

COUNCIL ASSESSMENT REPORT

SYDNEY CENTRAL CITY PLANNING PANEL

PANEL REFERENCE & DA NUMBER	PPSSCC-622 DA 691/2025/JP
PROPOSAL	Demolition of Existing Classroom, Construction of a New Classroom Building and Alterations and Additions to Existing Buildings
ADDRESS	Gilroy College High School & St Gabriels School, 29-37 Marie Street, Castle Hill
APPLICANT	Catholic Schools Parramatta Diocese
OWNER	Trustees Roman Catholic Church Diocese Parramatta
DA LODGEMENT DATE	8 November 2024
APPLICATION TYPE	Development Application
REGIONALLY SIGNIFICANT CRITERIA	Clause 2.19 and Schedule 6 of the SEPP (Planning Systems) 2021
ESTIMATED DEVELOPMENT COST	\$14,829,424.00 (excluding GST)
CLAUSE 4.6 REQUESTS	The Hills LEP 2019 Clause 4.3 Height of Buildings
KEY SEPP/LEP	SEPP (Transport and Infrastructure) 2021 SEPP (Resilience and Hazards) 2021 The Hills LEP 2019
TOTAL & UNIQUE SUBMISSIONS KEY ISSUES IN SUBMISSIONS	Three
DOCUMENTS SUBMITTED FOR CONSIDERATION	Architectural Plans - NBRS & Partners Landscape Plans - NBRS & Partners Clause 4.6 Variation Request - EPM Projects Survey Plan – Vince Morgan (Surveyors) Quantity Surveyor Cost Estimate Report - Wilde and Woollard Civil Engineering Plans – Woolacotts Consulting Engineers Heritage Impact Statement - NBRS & Partners

	Arborist Report – Arbor Central BCA Capability Statement – MBC Group Detailed Site Investigation Report – BHM Geotechnical Pty Ltd Accessibility Report – Essential Access Acoustic Report - PKA Acoustic Consulting
SPECIAL INFRASTRUCTURE CONTRIBUTIONS (S7.24)	Nil
RECOMMENDATION	Approval subject to conditions
DRAFT CONDITIONS TO APPLICANT	Yes
SCHEDULED MEETING DATE	Electronic Determination
PREPARED BY	Madison Morris – Senior Town Planner
CONFLICT OF INTEREST DECLARATION	None Declared
DATE OF REPORT	30 July 2025

EXECUTIVE SUMMARY

The Development Application (691/2025/JP) seeks consent for demolition of an existing classroom building, construction of a new classroom building and alterations and additions to other existing buildings. Specifically, the proposal seeks to demolish and replace the building known as Block F located on the western boundary, and internal and external alterations to Block A and Block B. Ancillary landscaping works, including retaining walls and accessible pathways, are proposed to link the proposed works with development currently under construction. No changes are proposed to the previously approved staff and student numbers or car parking arrangements.

The site is known as No's 19-37 Marie Street, Castle Hill and has an area of approximately 10.63ha with multiple street frontages. The site is irregular in shape and contains two existing educational establishments, being Gilroy Catholic College and St Gabriel's School. Both schools are operated by separate organisations and do not share facilities.

The site currently contains school buildings to the north and western portions of the site, with outdoor play areas between the buildings and oval to the south and east. Adjoining properties comprise single and two storey dwellings and a multi dwelling housing development immediately to the east of the site.

The application has been assessed against the provisions of Chapter 3 of State Environmental Planning Policy (Transport and Infrastructure) 2021. This assessment has found the proposal to be consistent with the design principles. The proposal has given due consideration to the design quality principles under Schedule 8 of the SEPP. The development has demonstrated consistency with the existing streetscape and residential character of the locality and zone objectives.

The application is accompanied by a request to vary Clause 4.3 Height of Buildings development standard pursuant to Clause 4.6 of The Hills Local Environmental Plan. The

proposal seeks consent for a maximum building height of 10.98m for Block F which represents a variation of 22% or 1.98m. The accompanying Clause 4.6 request to vary a development standard is considered to be well-founded and strict compliance is unreasonable and unnecessary in this instance and the variation can be supported.

The site is identified as being an item of environmental heritage pursuant to Schedule 5 of LEP 2019. The Applicant has provided a Heritage Impact Statement with the application which outlines the extent of the impact on the heritage item. It is not expected these works will result in any adverse heritage impacts on the item or impact the established curtilage. The proposed works are generally limited to internal alterations and do not detrimentally affect the heritage significance of the item and can be supported.

A variation is proposed to the DCP control for building setbacks. The front setback control is 10m. The proposed setback varies between 7.5m at the southern end and 11m at the northern end. This is considered satisfactory because the proposal provides for a high quality design outcome that protects the amenity of adjoining residents and maintains the established streetscape character of Marie Street.

The Development Application was notified to adjoining properties for 14 days. Three submissions were received during the notification period relating to traffic and parking impacts. The issues raised in the submissions do not warrant refusal of the application.

The application is recommended for approval subject to conditions of consent.

1. THE SITE AND LOCALITY

1.1 The Site

The site is legally known as Lot 1 DP1073292; 19-37 Marie Street, Castle Hill. The site has an area of approximately 10.63ha with multiple street frontages that include Marie Street at the north and west and Excelsior Avenue to the south. The site is irregular in shape and contains two existing educational establishments, being Gilroy Catholic College and St Gabriel's School. Both schools are operated by separate organisations and do not share facilities.

The subject site currently contains school buildings to the north and western portions of the site, with outdoor play areas between the buildings and oval to the south and east.

The site is identified as being an item of environmental heritage (I53) pursuant to Schedule 5 of LEP 2019.

1.2 The Locality

The subject site is zoned R2 Low Density Residential under The Hills LEP 2019. Adjoining properties to the south and west of the site are zoned R2 Low Density Residential and comprises of single and two storey dwellings. Adjoining properties to the north and east of the site are zoned R3 Medium Density Residential including a multi dwelling housing development immediately to the east of the site.

2. THE PROPOSAL AND BACKGROUND

2.1 The Proposal

The Development Application seeks consent for the following:

- Demolition of existing Block F located on the western boundary of the site;
- Construction of a new two storey building to replace Block F containing 14 general learning areas, seven seminar rooms, and associated amenities;
- Internal alterations to Block A (heritage item) reconfiguring staff and bathroom areas and construction of a timber deck;
- Internal alterations to Block B reconfiguring learning spaces;
- External alterations to Block B including accessible path and external awning linking to Block C; and
- Landscaping and associated works linking the development with existing buildings and plaza on site.

Block F exceeds the maximum height standard of 9m with a maximum height of 10.98m proposed, resulting in a variation of 22% or 1.98m. A Clause 4.6 written submission to vary the height standard has been submitted with the Development Application.

No change is proposed to the previously approved staff and student numbers or car parking arrangements.

The original Development Application lodged with Council for assessment included works to Block C (existing school hall) which have been removed from the application. Works to Block C are subject to separate development consent. A condition is recommended that the reference to works on Block C are removed from the approved plans with the exception of the ramp between Block B and C (refer to Condition 9).

2.2 Background

On 12 December 2019, Development Application 1451/2019/JP for demolition of existing classroom facilities, construction of a multi-storey classroom building and associated works was approved by the Sydney Central City Planning Panel. The application specifically related to Block G within the north western corner and carpark to the north of the site. The application was approved with a maximum building height of 13.5m, which represents a variation of 50% (4.5m) to the height of buildings development standard. The application was approved for the construction of a new car park for 123 car parking spaces and an increase in student numbers from 1,209 to 1,380 and increase in staff numbers from 80 to 100.

On 7 January 2021, Development Application 1202/2020/HA for alterations and additions was approved under Delegated Authority. The application was approved for landscaping and external works including a new handball court, outdoor amphitheatre, shade sails and associated works.

On 2 September 2022, Development Application 1237/2022/JP for demolition of existing buildings and structures, construction of a two storey building (Block D) and covered outdoor learning area and associated works was approved by the Sydney Central City Planning Panel. The application was approved with a maximum building height of 11.14m, which represents a variation of 24% (2.14m) to the height of buildings development standard.

On 16 August 2024, a pre-lodgement meeting (12/2025/PRE) was held with Council Staff.

The subject Development Application was lodged on 8 November 2024. Between 12 November 2024 and 3 December 2024, the Development Application was notified to adjoining and surrounding property owners. Three submissions were received during the notified period relating to traffic and parking impacts.

On 3 December 2024, a request for information was sent to the applicant in relation to fire safety matters and estimated development cost. On 26 February 2025, a further request for information was sent to the applicant relating to engineering, tree and planning matters.

On 16 April, 23 April and 5 May 2025, additional information and amended plans were submitted. On 24 June 2025, further supplementary reporting was submitted.

It is noted that the original Development Application included works to Block C (existing school hall) which have been removed from the application and will be subject to separate Development Consent.

3. STATUTORY CONSIDERATIONS

When determining a Development Application, the consent authority must take into consideration the matters outlined in Section 4.15(1) of the *Environmental Planning and Assessment Act 1979* ('EP&A Act'). These matters as are of relevance to the Development Application include the following:

- (a) *the provisions of any environmental planning instrument, proposed instrument, development control plan, planning agreement and the regulations*
- (b) *the likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality,*
- (c) *the suitability of the site for the development,*
- (d) *any submissions made in accordance with this Act or the regulations,*
- (e) *the public interest.*

These matters are further considered below.

