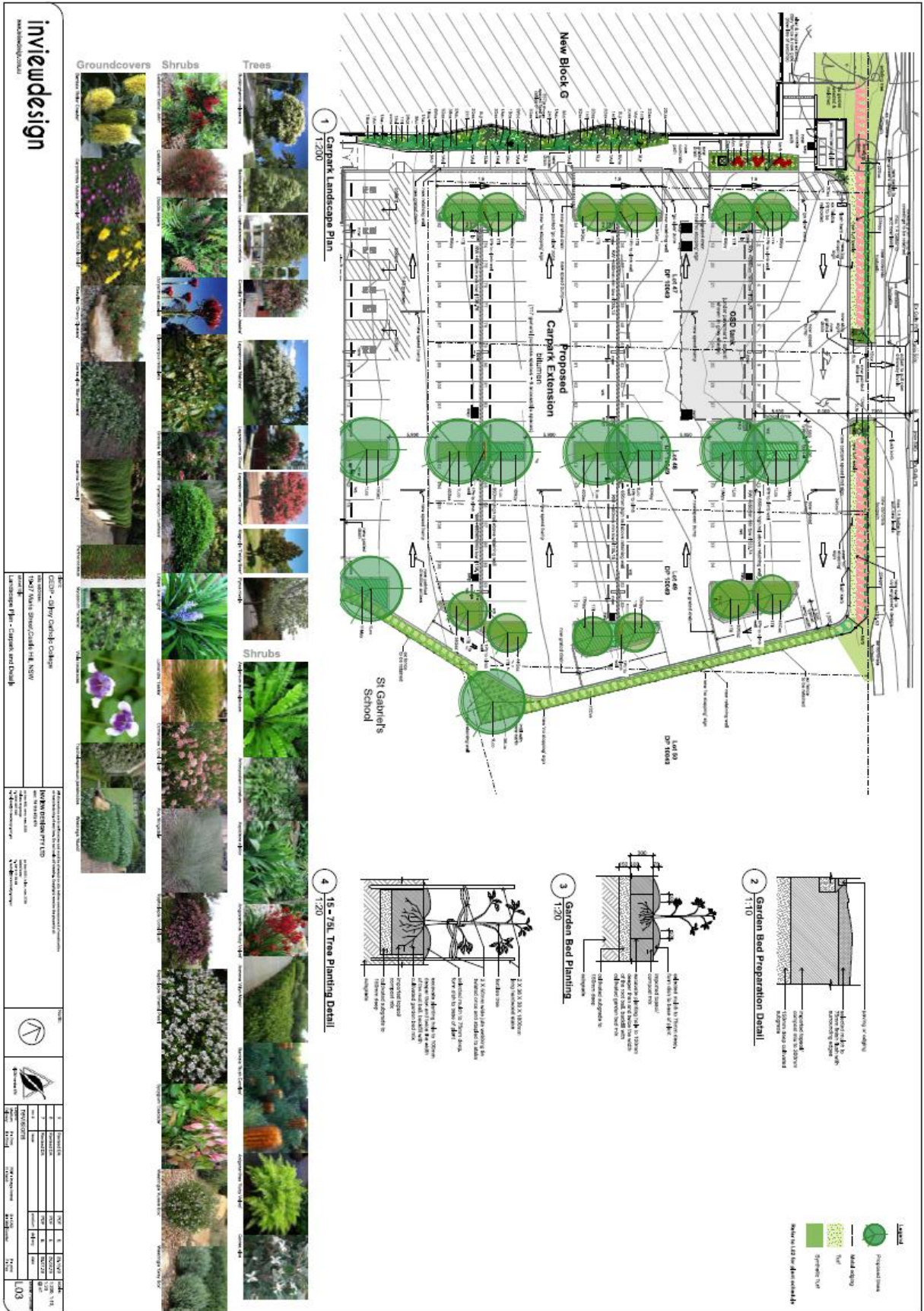
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Gilroy Catholic College  
New Classroom Building & Campus  
19-37 Marie Street  
Castle Hill, NSW 2158  
Phone: 02 9648 2222  
www.stanton-dahl.com.au  
Date: 2020/001  
Project Manager: [Name]  
Architect: [Name]  
Date: 2020/001  
Materials & Finishes  
Schedule

## ATTACHMENT 17 – LANDSCAPE PLAN 1



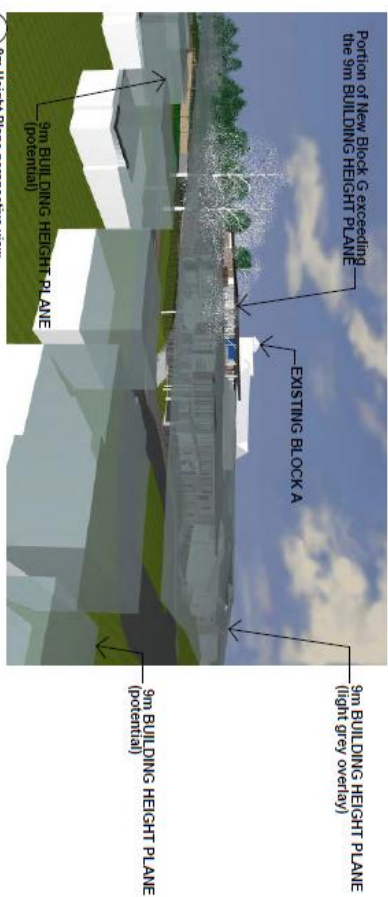
# ATTACHEMENT 18 - LANDSCAPE PLAN 2



## ATTACHEMENT 19 – 9 METRE BUILDING HEIGHT PLANE



01 9m Height Plane aerial view  
not to scale



02 9m Height Plane perspective view  
not to scale

**Journal of Interpersonal Violence**  
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Architecture  
Project management  
Interior design

 **stanton dahl**  
architects

**Gilroy Catholic College**  
New Classroom Building & Campus  
15.37 Acres/200,000 sq ft  
Culver Hill, New York

**Drawn: 2004**  
**Project: 2004**  
**Program: 2004/05**

**Scale: 1:125K (air photo) & A/E**

**Project No:**  
**224718**

**Drawings:** 02  
**Discipline:** 02

**Building Height: Unit 3D**  
**Diagram**

## ATTACHEMENT 20 – PHOTOMONTAGE



01 View from new Car Park Perspective  
not to scale

[illegible]

**Architecture**  
Project management  
Interior design



**stanton dahl**  
architects

**Gilroy Catholic College**  
New Orleans, Louisiana 70119  
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Dr. Robert W.  
 Chaudhry, LL.M.  
 President, 212.724.1919  
 Scaling ■ [www.rwchaudhry.com](http://www.rwchaudhry.com)  
 Proposed No. 2247.18  
 Dr. Robert W. Chaudhry, LL.M.  
 212.724.1919  
 Scaling ■ [www.rwchaudhry.com](http://www.rwchaudhry.com)

[illegible]

**Gilroy Catholic College**

New Classroom Building & Campus  
19.33 Acres  
22000 Gilroy Rd., Gilroy, CA 95020

Owner: NCC  
Contact: T.L.  
Proj. date: 11/12/19  
E-mail: [ar.morris@ncc.edu](mailto:ar.morris@ncc.edu)

Project No.:  
2247.18

Drawing No.:  
DA20

Revisions:

Photomontage - West

1. **Author(s)**

2. **Journal**

3. **Year**

4. **Volume**

5. **Issue**

6. **Page(s)**

7. **DOI**

8. **URL**

9. **Accession Number**

10. **Keywords**

11. **Abstract**

12. **Notes**

13. **Comments**

14. **References**

15. **Other**



01 View from Freeman Ave  
not to scale

**Gliryo Catholic College**  
New Gannan South High Campus  
19-27 Main Street  
Canaan Hill, NY 12514

**Drinking SW**  
**Drinking TW**  
2247.18  
2247.18  
Scale: as received (N/A)

**Project No.**  
**Drawing No.**  
**DA21**  
**01**

**Photomontage - From**  
**Fierman Ave**

## ATTACHEMENT 23 – CLAUSE 4.6 VARIATION REQUEST



planning consultants

28 March 2019  
Our Ref: 20413B.1SW\_c4.6 height

The General Manager  
The Hills Shire Council  
3 Columbia Court  
Norwest NSW 2153