3.1 Section 4.15(1)(a)(i) - Provisions of Environmental Planning Instruments

The following Environmental Planning Instruments are relevant to this application:

- State Environmental Planning Policy (Planning Systems) 2021;
- State Environmental Planning Policy (Resilience and Hazards) 2021;
- State Environmental Planning Policy (Biodiversity and Conservation) 2021;
- State Environmental Planning Policy (Transport and Infrastructure) 2021; and
- The Hills Local Environmental Plan 2019 (LEP 2019)

A summary of the key matters for consideration arising from these State Environmental Planning Policies are outlined in the following table and considered in more detail below.

EPI	Matters for Consideration	Comply (Y/N)
Planning Systems SEPP	Section 2.19(1) declares the proposal as regionally significant development pursuant to Clause 2 of Schedule 6.	Y

Resilience and Hazards SEPP	Clause 4.6 Contamination and remediation has been considered in the detailed site investigation report and the proposal is satisfactory.	Y
Biodiversity and Conservation SEPP	Chapter 2 Vegetation in non-rural areas and Chapter 6 Water Catchments.	Y
Transport and Infrastructure SEPP	Chapter 3 Educational Establishments and Schedule 8 Design Principles	Y
Sustainable Buildings SEPP	Chapter 3 Standards for non-residential development	Y
LEP 2019	• Clause 4.3 Height of Buildings • Clause 4.6 Exceptions to Development Standards • Clause 5.10 Heritage Conservation.	N Y Y

State Environmental Planning Policy (Planning Systems) 2021

SEPP (Planning Systems) 2021 applies to the proposal as it identifies if development is regionally significant development. In this case, pursuant to Clause 2.19(1) of the SEPP, the proposal is a regionally significant development as it satisfies the criteria in Clause 5 of Schedule 6 of the SEPP as the proposal is development for the purpose of an educational establishment over \$5 million in estimated development cost, being \$14,829,424. Accordingly, the Sydney Central City Planning Panel is the determining authority for the application.

State Environmental Planning Policy (Resilience and Hazards) 2021

The object of chapter 4 is to provide for a statewide planning approval to the remediation of land. Clause 4.6 of the SEPP in particular requires consent authorities to consider 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.

The submitted detailed site investigation report found that there was some unknown fill under the existing Block F structure. The fill is required to be assessed to determine the level of contamination and remediation required. The Development Application has been reviewed by Council's Senior Environment and Health Officer who raised no objections to the proposal and recommended conditions of consent post demolition of the existing Block F and prior to construction of the new building to address the unknown fill (refer to conditions 19, 39, 40, 47 and 64). Subject to conditions of consent, the site can be made suitable for the proposed development. The proposal is satisfactory in this regard.

State Environmental Planning Policy (Biodiversity and Conservation) 2021

Chapter 2

The aim of this chapter is to protect biodiversity values of trees and other vegetation in non-rural areas of the State and preserve the amenity of non-rural areas of the State through the preservation of trees and other vegetation. The proposal has demonstrated that significant trees are to be protected on the subject site and the tree removal required for the development will not adversely affect the amenity of the area. The Development Application has been reviewed by Council's Tree Management Officer who raised no objections to the proposal and recommended conditions of consent including replacement planting.

Chapter 6

The aim of this chapter is to protect the environment of the Hawkesbury-Nepean River Catchment by ensuring that the impacts of future land uses are considered in a regional context. The proposal has demonstrated that the development has been designed in accordance with the requirements of Chapter 6, Part 6.2, Section 6.6. The Development Application has been reviewed by Council's Development Engineer who raised no objections to the proposal and recommended conditions of consent.

In this regard, the proposal is consistent with the Biodiversity and Conservation SEPP subject to the recommended conditions of consent.

State Environmental Planning Policy (Sustainable Buildings) 2022

The aims of this Policy are to encourage the design and delivery of sustainable buildings; ensure consistent assessment of the sustainability of buildings; record accurate data about the sustainability of buildings to enable improvements to be monitored; monitor the embodied emissions of materials used in the construction of buildings; minimise the consumption of energy; reduce greenhouse gas emissions; minimise to consumption of mains-supplies potable water; and ensure good thermal performance of buildings.

Chapter 3 of the SEPP applies to the development as it involves construction of a new building with an estimated development cost of more than \$5 million. The proposal has been designed to achieve the aims of the Policy. In addition, it is satisfied the embodied emissions attributable to the development have been quantified through the submitted NABERS Embodied Emissions Materials Form. The proposal is consistent with the Sustainable Buildings SEPP.

State Environmental Planning Policy (Transport and Infrastructure) 2021

This policy aims to facilitate the effective delivery of infrastructure across the state.

Chapter 3

The aim of this chapter is to facilitate the effective delivery of educational establishments and early education and care facilities across the State. Clause 36 Schools – development permitted with consent stipulates the following:

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

- (a) the design quality of the development when evaluated in accordance with the design quality principles set out in Schedule 8, 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 – Responsive to context

- *Schools should be designed to respond to and enhance the positive qualities of their surroundings.*
- *In designing built forms and landscapes, consideration should be given to a Country-centred approach and respond to site conditions such as orientation, topography, natural systems, Aboriginal and European cultural heritage and the impacts of climate change.*
- *Landscapes should be integrated into the overall design to improve amenity and to help mitigate negative impacts on the streetscape and neighbouring sites.*

The Development Application proposes extensive and detailed landscaping designs to integrate the buildings within the school setting whilst complimenting the residential character of the area. Existing building footprints are to be retained and continue a similar curtilage and setback to buildings which have previously, and are currently, undergoing redevelopment on the site. Block F has been designed to ensure a sympathetic scheme in relation to the existing school, including maintaining the spatial organisation of buildings and proposed heights responding to the topography whilst ensuring sight lines to the heritage item are preserved. The buildings have been designed taking into account the site conditions, including topography, orientation and climate. Outdoor learning areas provide a sympathetic transition between the built form and landscaped buffer to Marie Street, being suitably screened from the public domain whilst improving amenity for staff and students. Dense landscaping is provided to Marie Street to suitably screen the extension to the mechanical plant structure. Overall, the design responds to and enhances the existing setting of the school within a residential area.

Principle 2 – Sustainable, efficient and resilient

- *Good school design combines positive environmental, social and economic outcomes and should align with the principles of caring for Country.*
- *Schools should be designed to be durable and resilient in an evolving climate.*
- *Schools and their grounds should be designed to minimise the consumption of energy, water and other natural resources and reduce waste.*

The proposal provides for a high-quality educational environment for students and staff. 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 and west facing building, while also ensuring appropriate design methods are implemented to provide shade. The new Block F has been designed to minimise materials and reduce the carbon footprint. Alterations to Block A and B aim to retain as much of the existing fabric through adaptive reuse. Careful consideration has been had to the materials used being designed to minimise the consumption of energy, water and other natural resources and reduce waste while balancing the heritage significance of Block A. 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 grounds should be welcoming, easy to navigate and accessible and inclusive for people with differing needs and abilities.*
- *Schools should be designed to respond to the needs of children of different ages and developmental stages, foster a sense of belonging and seek to reflect the cultural diversity of the student body and community.*
- *Schools should be designed to enable sharing of facilities with the community and to cater for activities outside of school hours.*

The proposal improves way finding within the school setting and improves accessibility throughout the site. Block F has been designed to integrate with Block D and G levels with accessible connections to the outdoor areas. Alterations to Block A timber deck and doorways increase accessibility throughout the building, and the new path proposed to Block B and C blends in with the outdoor area and COLA approved under previous Development Applications. Accessible compliant amenities are also provided for students, staff and visitors of the school. The proposal has demonstrated compliance with the above through the Access

Report. The overall scheme fosters a sense of belonging and has been well designed to cater for all users of the school with different abilities.

Principle 4 – Healthy and safe

- *Good school design should support wellbeing by creating healthy internal and external environments.*
- *The design should ensure safety and security within the school boundaries, while maintaining a welcoming address and accessible environment.*
- *In designing schools, consideration should be given to connections, transport networks and safe routes for travel to and from school.*

The health of students and staff has been considered by providing large learning and outdoor play areas, both covered and uncovered. Improved ventilation and natural light has been incorporated into the design. 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. Increased openness within the plaza provides for a welcoming and accessible environment. Overall, the proposal provides for a significantly improved outcome for students and staff with regards to health and safety.

Principle 5 – Functional and comfortable

- *Schools should have comfortable and engaging spaces that are accessible for a wide range of formal and informal educational and community activities.*
- *In designing schools, consideration should be given to the amenity of adjacent development, access to sunlight, natural ventilation, proximity to vegetation and landscape, outlook and visual and acoustic privacy.*
- *Schools should include appropriate indoor and outdoor learning and play spaces, access to services and adequate storage.*

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 proposal includes additional large, expansive learning areas and informal outdoor areas that have considered the amenity of the adjacent development and wider neighbourhood. The location of Block F and landscaping will provide buffering from the main outdoor play areas to adjacent residential properties along Marie Street and local neighbourhood. The proposal will integrate with the previously approved central plaza play area which creates a well-defined recreational area suitable for outdoor learning and play spaces with passive surveillance.

The subject site is located adjacent to Old Northern Road; however, vehicular and pedestrian access is via Marie Street which is not proposed for amendment under this application. Nevertheless, the proposal provides for a high level of acoustic amenity for students, teachers and visitors.

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. Internal alterations to Block A improve the functionality of the building whilst retaining the heritage significance. Mechanical ventilation is suitably located on the roof spaces for an improved acoustic environment. Overall, the proposal provides functional and comfortable areas for staff and students, as well as the public.