Dear Sir

**RE: WRITTEN REQUEST FOR EXCEPTION TO A DEVELOPMENT STANDARD  
BUILDING HEIGHT DEVELOPMENT STANDARD  
PROPOSED WORKS TO GILROY CATHOLIC COLLEGE  
19-37 MARIE STREET, CASTLE HILL**

### 1.0 Introduction

DFP Planning has been commissioned by Catholic Education Diocese of Parramatta (CEDP) to prepare a request pursuant to clause 4.6 of *The Hills Council Local Environmental Plan 2012* (HLEP 2012) in respect of the proposed works including extension of an existing parking area and construction of a new classroom block to an existing educational establishment – Gilroy Catholic College, located at 19-37 Marie Street, Castle Hill.

This written request relates to a variation to the building height development standard that applies to the site.

### 2.0 The Hills Local Environmental Plan 2012

#### 2.1 Subclause 4.6(1) – Flexibility and Better Outcomes

Subclause 4.6(1) of the LEP states the objectives of the clause as follows:

- “(a) to provide an appropriate degree of flexibility in applying certain development standards to particular development, and*
- (b) to achieve better outcomes for and from development by allowing flexibility in particular circumstances.”*

Our response to these provisions is contained within this submission.

#### 2.2 Subclause 4.6(2) – Consent may be granted

Subclause 4.6(2) provides that:

- (2) Consent may, subject to this clause, be granted for development even though the development would contravene a development standard imposed by this or any other environmental planning instrument. However, this clause does not apply to a development standard that is expressly excluded from the operation of this clause.*



The height of buildings development standard is not expressly excluded from the operation of clause 4.6 and accordingly, consent may be granted.

### 2.3 Subclause 4.6(3) – Written Request

Subclause 4.6(3) relates to the making of a written request to justify an exception to a development standard and states:

- “(3) Consent must not be granted for development that contravenes a development standard unless the consent authority has considered a written request from the applicant that seeks to justify the contravention of the development standard by demonstrating:*
- (a) that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and*
  - (b) that there are sufficient environmental planning grounds to justify contravening the development standard.”*

The proposed development does not comply with the 9 metre height of buildings development standard pursuant to clause 4.3 of HLEP 2012 however, strict compliance is considered to be unreasonable and unnecessary in the circumstances of this case as justified in this written request.

### 2.4 Subclause 4.6(4) – Written Request

Subclause 4.6(4) provides that consent must not be granted for development that contravenes a development standard unless:

- “(a) the consent authority is satisfied that:*
- (i) the applicant’s written request has adequately addressed the matters required to be demonstrated by subclause (3), and*
  - (ii) the proposed development will be in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out, and*
- (b) the concurrence of the Secretary has been obtained.”*

Furthermore, subclause 4.6(5) provides that in deciding whether to grant concurrence, the Secretary must consider:

- “(a) whether contravention of the development standard raises any matter of significance for State or regional environmental planning, and*
- (b) the public benefit of maintaining the development standard, and*
  - (c) any other matters required to be taken into consideration by the Secretary before granting concurrence.”*

The remainder of this written request for exception to the development standard addresses the matters required under subclauses 4.6(4) and 4.6(5) of the LEP.

### 3.0 The Nature of the Variation

Clause 4.3(2) of HLEP 2012 sets out the building height limit as follows:

*“the height of a building on any land is not to exceed the maximum height shown for the land on the Height of Buildings Map”*

The Height of Buildings Map identifies the site as having a maximum building height of 9 metres.