Principle 6 – Flexible and adaptable

- *In designing schools, consideration should be given to future needs and take a long-term approach that is informed by site-wide strategic and spatial planning.*
- *Good design for schools should deliver high environmental performance and ease of adaptation, and maximise multi-use facilities.*
- *Schools should be adaptable to evolving teaching methods, future growth and changes in climate, and should minimise the environmental impact of the school across its life cycle.*

The school seeks consent for a new building and upgrade works to existing buildings which aim to deliver a built form with a high environmental performance, ease of adaption and maximising multi-use facilities. Block F has been designed to provide large open learning environments that can be easily altered internally in the future without structural changes to the building. Sliding doors and acoustic partitions between rooms allows for flexibility in learning spaces to adapt to the needs of students in the future. The proposed materials provide structure within the outer footprint for longevity and flexibility internally for future adaptive use. Overall, the proposal provides an environment that is flexible and adaptable for future needs.

Principle 7 – Visually appealing

- *School buildings and their landscape settings should be aesthetically pleasing by achieving good proportions and a balanced composition of built and natural elements.*
- *Schools should be designed to respond to and have a positive impact on streetscape amenity and the quality and character of the neighbourhood.*
- *The identity and street presence of schools should respond to the existing or desired future character of their locations.*
- *The design of schools should reflect the school's civic role and community significance.*

The built form responds to the existing context and is consistent with the desired future character of the school as approved under the previous upgrade applications. Block F is located between the recently constructed Block G and Block D which is currently under construction. The building design and landscape setting has been created to ensure the built form and landscaping responds to the central courtyard plaza and streetscape character established under previous Development Applications. The design continues to positively contribute to the site and surrounding neighbourhood with the visual impact of the built form being sympathetic to the locality through positioning, materiality, and landscaping.

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

The Hills Local Environmental Plan 2019

a) Permissibility

The site is zoned R2 Low Density Residential under LEP 2019. Development for the purpose of educational establishments are permitted with consent. The proposal satisfies LEP 2019 in this regard.

b) Zone Objectives

The objectives of the R2 Low Density Residential zone are:

- *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 proposal is considered to be consistent with the stated objectives of the zone, in that the proposal will deliver a land use which provides facilities to service the day to day needs of residents whilst maintaining the low density residential character of the area. The proposal satisfies LEP 2019 in this regard.

c) Development Standards

The following addresses the principal development standards of the LEP relevant to the subject proposal:

DEVELOPMENT STANDARD	REQUIRED	PROPOSED	COMPLIANCE
Clause 4.3 Height of Buildings	Maximum 9m	Block F = 10.98m	No; refer to discussion below
Clause 4.6 Exceptions to 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.
Clause 5.10 Heritage Conservation	A heritage management document to be prepared to assess the extent which carrying out the works would affect the heritage significant of the heritage item.	Heritage Impact Assessment submitted and is addressed below.	Yes, refer to discussion below.

i. **Variation to Building Height**

Clause 4.3 of LEP 2019 limits the height of the development site to 9 metres. The proposal seeks consent for a maximum building height of 10.98m for Block F, which represents a variation of 22% (1.98m). The applicant has provided a Clause 4.6 Variation which is provided at Attachment N.

Clause 4.6(3)(b) of LEP 2019 requires that *development consent must not be granted to development that contravenes a development standard unless the consent authority is satisfied the applicant has demonstrated that –*

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

In determining the appropriateness of the variation request, a number of factors identified by the Applicant have been taken into consideration to ascertain whether the variation is supportable in this instance. They include:

- *NBRS Architects have provided a shadow diagram analysis of Block F. The analysis has provided a representation of the extent of overshadowing in the post development scenario.*

The diagrams identify that the development will not cause any overshadowing to the neighbouring residential developments.

- Block F is orientated towards the centre of the College campus with the circulation spaces for students located on the eastern side of the building away from the residential properties, located on the opposite side of Marie Street. The new Block F building would be sited in a similar position to the existing building and would maintain a similar setback distance to the northern and western site boundaries.
- The upper ground floor and eaves line of the new Block F building generally align with the upper ground level of Block D (currently under construction).
- The new Block F building would be sited between recently constructed school buildings, Block G to the north and Block D to the south (under construction). Consistent with these buildings, Block F would be aligned to the College's western boundary and would exhibit a contemporary design that incorporates materials such as sheet metal roofing, textured face brick and cement fibre sheeting. This materiality which also references the materiality present in the broader Marie Street Streetscape and presents a consistent at street level.
- As with Block D, the two (2) storey component of the Block F would be constructed on the lower, western side of the building and would transition to single storey on the eastern side of the building.
- Furthermore, Council and the Panel have favourably determined built form (Block G and Block D) which involved height variations of a similar nature and thus have set a precedent for a design and scale of built form that is acceptable having regard to the evolving characteristics of the campus.
- The Design Statement prepared by NBRS outlines that the floor levels of Block F have been set to enable accessible path of travel from Block F to the accessible access ramp connecting Block G as well as the existing external courtyard area between Block F and Block A. The roof pitch of Block F has been provided in consideration of these levels and allows the built form to tie into the site's topography thereby providing equitable access without compromising internal floor to ceiling heights.
- The HIS outlines that the design of the new Block F building would be similar to that of the demolished building and would be sympathetic to the overall heritage context of the site. The HIS confirms that the height exceedance proposed is acceptable from a heritage perspective as it would not obscure views to Block A or in terms of overall scale overwhelm Block A's significant features.

Comment:

The site has been subject to previous Development Applications (1451/2019/JP and 1237/2022/JP) approved by the Sydney Central City Planning Panel for multi storey classrooms, covered outdoor learning area, increase in children and staff numbers, and alterations to the car park. Previous Development Applications have been approved with a variation to Clause 4.3 Height of Buildings development standard. The proposed variation under the subject Development Application is consistent with the previous Development Applications. A summary of previously approved building heights and variations to the height of buildings development standard are provided below:

	Height of Building	Variation to Development Standard
Previous Applications		
1451/2019/JP	13.5m	50% or 4.5m
1237/2022/JP	11.14m	24% or 2.14m
Subject Application		
691/2025/JP	10.98m	22% or 1.98m

Block F has a maximum height of 10.98m at the centre of the northern elevation where the building steps up the site's slope and exceeds the height of buildings development standard by 1.98m or 22% as detailed in Figures 1 and 2 below.

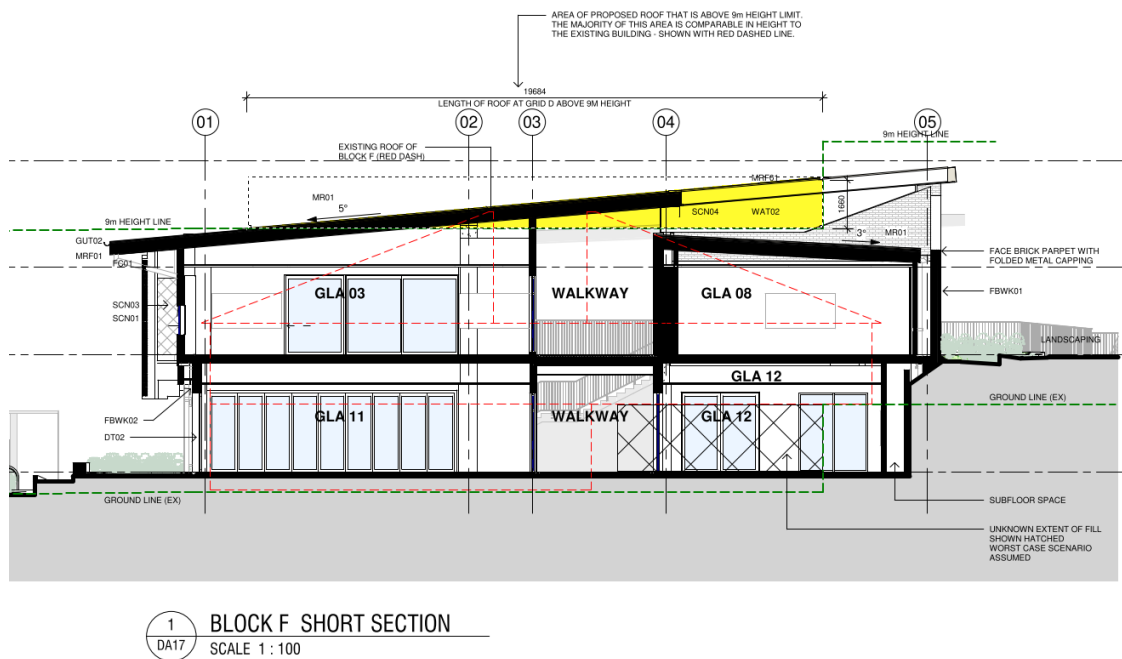


Figure 1: Section Through Block F with Exceedance to Height Standard Indicated in Yellow

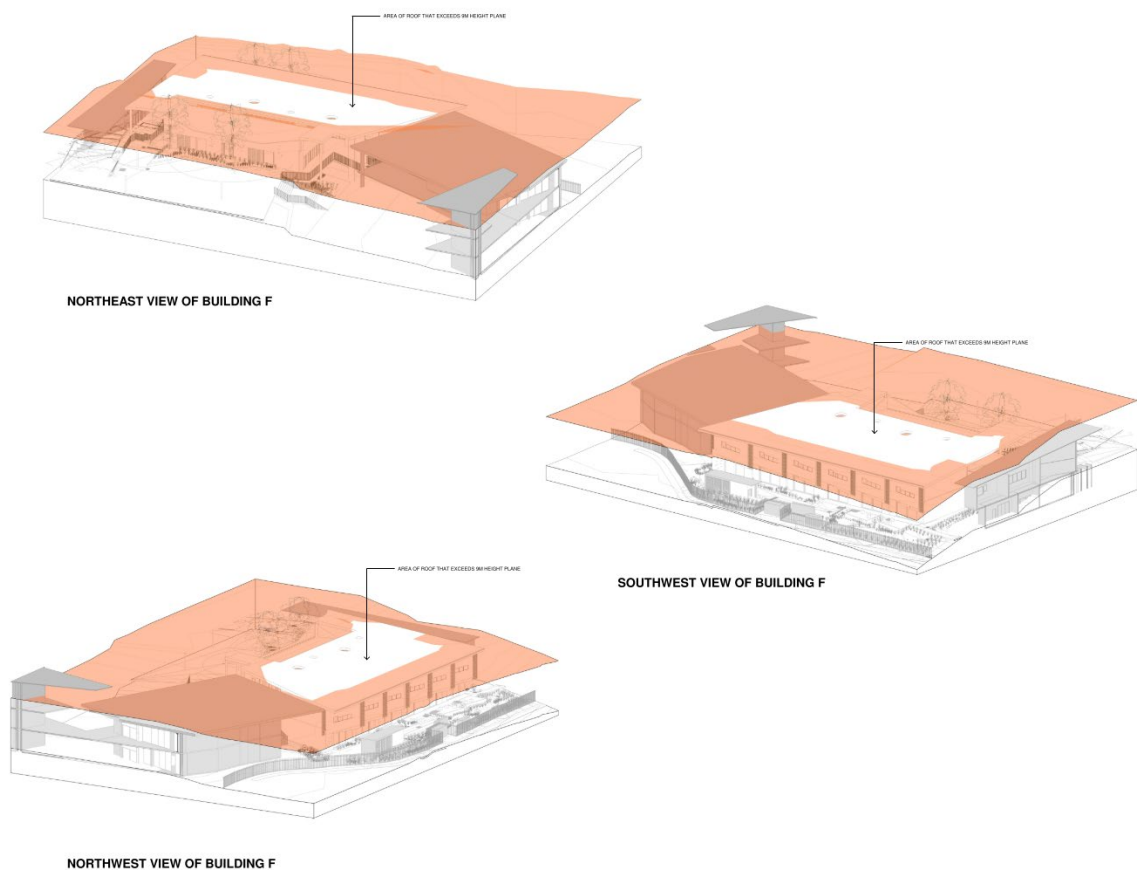


Figure 2: Applicant's Height Plane Diagram including Exceedance to Height Standard.

The objective of Clause 4.3 Height of Buildings is to ensure that the height of buildings is compatible with that of adjoining development and streetscape. Additionally, the building height development standard aims to minimise the impact of overshadowing, visual impact, and loss of privacy on adjoining properties and open space areas. As such, the development standard for building height and the development controls for building design, solar access and overshadowing have been considered with respect to the merits of a variation pursuant to Clause 4.6.

The proposed departure to the building height development standard is limited to the roof form of Block F in the centre of the building and will not cause adverse impacts on the amenity of adjoining properties with respect to overshadowing, privacy, view loss and perceived bulk and scale.

The built form responds to the existing context and is consistent with the desired future character of the school as approved under the previous upgrade applications. The building presents as two storeys when viewed from Marie Street, with the height exceedance setback from the front façade. The height exceedance is not perceivable from the streetscape presentation, with the western elevation fully complying with the height of buildings development standard. The roof form slopes back from the street and presents as two storeys from the ground level to the beginning of the roof pitch. Block F (RL 144.6) remains of comparable size and scale to the approved Block D (RL 144.8) located to the south and Block G (RL 147.5) located to the north. Block F remains significantly lower in height than Block A, the heritage item, (RL 156.1) being 11.5m lower, as seen in the figure below.



Figure 3: Western Elevation with Block F (pink) adjacent to Block D (right) and Block G (left)

In addition, Block F continues with the established setbacks of Block D and G along the western boundary to Marie Street. Adjoining properties achieve adequate solar access as result of the separation distances and site orientation. The building form and massing is considered appropriate in this context given compliance with the development controls for solar access and overshadowing.

The site has a cross fall from east to west through the school towards Marie Street. The development has been designed to respond to the topography ensuring the buildings are appropriately addressed when viewed from the public domain and internal courtyard. The building has been designed that the majority of the roof form complies with the height limit having exception to the middle of the building which is a result of the existing Block F ground level. No additional storeys or floor area are proposed within the area of the height exceedance.

The development has been designed to consider the low density context of the immediate locality and provide a built form outcome which responds to the residential zoning. Notwithstanding the building height non-compliance, the height and scale of the proposed development will remain consistent with the approved built form. The design maintains the modernised elements of the new buildings along Marie Street. Landscaping and the use of complementary colours and materials soften the built form and maintain the existing streetscape character.

The variations to the height standard are considered negligible when viewed from the public domain. In this regard, there are sufficient environmental planning grounds to justify the contravention.

The Applicant has adequately demonstrated that the proposed development is in the public interest and is consistent with the objectives of Clause 4.3 Height of Buildings and the R2 Low Density Residential zone. The variation to building height will not create buildings of excessive height, bulk or scale nor will it cause undue impacts upon the amenity of adjoining residential properties. A variation to the building height in this instance is considered to be satisfactory and can be supported.

Specifically, in relation to recent judgments of the Land and Environment Court, for the reasons identified in this report and the Applicant's Clause 4.6 Variation Request, it is considered that the variation can be supported as:

- The Applicant's request is well founded;
- The proposed variation results in a development that is consistent with the objectives of Clause 4.3 Height of Buildings and the R2 Low Density Residential zone objectives; and
- Compliance with the standard is unnecessary or unreasonable in this instance and there are sufficient environmental grounds to justify the contravention.

Court cases dealing with applications to vary development standards resulted in the Land and Environment Court setting out a five part test for consent authorities to consider when assessing an application to vary a standard to determine whether the objection to the development is well founded. In relation to the 'five part test' the objection to the building height is well founded on Part 1 of the test as the objectives of these standards are achieved notwithstanding non-compliance with the standards.

ii. Heritage Conservation

The objectives of Clause 5.10 are as follows:

- (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.*

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."

The heritage significance of the item relates to Block A, located to the east of proposed works. Block A is the only building on the site that contains heritage significance. Block A has undergone incremental changes since 1980 to support its ongoing use as a school.

Works proposed to the heritage item are listed in detail below:

- Partial demolition of the internal walls and flooring within ground floor classrooms.
- Partial demolition of existing ground floor timber deck.
- Removal and replacement of ground floor doors.
- Demolition of first floor bathrooms.
- Construction of new timber deck.
- Construction of new external timber ramp and staircase.
- New internal partition walls on ground floor.
- New interior fitout within ground floor.
- New bathroom fitout on first floor.
- Air conditioning and mechanical services upgrades on ground and first floor.

It is not expected these works will result in any adverse heritage impacts on the item or impact the established curtilage. The Applicant has provided a Heritage Impact Statement prepared by NBRIS & partners which outlines the extent of the impact on the heritage item (Refer to Attachment O).

The proposed demolition to the existing Block A heritage building is minor in nature and predominantly pertains to the non-original fabric of the heritage item. The application seeks to remove internal walls to create new openings, carpet and vinyl flooring and the first-floor bathroom fit outs. The existing deck ramps on the eastern side of Block A are also proposed to be removed. These elements are not original to the heritage building and the removal is unlikely to have a significant heritage impact.

The proposed alterations to the existing Block A building are primarily located within the building's interior or on the ground-floor timber deck. Alterations to Block A include the installation of new walls and doors. These walls are proposed to be lightweight and fully removable. New carpet is also proposed to be laid over the existing floorboards.

The proposal also seeks to raise the level of the existing deck on the eastern side of Block A. The proposed works involves installing a new deck on top of the existing structure, which matches the existing finish. The deck has previously been altered to allow for accessible access to the building. This alteration appears necessary to support the ongoing use of the heritage item and is proposed to be undertaken in a reversible manner that is sympathetic to the values of the heritage item. The significant slate threshold steps will be retained in their original condition.

Wall-mounted air conditioning head units and associated conduits are proposed to be installed on the ground floor. The HIS states that the conduits will be surface-mounted, utilising minimal fixings and existing penetrations reused to reduce the impact on the significant heritage fabric. In this regard, it is not anticipated these works will affect the significance of the heritage item.

Public views of Block A from the west on Marie Street are largely obscured by existing school buildings and mature trees. The main existing view corridor of the heritage item is from the north along Marie Street across the car park. The public view corridor is depicted in the figure below.