HELP 2012 defines building height (or height of buildings) as follows:

- (a) in relation to the height of a building in metres—the vertical distance from ground level (existing) to the highest point of the building, or
- (b) in relation to the RL of a building—the vertical distance from the Australian Height Datum to the highest point of the building, including plant and lift overruns, but excluding communication devices, antennae, satellite dishes, masts, flagpoles, chimneys, flues and the like.

With respect to Building G, the proposed development comprises a built form of part two (2), part three (3) storeys in height, resulting in a building which exceeds the maximum building height control of 9 metres as shown on the cross section prepared by Stanton Dahl Architects (Figure 1), with the highest point at 13.5m - a maximum variation of 4.5m or 50%.



Figure 1 Extract of Cross Section – Building G (prepared by Stanton Dahl Architects)

A height plane diagram has also been prepared by Stanton Dahl Architects which shows the amount of the building that exceeds the height limit (Figure 2). The height plane diagram shows the proportion of Building G that exceeds the height limit (shown in dark grey).



Figure 2 Extract of Height Plane Diagram of the development and the proportion of Building G that exceeds the height limit (prepared by Stanton Dahl Architects)



As demonstrated in Figure 2 above, the rear portion of Block G exceeds the height limit. The west wing, which is closest to the corner of Marie Street is only two storeys in height and does not exceed the 9 metre height limit. The diagram also shows the heritage item in the background, which also exceeds the 9 metre height limit (shown in white).

#### 4.0 Relevant Case Law

The proposed variation to the development standard has been considered in light of the evolving methodology and "tests" established by the NSW Land & Environment Court (the Court) including the following cases:

- Winten Developments Pty Ltd v North Sydney Council [2001]
- Wehbe v Pittwater Council [2007]
- Four2Five Pty Ltd v Ashfield Council [2015]
- Randwick City Council v Micaul Holdings Pty Ltd [2016]
- Moskovich v Waverley Council [2016]
- Initial Action Pty Ltd v Woollahra Municipal Council [2018] NSWLEC 118

The Land and Environment Court of NSW, through the Judgment in Winten Developments Pty Ltd v North Sydney Council [2001], established a '5-part test' for considering whether strict compliance with a development standard is unreasonable or unnecessary in a particular case. This 5-part test was later supplemented by the Judgment in Wehbe v Pittwater Council [2007] where Chief Justice Preston expressed the view that there are 5 different ways in which an objection to a development standard may be assessed as being well founded and that approval of the objection is to be consistent with the aims of the policy (being State Environmental Planning Policy No. 1 Development Standards (SEPP1)).

Whilst these Judgments related to variation requests under SEPP 1, the methodology and reasoning expressed in those Judgments continues to be the accepted basis upon which to assess variation requests pursuant to clause 4.6 and accordingly, we have applied this methodology to the assessment below.

#### 5.0 Assessment of the Variation and Grounds of the Objection

The proposed variation to the building height development standard has been considered in light of the above Court cases, the objectives of the development standard and the R2 Low Density Residential zone, and potential environmental impacts.

##### 5.1 Step 1 – Is the planning control a development standard?

This question is the 1st 'test' in Winten. The height of building development standard in clause 4.3 of The Hills LEP 2012 is a development standard as, defined in Section 1.4 of the EP&A Act as follows:

*"development standards means provisions of an environmental planning instrument or the regulations in relation to the carrying out of development, being provisions by or under which requirements are specified or standards are fixed in respect of any aspect of that development, including, but without limiting the generality of the foregoing, requirements or standards in respect of:*

- (a) ...
- (b) ...
- (c) *the character, location, siting, bulk, scale, shape, size, height, density, design or external appearance of a building or work,*

*....."*

The maximum height of buildings control of 9 metres in clause 4.3 of The Hills LEP 2012 is a development standard.