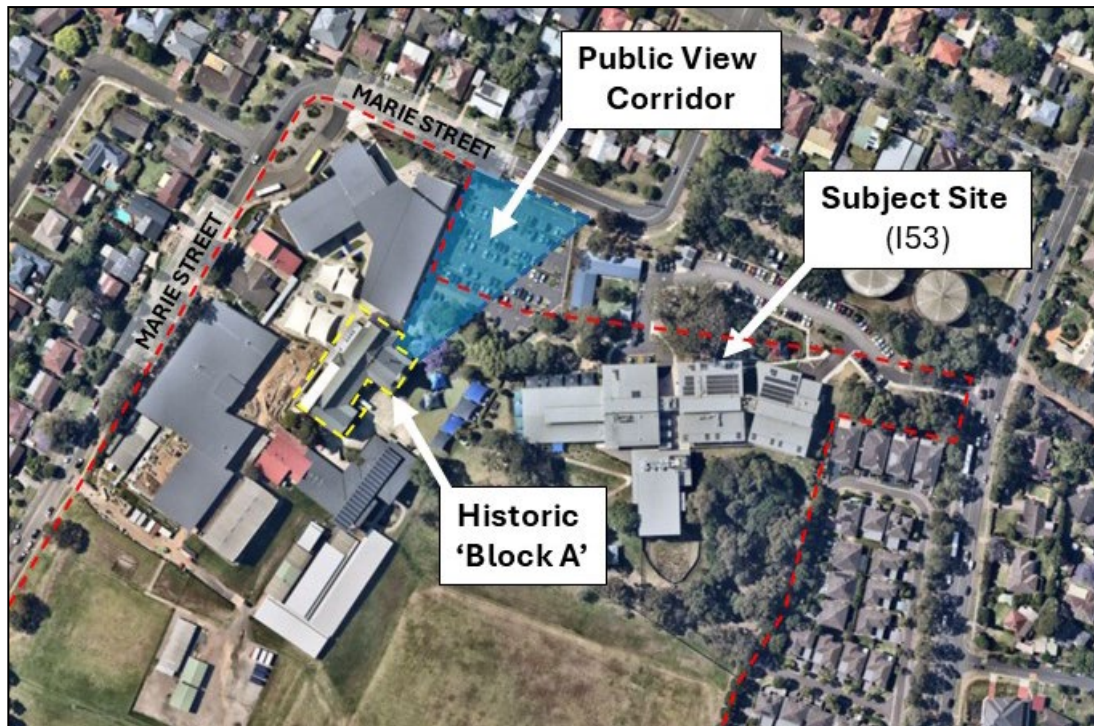


Figure 4: Existing View Corridor

Primary views along northern Marie Street which are considered the most significant views will be retained. Views to and from Block A internally within the site will not be impacted by the proposed works, nor will they impede important views of the item from the public domain. As such, the proposed development is unlikely to have a significant impact on the public view of the heritage item.

The bulk and scale of Block F does not compete with Block A and is unlikely to undermine its heritage significance. The height of Block F is significantly lower than Block A being 11.5m lower. In addition, proposed colours and finishes are appropriate in the context of the site. The proposal satisfactorily conserves the heritage significance of the heritage item including the curtilage, setting and views.

Council's Heritage team reviewed the proposal and submitted report and raised no objections to the proposal. It is considered the proposed works do not detrimentally affect the heritage significance of the heritage item.

iii. Other Provisions

The proposal has been considered against the following provisions of the LEP:

- Clause 2.7 Demolition
- Clause 5.9 Preservation of trees or vegetation; and
- Clause 7.2 Earthworks

The proposed development has been considered against these provisions and satisfies each of the standards and objectives related to each of the clauses.

3.2 Section 4.15 (1)(a)(ii) - Provisions of any Proposed Instruments

There are no proposed instruments which have been the subject of public consultation under the Environmental Planning and Assessment Act 1979 that are relevant to the proposal.

3.3 Section 4.15(1)(a)(iii) - Provisions of any Development Control Plan

The Hills DCP 2012 does not provide specific controls which relate directly to educational establishments. Notwithstanding, a merit assessment against the applicable controls has been undertaken to ensure a consistent character with the streetscape and wider locality. The proposed development has been assessed against the relevant controls under Part B Section 2 Residential, Part C Section 3 Landscaping and Part C Section 4 Heritage of The Hills Development Control Plan 2012.

The proposed development achieves compliance with the relevant requirements of the controls with the exception of the following:

DEVELOPMENT CONTROL	DCP REQUIREMENTS	PROPOSED DEVELOPMENT	COMPLIANCE
Building Setbacks	Front setback = 10m	7.5m at the southern end and 11m at the northern end.	No, refer to discussion below.

i. Building Setbacks

The DCP requires a primary road frontage setback of 10m in the low density residential area. The proposal provides a setback to Marie Street of 6m at the southern end and 10.6m at the northern end.

The DCP provides the following objectives relating to the control:

- (i) To provide setbacks that complements the streetscape and protects the privacy and sunlight to adjacent dwellings in accordance with ESD Objective 7.*
- (ii) To ensure that new development is sensitive to the landscape setting, site constraints and established character of the street and locality.*
- (iii) To ensure that the appearance of new development is of a high visual quality and enhances the streetscape.*

Comment:

Whilst the proposal does not meet the numerical compliance of the setback control, the setbacks proposed are in keeping with the existing streetscape and considered supportable.

The setbacks proposed are consistent with the established setback provided by other buildings approved for the school adjoining Marie Street. The encroachment to the southern portion is due to the angled boundary line which follows Marie Street. Block F is proposed in a similar location to the existing building and follows the approved front setbacks of Block G to the north and Block D to the south. Block D was approved with a varying setback of 6m at the southern end and 10.6m at the northern end. The setback is considered appropriate in this context given compliance with the development controls for solar access and overshadowing. Privacy and sunlight are maintained to adjoining properties by virtue of the separation distances and site orientation.

The development has been designed to respond to the topography of the site and improve the landscape setting when viewed from the public domain. The building has been designed to improve outdoor play area internally to the site and create separation between the new building and the heritage item, whilst also preserving the streetscape character. Additional landscaping is proposed to Marie Street complimenting the existing landscaped setting of the area. When viewed from the street, the building provides a bulk and scale that is consistent with the two storey character of the residential area, with high quality materials and finishes incorporated into the architectural design to enhance the streetscape.

In this regard, the variation is considered satisfactory.

ii. Development Contributions

The following contributions plans are relevant pursuant to Section 7.18 of the EP&A Act and have been considered in the recommended conditions (notwithstanding Contributions plans are not DCPs they are required to be considered):

- *The Hills Section 7.12*

This Contributions Plan has been considered. Refer to Condition 7.

3.4 Section 4.15(1)(a)(iia) – Planning agreements under Section 7.4 of the EP&A Act

There have been no planning agreements entered into and there are no draft planning agreements being proposed for the site.

3.5 Section 4.15(1)(a)(iv) - Provisions of Regulations

Clause 92(1) of the Regulation contains matters that must be taken into consideration by a consent authority in determining a Development Application. The following have been considered in the Development Application:

- The Development Application includes demolition of existing structures. Proposed Condition 35 requires compliance with AS 2601-2001: The Demolition of Structures.
- The Development Application includes alterations and additions to an existing building. Section 64 applies to the development. A BCA Capability Statement prepared by MBC Group was submitted with the application. Council's Principal Coordinator Fire Safety reviewed the existing fire safety measures in the building used to protect persons using the building, and to facilitate their egress from the building, in the event of fire, and the measures to restrict the spread of fire from the building to other buildings nearby. A condition is recommended for upgrade of the building as it is considered appropriate to bring the building into partial conformity with the current BCA (refer to Condition 69). It is satisfied that the building will be brought into partial compliance with the current BCA, and that the existing measures (when modified with internal alterations) will be adequate to assist occupants egressing the building and restricting fire spread and that occupant safety will be sufficient.
- The proposed development is for non-residential development involving the erection of a new building with an estimated development cost exceeding \$5 million. The amount of embodied emissions associated with the development has been disclosed in accordance with section 35BA(1)(a) by a quantity surveyor.

3.6 Section 4.15(1)(b) - Likely Impacts of Development

The likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality must be considered. In this regard, potential impacts related to the proposal have been considered in response to SEPPs, LEP and DCP controls outlined above.

Accordingly, it is considered that the proposal will not result in any significant adverse impacts in the locality as outlined above.

3.7 Section 4.15(1)(c) - Suitability of the site

The proposal seeks to provide a new and upgraded buildings as part of an existing educational establishment, improve access and development flexible teaching an spaces to support the schools operations. It is consistent with the established setting of the recent development approvals on the site and is sited in a location that responds to the topography whilst also responding to the residential context of the site. Through improved stormwater infrastructure and embellished landscaping, the development will contribute positively to the natural environment. In this regard, the development is considered suitable for the site.

3.8 Section 4.15(1)(d) - Public Submissions

These submissions are considered in Section 4 of this report.

3.9 Section 4.15(1)(e) - Public interest

The development will provide flexible and diverse learning areas for students and improved accessibility within the existing school. There is no intensification of the existing use and provides for an educational establishment which responds appropriately to its context within a residential area. On balance, the proposal is consistent with the public interest.

4. REFERRALS AND SUBMISSIONS

4.1 Agency Referrals and Concurrence

The Development Application has been referred to various agencies for comment as required by the EP&A Act and outlined in the table below.

Agency	Concurrence/ referral trigger	Comments (Issue, resolution, conditions)	Resolved
Concurrence Requirements (s4.13 of EP&A Act) - N/A			
Referral/Consultation Agencies			
Endeavour Energy	CI 45 – Infrastructure SEPP Development near electrical infrastructure	Advice has been provided regarding construction and on-going requirements. Conditions have been recommended.	Y
Integrated Development (S 4.46 of the EP&A Act) - N/A			

4.2 Council Referrals

The Development Application has been referred to various Council officers for technical review as outlined below.