**5.2 Step 2 – Pursuant to clause 4.6(4)(a), is the consent authority satisfied that the written request adequately addresses the matters in Clause 4.6(3)?**

The matters in clause 4.6(3) are:

- (a) that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and*
- (b) that there are sufficient environmental planning grounds to justify contravening the development standard."*

The elements of the school buildings that exceed the building height development standard are located such that they will not cause adverse impacts on the built environment or the amenity of nearby properties. Specifically, the residential properties to the north and west, across Marie Street, are not adversely affected in terms of overshadowing impacts and privacy/overlooking impacts have been mitigated through design features and screen landscaping.

The non-compliance with the height of buildings development standard allows for the orderly use of the land, which has the capacity to accommodate a high-quality contemporary educational facility. Block G has been designed to consider both the low density residential context of the immediate locality and the heritage item located within the school campus. The 2/3 storey scale of the development has suitable setbacks and landscaping. The third storey component of the development has been setback into the site to reduce its prominence from the street, as demonstrated in the height plane diagram prepared by Stanton Dahl Architects (Figure 2).

Overall, the building has been designed to respond to the natural topography, as well as providing a link to Block F and Block A to the south. The development responds to the constraints of the site, including the requirement for gradient levels for access requirements, as well as providing appropriate floor-to-ceiling heights within the school. This is considered to be a good planning outcome.

Strict compliance is considered to be unreasonable and unnecessary in the circumstances of this case as the proposal achieves and/or is not inconsistent with the relevant objectives of the development standard in that:

- The height of the proposed buildings maintains the desirable attributes and is not out of character with the area;
- The building heights do not result in any overshadowing or loss of privacy of nearby residential properties;
- The building designs contribute positively to the streetscape and visual amenity of the area; and
- The building will not overshadow any public open spaces or public domain areas.

Furthermore, strict compliance with the building height development standard would limit the ability to provide high quality cohesive learning spaces and would result in an inefficient use of the land and reduce at grade open space. Compliance with the building height development standard would result in an inferior design outcome where additional buildings with a larger footprint would occupy more of the site, thus reducing pervious areas and outdoor spaces. As discussed below, the maximum variation is due to the need to provide suitable learning spaces in a built form which responds appropriately to contemporary teaching techniques. Strict

compliance with the development standard would prevent the achievement of these design outcomes.

Compliance with the 9m building height development standard is also considered unnecessary in this instance as the height variation does not give rise to adverse impacts to the built environment or surrounding properties and therefore there are sufficient environmental planning grounds to justify the variation.

**5.3 Step 3 - Pursuant to c14.6(4)(b), is the consent authority satisfied that the development will be in the public interest because it is consistent with the objectives of the development standard and the objectives of the zone?**

**The Objectives of Building Height Development Standard**

The objectives of the maximum height of buildings standard in Clause 4.3(1) are:

- (a) *to ensure the height of buildings is compatible with that of adjoining development and the overall streetscape,*
- (b) *to minimise the impact of overshadowing, visual impact, and loss of privacy on adjoining properties and open space areas.*

In terms of objective (a), the proposal has endeavoured to maintain the desirable attributes and character of the area by providing a high quality development that meets the educational needs of the local residents and community as a whole. It is noted that the local character of the area is generally detached dwellings of single or two storeys. Having regard to the building height controls with the area, it is considered that the proposed building, which has maintained a two storey appearance to the Marie Street frontages will not be out of character with the overall streetscape.

Overall, the proposal has been designed to provide an efficient built form which responds appropriately to contemporary teaching techniques without resulting in significant adverse impacts.

In terms of objective (b), as demonstrated in the shadow diagrams submitted with the development application (Figure 3), given the orientation of the site and the location of the proposed Block G, shadows resulting from the proposed development will generally be contained within the bounds of the site. Therefore, the proposal is not considered to result in an unacceptable impact upon solar access, as the proposal will not reduce solar access for any property to less than 3 hours during the day in mid-winter. Furthermore, the proposal does not unreasonably overshadow the heritage item to the south.

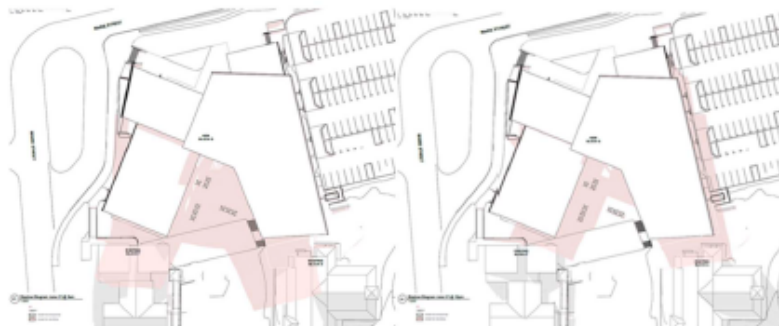




Figure 3: Overshadowing diagrams for Winter Solstice at 9am, 12pm and 3pm

Block G has been designed to be two storeys, when viewed from the north and the west, and to be in keeping with the neighbouring residential dwellings. The east wing, and the southern end of the site steps up to three storeys within the site. The development uses a variety of treatments and finishes to soften the bulk and the scale of the building. The development has a skillion roof which further reduces the bulk and scale of the classroom block.

The development has been specifically been designed in contrast to the heritage item as to not confuse "old with new", and to not diminish the historical value of Block A. The material, colours and finishes of Block G have been considered and are in keeping with contemporary educational establishments. A mix of light weight cladding, vertical extruded aluminium beams, rendered and painted concrete as well as masonry provides visual interest and a high-quality finish. A variety of glazed opening sizes and shapes assists in adding impact to the building whilst also softening its appearance in a more spirited manner.

Overall, the appearance of Block G has carefully considered and responds to the heritage item and its residential location, as well as providing a building that has impact in its educational setting.



Figure 4: Perspective of Block G as viewed from the main entrance at the north-western corner of the site (from the bus bay)



Given the orientation of the site and the location of the new Block G, the closest residential neighbour is approximately 39 metres from the building, across Marie Street (to the north). Visual privacy for properties to the north and west of the site, and along Marie Street is maintained through the design of the proposed main building and the proposed vegetation along the western boundary of the site.

The building has been setback to provide suitable landscaping along the western boundary, including Water Gums and Ivory Curl Flower trees which have mature heights of 15 metres and 10 metres respectively. Further planting is also proposed in the centre of the bus bay which will provide for further screening. Existing vegetation along the northern boundary which is to be retained provides suitable screening.

Some openings of the classrooms have been treated with privacy screens, however, it is noted that these classrooms are occupied during school hours only, Monday to Friday. In light of all the above, it is considered that the proposal will not result in significant adverse impacts relating to visual privacy for residential properties along Marie Street.

#### Objectives of the Zone

The Land Use Table of The Hills LEP 2012 states the zone objectives of the R2 Low Density Residential zone as follows:

- *To provide for the housing needs of the community within a low density residential environment.*
- *To enable other land uses that provide facilities or services to meet the day to day needs of residents.*
- *To maintain the existing low density residential character of the area.*

The objectives of the zone do not specifically address building height but relate to encouraging other forms of land uses to service or meet the day to day needs of residents. The ability of the proposed works to achieve these zone objectives is not affected by the proposed building height variation.

#### Objectives of The Hills LEP 2012

Clause 1.2(2) of The Hills LEP 2012 sets out the following aims:

- (a) *to guide the orderly and sustainable development of The Hills, balancing its economic, environmental and social needs,*
- (b) *to provide strategic direction and urban and rural land use management for the benefit of the community,*
- (c) *to provide for the development of communities that are liveable, vibrant and safe and that have services and facilities that meet their needs,*
- (d) *to provide for balanced urban growth through efficient and safe transport infrastructure, a range of housing options, and a built environment that is compatible with the cultural and natural heritage of The Hills,*
- (e) *to preserve and protect the natural environment of The Hills and to identify environmentally significant land for the benefit of future generations,*
- (f) *to contribute to the development of a modern local economy through the identification and management of land to promote employment opportunities and tourism.*

It is considered that the proposal will uphold the aims of the LEP for the following reasons:

- (a) – The proposal will result in an orderly and sustainable development which meets to social needs of the locally community by providing a high quality contemporary educational establishment.