Officer	Comments	Resolved
Engineering	Council's Engineering Officer reviewed the submitted civil and stormwater plans and considered that there were no objections subject to conditions.	Yes (conditions)
Health	Council's Senior Environment and Health Officer has reviewed the submitted plans and information. No objections are raised, subject to conditions.	Yes (conditions)
Waste	Council's Resource Recovery Project Officer has reviewed the submitted plans and information. No objections are raised, subject to conditions.	Yes (conditions)
Trees/Landscaping	Council's Senior Landscape Officer has reviewed the submitted plans and information. Initial concerns were raised the Arborist Report had not considered impacts of stormwater on trees within the front setback. An amended Arborist Report was provided which addressed the concerns. No objections are raised, subject to conditions.	Yes (conditions)
Heritage	Council's Forward Planning Team reviewed the submitted Heritage Impact Statement and no objections were raised, subject to conditions.	Yes (conditions)
Contributions	Council's Forward Planning Contributions Officer has reviewed the submitted plans and information. No objections are raised, subject to condition 7.	Yes (condition)
Fire Safety	Council's Principal Coordinator Fire Safety has reviewed the submitted plans and information. No objections are raised, subject to condition 69.	Yes (conditions)

4.3 Community Consultation

The proposal was notified in accordance with The Hills Shire Council Community Participation Plan and DCP 2012 from 12 November 2025 to 3 December 2025. The notification included notification letters sent to adjoining and adjacent properties (90 properties).

The Council received a total of three unique submissions objecting to the proposal. The issues raised in these submissions are considered in the table below:

Table 1: Community Submissions

Issue	No of submissions	Council Comments
Traffic and Parking Submissions raised concern the development will adversely impact traffic generation in the local road network and there is insufficient parking onsite causing overflow onto local roads.	3	The Development Application does not propose any increase to children or staff numbers. Subsequently no alterations to the traffic and parking arrangements are required under the subject application.

5. CONCLUSION

This Development Application has been considered in accordance with the requirements of the EP&A Act and the Regulations as outlined in this report. Following a thorough assessment of the relevant planning controls, issues raised in submissions and the key issues identified in this report, it is considered that the application can be supported.

The Applicant's Clause 4.6 written request to vary Clause 4.3 Height of Building development standard under The Hills Local Environmental Plan 2019 can be supported as it adequately justifies the contravention of the development standard having regard to the requirements of Clause 4.6(3). It is considered that the variation can be supported as compliance with the standard is unreasonable or unnecessary in this instance and there are sufficient environmental planning grounds to justify the contravention. The development is consistent with the objectives of the standard and the objectives for development within the zone.

The Development Application has been assessed against the relevant heads of Consideration under Section 4.15 of the Environmental Planning and Assessment Act, 1979, State Environmental Planning Policy (Planning Systems) 2021, State Environmental Planning Policy (Resilience and Hazards) 2021, State Environmental Planning Policy (Biodiversity and Conservation) 2021, State Environmental Planning Policy (Transport and Infrastructure) 2021, State Environmental Planning Policy (Sustainable Buildings) 2022, The Hills Local Environmental Plan 2019 and The Hills Development Control Plan 2012 and considered satisfactory.

Approval is recommended subject to draft conditions at Attachment A.

6. RECOMMENDATION

That the Development Application 691/2025/JP for demolition of existing classroom, construction of a new classroom building and alterations and additions to existing buildings at 29-37 Marie Street Castle Hill be APPROVED pursuant to Section 4.16(1)(a) of the *Environmental Planning and Assessment Act 1979* subject to the draft conditions of consent attached to this report at Attachment A.

It is recommended that the Applicant's Clause 4.6 written request to vary Clause 4.3 Height of Buildings development standard of The Hills Local Environmental Plan 2019 is supported as it adequately justifies the contravention of the development standards having regard to the requirements of Clause 4.6(3). It is considered that the variation can be supported as compliance with the standard is unreasonable or unnecessary in this instance and there are

sufficient environmental planning grounds to justify the contravention. The development is consistent with the objectives of the standard and the objectives for development within the zone.

The following attachments are provided:

- Attachment A: Draft Conditions of Consent
- Attachment B: Locality Plan
- Attachment C: Aerial Map
- Attachment D: LEP 2019 Zoning Map
- Attachment E: LEP 2019 Height of Buildings Map
- Attachment F: LEP 2019 Heritage Map
- Attachment G: Site Plan
- Attachment H: Floor Plans
- Attachment I: Elevations and Sections
- Attachment J: Shadow Diagrams
- Attachment K: Materials and Finishes
- Attachment L: Landscape Plans
- Attachment M: 9m Height Plane
- Attachment N: Clause 4.6 Written Submission
- Attachment O: Heritage Impact Statement

ATTACHMENT A – DRAFT CONDITIONS OF CONSENT

ALL DEVELOPMENT TYPES

GENERAL CONDITIONS

1.

Approved Plans and Supporting Documentation

Development must be carried out in accordance with the following approved plans and documents, except where the conditions of this consent expressly require otherwise.

Approved plans			
Plan number	Revision number	Plan title	Date of plan
Architectural Plans			
DA00	7	Cover Sheet	14.10.2024
DA01	7	Drawing List and Location Plan	14.10.2024
DA02	7	Site and Site Analysis Plan	14.10.2024
DA03	7	Campus Demolition Plan – Lower Ground Floor	25.03.2025
DA04	7	Campus Demolition Plan – Ground Floor	25.03.2025
DA05	6	Campus Demolition Plan – Level 1	14.10.2024
DA06	6	Campus Demolition Plan – Roof	14.10.2025
DA07	8	Campus Proposed Plan – Lower Ground Floor Plan	25.03.2025
DA08	8	Campus Proposed Plan – Ground Floor	25.03.2025
DA09	8	Campus Proposed Plan – Level 1	25.03.2025
DA10	8	Campus Proposed Plan – Roof	25.03.2025
DA11	7	Block A Demolition Plan – Ground Level	05.11.2024
DA12	8	Block A Demolition Plan – Level 1	25.03.2025
DA13	7	Block A Proposed Plan – Ground Level	05.11.2024
DA14	8	Block A Proposed Plan – Level 1	25.03.2025
DA15	7	Block B Proposed Plan – Ground Floor	14.10.2024
DA17	10	Block F Proposed Plan – Lower Ground Floor Plan	25.03.2025
DA18	10	Block F Proposed Plan – Ground Floor	25.03.2025
DA19	8	Block F Proposed Plan – Roof Plan	25.03.2025
DA20	4	Block B – Elevations	14.10.2024
DA22	7	Block F – Elevations	25.03.2025
DA23	7	Block F – Elevation Street	25.03.2025
DA24	6	Block C and Block F Sections and Height Plane	25.03.2025

	DA25	9	Block B and C – Detail Ramp Plan	14.10.2024									
	DA26	3	Block B and C – Detail Ramp Roof Plan	14.10.2024									
	DA27	4	Block B and C Detail Ramp Sections	14.10.2025									
	DA28	5	External Works Plans	25.03.2025									
	DA32	4	Materials and Finishes	14.10.2024									
	Landscape Plans												
	LDA000	3	Cover Page	25.03.2025									
	LDA010	3	Landscape Block F GA	25.03.2025									
	LDA111	4	Landscape Block F Ground Floor	25.03.2025									
	LDA112	4	Landscape Block F Lower Ground Floor	25.03.2025									
	LDA201	4	Landscape Block F Ground Floor Planting	25.03.2025									
	LDA203	4	Landscape Block F Lower Ground Floor Planting	25.03.2025									
	LDA400	4	Landscape Sections	25.03.2025									
	LDA450	4	Landscape Elevations	25.03.2025									
	LDA501	1	Typical Landscape Details	25.03.2025									
	LDA600	3	Landscape Planting Palette	25.03.2025									
	LDA610	3	Landscape Material Palette	25.03.2025									
	<table><tr><th colspan="3">Approved documents</th></tr><tr><td>Document title</td><td>Prepared by</td><td>Date of document</td></tr><tr><td>Heritage Impact Statement</td><td>NBRS</td><td>March 2025</td></tr></table>				Approved documents			Document title	Prepared by	Date of document	Heritage Impact Statement	NBRS	March 2025
	Approved documents												
	Document title	Prepared by	Date of document										
	Heritage Impact Statement	NBRS	March 2025										
	In the event of any inconsistency between the approved plans and documents, the approved plans prevail.												
	In the event of any inconsistency with the approved plans and a condition of this consent, the condition prevails.												
	Condition reason: To ensure all parties are aware of the approved plans and supporting documentation that applies to the development.												
	2.	Compliance with Endeavour Energy Requirements											
		Before building work commences, applicants are advised the proposed development shall be in accordance with the requirements/conditions imposed by Endeavour Energy re their Agency Concurrence and Referral reference CNR-75549 dated 14/11/2024, referenced as Attachment A in the relevant documents.											
		Condition reason: To ensure compliance with relevant service provider’s requirements.											
3.	Building Work to be in Accordance with BCA												
	During building work, all building work must be carried out in accordance with the provisions of the Building Code of Australia as referenced by Section 69 of the Environmental Planning and Assessment Regulation 2021.												
	Condition reason: To ensure compliance with the legislative requirements.												
4.	Construction Certificate												
	Before building works commence for the approved development, it is necessary to obtain a construction certificate. A construction certificate may be issued by Council or a Registered Certifier. Plans submitted with the construction certificate are to be amended to incorporate the conditions of the development consent.												
	Condition reason: To ensure appropriate safeguarding measures are in place prior to the commencement of any building work, demolition or excavation, and to ensure compliance with the legislative requirements.												
5.	Tree Removal												

	Approval is granted for the removal of six (6) trees numbered 9-11, 14 and 16-17 as detailed in the Arboricultural Assessment prepared by Arbor Central Tree Care V2 dated 31/03/25. 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.
	Condition reason: To provide details of trees approved for removal.
6.	Protection of Existing Trees and Native Vegetation
	Native vegetation (trees and understorey) not identified on the approved plan for removal is to be kept unless prior consent of Council is obtained.
	Condition reason: To ensure retained trees and native vegetation are adequately protected.