- (b) – The proposal is a permissible form of development in the R2 zone and is of a design and type that is not inconsistent with the existing and desired future character of the area. The school re-development provides for a high quality learning environment that will enhance the quality of life for residents.
- (c) – The proposal provides a facility that meets the educational needs of the locality.
- (d) – The proposed built environment associated with the existing educational establishment has been carefully designed to provide an appropriate built form which is compatible and does not detract from the existing heritage item on site.
- (e) – Not applicable.
- (f) – The proposal has the opportunity to provide for future employment opportunities for existing and future residents.

#### **5.4 Step 4 – Clause 4.6(4)(b) – The Concurrence of the Secretary has been obtained**

On 21 February 2018, the Secretary of the Department of Planning and Environment issued a Notice ('the Notice') under clause 64 of the Environmental Planning and Assessment Regulation 2000 (the EP&A Regulation) providing that consent authorities may assume the Secretary's concurrence for exceptions to development standards for applications made under clause 4.6 of the Standard Instrument LEP or SEPP 1 subject to certain conditions.

The Secretary's concurrence may not be assumed by a delegate of council if:

- the development contravenes a numerical standard by greater than 10%; or
- the variation is to a non-numerical standard.

The proposed development comprises a built form up to three (3) storeys in height, resulting in a building which exceeds the maximum building height control of 9 metres. Building G has a maximum height of 13.5m - a maximum variation of 4.5m or 50%.

In any event, the DA will need to be determined by the Sydney Central City Planning Panel due to the type (Crown development) and cost (greater than 5 million dollars) of the proposed development. The above restrictions do not apply to decisions made by the Planning Panel.

#### **5.5 Step 5 – Clause 4.6(5) – Concurrence Considerations**

In the event that concurrence cannot be assumed pursuant to the Notice clause 4.6(5) of the LEP also requires the Secretary, in deciding whether to grant concurrence, to consider the following:

*"(a) whether contravention of the development standard raises any matter of significance for State or regional environmental planning,"*

The proposed non-compliance does not of itself raise any matter of significance for State or regional environmental planning.

*"(b) the public benefit of maintaining the development standard, and"*

The proposed variation does not set a precedent given the educational use of the site, and the specific land use requirements of the school. In this instance there is not considered to be a public benefit in maintaining the development standard.



*"(c) any other matters required to be taken into consideration by the Secretary before granting concurrence."*

It is considered that there are no other matters of relevance that need to be taken into consideration.

#### **6.0 Conclusion and Recommendations**

We have assessed the proposed building height variation against the relevant statutory provisions of clause 4.6 of The Hills LEP 2012 and prepared this written request which provides justification that compliance with the 9 metre building height development standard is unreasonable and unnecessary in the circumstances of the case.

Strict compliance with the height control would limit the ability to provide high quality learning spaces and result in an inefficient use of the land. The extent of the non-compliance is internal to the site. A compliant development would result in an inferior design outcome whereby additional smaller buildings would occupy more of the site, limiting pervious areas and reducing outdoor spaces. The non-compliance with the building height limit does not generate any adverse solar access or overshadowing impacts to adjoining residential properties or public areas. Overall, it is considered that the proposal contributes positively to the streetscape and visual amenity of the area, whilst also providing a high quality educational establishment.

Accordingly, the justification within this written request is considered to be well founded.

Should you have any queries please do not hesitate to contact the undersigned.

Yours faithfully

**DFP PLANNING PTY LTD**

A handwritten signature in black ink, appearing to read 'S. Watts', written over a horizontal line.

**SANDA WATTS  
PRINCIPAL PLANNER**

swatts@dfpplanning.com.au

A handwritten signature in black ink, appearing to read 'E. R. H.', written over a horizontal line.

Reviewed: \_\_\_\_\_