BEFORE ISSUE OF A CONSTRUCTION CERTIFICATE

7.	Section 7.12 Contribution Before the issuing of a Construction Certificate, a contribution of \$163,123.67 must be paid to Council. This amount may be adjusted at the time of payment. The contributions levy has been calculated in accordance with the table below: <table border="1"> <thead> <tr> <th>Proposed cost of the development</th><th>Maximum percentage of the levy</th></tr> </thead> <tbody> <tr> <td>Up to \$100,000</td><td>Nil</td></tr> <tr> <td>\$100,001 - \$200,000</td><td>0.5 %</td></tr> <tr> <td>More than \$200,000</td><td>1%</td></tr> </tbody> </table> Prior to payment, it is advised to phone or email Council to confirm the amount. Payments will be accepted via Debit or Credit Card. Cash payments will not be accepted. This condition has been imposed in accordance with Section 7.12 of the Environmental Planning and Assessment Act 1979 and The Hills Section 7.12 Contributions Plan. Condition reason: To contribute towards public infrastructure for the area.	Proposed cost of the development	Maximum percentage of the levy	Up to \$100,000	Nil	\$100,001 - \$200,000	0.5 %	More than \$200,000	1%
Proposed cost of the development	Maximum percentage of the levy								
Up to \$100,000	Nil								
\$100,001 - \$200,000	0.5 %								
More than \$200,000	1%								
8.	Construction Site Management Plan Before the issue of a construction certificate, a construction site management plan must be prepared, and provided to the Principal Certifier. The plan must include the following matters: a) The location and materials for protective fencing and hoardings on the perimeter of the site; b) Provisions for public safety; c) Pedestrian and vehicular site access points and construction activity zones; d) Details of construction traffic management including: i. Proposed truck movements to and from the site; ii. Estimated frequency of truck movements; and iii. Measures to ensure pedestrian safety near the site; e) Details of bulk earthworks to be carried out; f) The location of site storage areas and sheds; g) The equipment used to carry out works; h) The location of a garbage container with a tight-fitting lid; i) Dust, noise and vibration control measures; j) The location of temporary toilets; k) The protective measures for the preservation of trees on-site and in adjoining public areas including measures in accordance with: i. AS 4970 – Protection of trees on development sites; ii. An applicable Development Control Plan; iii. An arborist's report approved as part of this consent.								

	A copy of the construction site management plan must be kept on-site at all times while work is being carried out.
	Condition reason: To require details of measures that will protect the public, and the surrounding environment, during site works and construction.
9.	Design Amendments Before the issue of a construction certificate, the certifier must ensure the construction certificate plans and specifications detail the following required amendments to the approved plans and documents: a) Reference to works associated with Block C are to be removed with the exception of the awning between Block B and Block C as depicted on the approved ramp detail plan.
	Condition reason: To require minor amendments to the plans endorsed by the consent authority following assessment of the development.

BEFORE WORK COMMENCES

10.	Erosion & Sediment Control Plan Before any works commencing on site, an Erosion and Sediment Control Plan is to be submitted to the Principal Certifier. The plan shall include 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 The plan must be prepared by a suitably qualified person in accordance with the following documents: k) Council's relevant development control plan, l) the guidelines set out in the NSW Department of Housing manual 'Managing Urban Stormwater: Soils and Construction Certificate' (the Blue Book) (as amended from time to time), and m) the 'Do it Right On-Site, Soil and Water Management for the Construction Industry' (Southern Sydney Regional Organisation of Councils and the Natural Heritage Trust) (as amended from time to time). (NOTE: For guidance on the preparation of the Plan refer to 'Guidelines for erosion and sediment control on building sites' produced by the Department of Planning, Housing and Infrastructure.)
	Condition reason: To protect the amenity of the local area.
11.	Erosion and Sediment Controls in Place Before site work commences, the certifying authority must be satisfied the erosion and sediment controls in the erosion and sediment control plan are in place. These controls must remain in place until any bare earth has been restabilised in accordance with the NSW Department of Housing manual 'Managing Urban Stormwater: Soils and Construction Certificate' (the Blue Book) (as amended from time to time).

	Condition reason: To ensure sediment laden runoff and site debris do not impact local stormwater systems and waterways.
12.	Engagement of a Project Arborist Before site works commence, a Project Arborist (minimum AQF Level 5) is to be appointed and the following details provided to The Hills Shire Council's Manager – Environment & Health: a) Name: b) Qualification/s: c) Telephone number/s: d) Email: If the Project Arborist is replaced, Council is to be notified in writing of the reason for the change and the details of the new Project Arborist provided within 7 days. Condition reason: To protect vegetation.
13.	Ground Protection within Tree Protection Zone Before site works commence, ground protection measures are required where any construction access or works are within the TPZ of any tree (s) identified for retention which include the following: a) Temporary access for machinery, vehicular and foot traffic within the TPZ of trees on the site and/or on adjoining Council site (s). A permeable membrane such as geo-textile fabric beneath a layer of mulch or crushed rock below rumble boards as per Clause 4.5.3 Ground protection AS4970-2009 Protection of trees on development sites Condition reason: To protect Trees.
14.	Waste Management Plan requirements Before site work commences, a waste management plan for the development must be prepared and provided to the principal certifying authority. The plan must be prepared a) in accordance with - the Environment Protection Authority's Waste Classification Guidelines as in force from time to time, and - a development control plan that provides for waste management that applies to the land on which the work or the clearing of vegetation is carried out, and b) include the following information— - the contact details of the person removing waste, - an estimate of the type and quantity of waste, - whether waste is expected to be reused, recycled or sent to landfill, - the address of the disposal location for waste. A copy of the waste management plan must be kept on-site at all times while work approved under the development consent is being carried out. Condition reason: To ensure resource recovery is promoted and local amenity protected during construction
15.	Consultation with Service Authorities Before building work commences, applicants are advised to consult with Telstra, NBN Co and Australia Post regarding the installation of telephone conduits, broadband connections and letterboxes as required. Applicants are advised to consult with the relevant electricity authority with respect to electricity supply and connection points to the site, or any other electrical infrastructure located in close proximity to the proposed works. Unimpeded access must be available to the electricity supply authority, during and after building, to the electricity meters and metering equipment.

	In the interest of health and safety, applicants are to contact before you dig Australia www.byda.com.au in order to protect damage to third party assets. It is the individuals responsibility to anticipate and request the nominal location of plant or assets on the relevant property via contacting the dial before you dig service in advance of any construction or planning activities. Condition reason: To ensure compliance with relevant service provider's requirements.
16.	Builder and Principal Certifier Details Before building work commences, the builders name, address, telephone and email information must be submitted to the Principal Certifier. Where Council is not the Principal Certifier, Council must be notified of the Principal Certifier in writing two days before building works commence in accordance with the Regulations. Condition reason: To ensure compliance with the legislative requirements.
17.	Management of Building Sites Before building work commences, suitable fencing or other measures to restrict public access to the site and building works, materials or equipment when the building work is not in progress or the site is otherwise unoccupied is to be provided. The erection of a sign, in a prominent position, stating that unauthorised entry to the site is not permitted and giving an after hours contact name and telephone number. Condition reason: To protect workers, the public and the environment.

DURING WORKS

18.	Protection of Tree Canopy and Ground Protection within Tree Protection Zone During site works, damage to tree canopies (foliage and branches) are to be avoided when operating excavation machineries, cranes, drilling rigs and similar equipment near tree (s). Under no circumstances shall branches be torn-off by construction equipment. Where there is potential conflict between tree canopy and construction activities, the advice of a Project Arborist must be sought. In the event of any tree (s) becoming damaged for any reason during the construction period, a Project Arborist shall be engaged to inspect and provide advice on any remedial action to minimise any adverse impact. Such remedial action shall be implemented as soon as practicable and certified by the Project Arborist. The removal of a small portion of the crown (foliage and branches) is generally tolerable provided that the extent of pruning required is within 10% of the total foliage volume of the tree and the removal of branches does not create large wounds or disfigure the natural form and habit of the tree. All pruning cuts must be undertaken in accordance with the Australian Standard (AS 2373-2007) Pruning of Amenity Trees. If any construction access or works is required within the TPZ of any tree (s) identified for retention ground protection measures shall be required. Ground protection shall include temporary access for machinery, vehicular and foot traffic within the TPZ of tree (s) on the site and/or on adjoining site (s). The measures may include a permeable membrane such as geo-textile fabric beneath a layer of mulch or crushed rock below rumble bards as per Clause 4.5.3 Ground protection AS4970-2009 Protection of trees on development sites. Ground protection shall be installed before any site works and maintained in good condition for the duration of the construction period. On completion of the works, ground protection shall be removed without damage or disturbance to the underlying soil profile. Condition reason: To protect tree canopy.
19.	Soil Management While site work is being carried out, the certifying authority must be satisfied all soil removed from or imported to the site is managed in accordance with the following requirements:

	a) All excavated material removed from the site must be classified in accordance with the EPA's Waste Classification Guidelines before it is disposed of at an approved waste management facility and the classification and the volume of material removed must be reported to the certifying authority b) All fill material imported to the site must be: i. Virgin Excavated Natural Material as defined in Schedule 1 of the <i>Protection of the Environment Operations Act 1997</i>, or ii. a material identified as being subject to a resource recovery exemption by the NSW EPA, or iii. a combination of Virgin Excavated Natural Material as defined in Schedule 1 of the <i>Protection of the Environment Operations Act 1997</i> and a material identified as being subject to a resource recovery exemption by the NSW EPA.
	Condition reason: To ensure soil removed from the site is appropriately disposed of and soil imported to the site is not contaminated and is safe for future occupants.
20.	Stockpiles During site work, stockpiles of topsoil, sand, aggregate or other material capable of being moved by water must be stored clear of any drainage line, easement, natural watercourse, footpath, kerb or roadside. Condition reason: To protect waterways
21.	Waste Management While site work is being carried out: a) all waste management must be undertaken in accordance with the waste management plan, and b) upon disposal of waste, records of the disposal must be compiled and provided to the principal certifying authority, detailing the following: i. The contact details of the person(s) who removed the waste; ii. The waste carrier vehicle registration; iii. The date and time of waste collection; iv. A description of the waste (type of waste and estimated quantity) and whether the waste is to be reused, recycled or go to landfill; v. The address of the disposal location(s) where the waste was taken; vi. The corresponding tip docket/receipt from the site(s) to which the waste is transferred, noting date and time of delivery, description (type and quantity) of waste. c) If waste has been removed from the site under an EPA Resource Recovery Order or Exemption, records in relation to that Order or Exemption must be maintained and provided to the principal certifier and council. Condition reason: To require records to be provided, during site work, documenting the lawful disposal of waste.
22.	Discovery of relics and Aboriginal objects While site work is being carried out, if a person reasonably suspects a relic of Aboriginal object is discovered: a) the work in the area of the discovery must cease immediately; b) the following must be notified i. for a relic – the Heritage Council; or

	ii. for an Aboriginal object – the person who is the authority for the protection of Aboriginal objects and Aboriginal places in New South Wales under the <i>National Parks and Wildlife Act 1974</i>, section 85. Site work may recommence at a time confirmed in writing by: c) for a relic – the Heritage Council; or d) for an Aboriginal object – the person who is the authority for the protection of Aboriginal objects and Aboriginal places in New South Wales under the <i>National Parks and Wildlife Act 1974</i>, section 85.
	Condition reason: To ensure the protection of objects of potential significance during works.
23.	Noise and Vibration Requirements While site work is being carried out, noise generated from the site must not exceed an L_{Aeq} (15 min) of 5dB(A) above background noise, when measured at the boundary of the site.
	Condition reason: To protect the amenity of the neighbourhood during construction.
24.	Dust Control During site works, dust suppression techniques must be used to minimise nuisance to surrounding properties. In the absence of any alternative measures, the following measures must be taken to control the emission of dust: a) Dust screens must be erected around the perimeter of the site and be kept in good repair for the duration of the demolition and construction work; b) 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 c) All stockpiles of materials that are likely to generate dust must be kept damp or covered.
	Condition reason: To prevent the movement of dust outside the boundaries of the development.
25.	Hours of Work Site work must only be carried out between the following times – For all works from 7:00am to 5:00pm on Monday to Saturday. No work to be carried out on Sunday or Public Holidays. Site work is not to be carried out outside of these times except where there is an emergency, or for urgent work directed by a police officer or a public authority.
	Condition reason: To protect the amenity of the surrounding area.
26.	Surveys by a Registered Surveyor While building work is being carried out, the positions of the following must be measured and marked by a registered surveyor and provided to the principal certifier: a) All footings / foundations in relation to the site boundaries and any registered and proposed easements; and b) At other stages of construction – any marks that are required by the principal certifier.
	Condition reason: To ensure buildings are sited and positioned in the approved location.

ON COMPLETION OF WORKS

27.	Removal of waste upon completion After completion of all site work: all refuse, spoil and material unsuitable for use on-site must be removed from the site and disposed of in accordance with the approved waste management plan, and written evidence of the waste removal must be provided to the satisfaction of the principal certifying authority.
	Condition reason: To ensure waste material is appropriately disposed or satisfactorily stored.

BEFORE ISSUE OF OCCUPATION CERTIFICATE

28.	Section 73 Certificate must be Submitted to the Principal Certifier Prior to Issue of Occupation Certificate Before the issue of an occupation certificate, a Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained from Sydney Water Corporation. Make early application for the certificate, as there may be water and sewer pipes to be built and this can take some time. This can also impact on other services and building, driveway or landscape design. Application must be made through an authorised Water Servicing Coordinator. For help either visit www.sydneywater.com.au > Building and developing > Developing your land > water Servicing Coordinator or telephone 13 20 92. The Section 73 Certificate must be submitted to the Principal Certifier before occupation of the development/release of the plan of subdivision. Condition reason: To ensure the development will be satisfactorily serviced by Sydney Water and that the requirements of Sydney Water have been complied with.
29.	Irrigation Before the issue of an occupation certificate, an automatic watering system is to be installed as a minimum to all common areas. Details including backflow prevention device, location of irrigation lines and sprinklers, and control details are to be communicated to Council or Private Certifier. Condition reason: To ensure Irrigation is Provided.

DEMOLITION WORK

GENERAL CONDITIONS

30.	Notice of Commencement for Demolition At least one week before demolition work commences, written notice must be provided to Council and the occupiers of neighbouring premises of the work commencing. The notice must include: a) Name; b) Address; c) Contact telephone number; d) Licence type and license number of any demolition waste removal contractor and, if applicable, asbestos removal contractor; e) The contact telephone number of Council; and The contact telephone number of SafeWork NSW (4921 2900). Condition reason: To advise neighbours about the commencement of demolition work and provide contact details for enquiries.
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BEFORE WORK COMMENCES

31.	Tree Protection Fencing Before any work begins on the site, tree protection fencing must be in place around trees or groups of trees nominated for retention throughout the duration of the project. The location of fencing shall be as per Appendix II Tree Management Plan within the Arboricultural Assessment prepared by Arbor Central Tree Care V2 dated 31/03/25. Stockpiling of materials, placement of fill, parking of vehicles, compaction of soil, or washing of cement, other chemicals or fuel contaminants shall not occur within the designated tree protection zone.
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	The location of tree protection fencing can only be altered by the Project Arborist. The temporary relocation or removal of tree protection fencing to undertake works within the TPZs of trees to be retained is strictly to be undertaken under supervision of the Project Arborist. Condition reason: To protect trees during the carrying out of site work.
32.	Tree Protection Signage Before any work begins on the site, a Tree Protection Zone sign must be attached to the tree protection fencing stating "Tree Protection Zone No Access" (The lettering size on the sign shall comply with AS1319). Access to this area can only be authorised by the project arborist or site manager. Condition reason: To protect trees during the carrying out of site work.
33.	Mulching within Tree Protection Zone Before any work begins on the site, all areas within the Tree Protection Zone are to be mulched with composted leaf mulch to a depth of 100mm. Condition reason: To protect trees during the carrying out of site work.
34.	Demolition Works and Asbestos Management Before the commencement of works, the demolition of any structure is to be done in accordance with the Work Health and Safety Act 2011. Vehicles transporting demolition materials must have covered loads. The demolition and removal of any asbestos materials must: a) Be undertaken by a licensed asbestos removalist b) Be transported to licensed waste facilities c) Be done in accordance with SafeWork NSW, Environmental Protection Authority and Office of Environment and Heritage requirements Not be reused onsite Condition reason: To ensure all demolition works and removal and management of asbestos is completed in accordance with the Work Health and Safety Act 2011.
35.	Demolition Management Plan Before demolition work commences, a demolition management plan must be prepared by a suitably qualified person. The demolition management plan must be prepared in accordance with Australian Standard 2601 – The Demolition of Structures, the Code of Practice – Demolition Work, The Hills DCP 2012 and must include the following matters: a) The proposed demolition methods b) The materials for and location of protective fencing and any hoardings to the perimeter of the site c) Details on the provision of safe access to and from the site during demolition work, including pedestrian and vehicular site access points and construction activity zones d) Details of demolition traffic management, including proposed truck movements to and from the site, estimated frequency of those movements, and compliance with AS 1742.3 Traffic Control for Works on Roads and parking for vehicles e) Protective measures for on-site tree preservation and trees in adjoining public domain (if applicable) (including in accordance with AS 4970-2009 Protection of trees on development sites and The Hills DCP 2012) f) Erosion and sediment control measures which are to be implemented during demolition and methods to prevent material being tracked off the site onto surrounding roadways g) Noise and vibration control measures, in accordance with any Noise and Vibration Control Plan approved under this consent h) Details of the equipment that is to be used to carry out demolition work and the method of loading and unloading excavation and other machines i) Details of any bulk earthworks to be carried out j) Details of re-use and disposal of demolition waste material in accordance with The Hills DCP 2012

	k) Location of any reusable demolition waste materials to be stored on-site (pending future use) l) Location and type of temporary toilets onsite m) A garbage container with a tight-fitting lid. Condition reason: To provide details of measures for the safe and appropriate disposal of demolition waste and the protection of the public and surrounding environment during the carrying out of demolition works on the site.
36.	Site Preparation Before demolition work commences the following requirements, as specified in the approved demolition management plan, must be in place until the demolition work and demolition waste removal are complete: a) Protective fencing and any hoardings to the perimeter on the site; b) Access to and from the site; c) Construction traffic management measures; d) Protective measures for on-site tree preservation and trees in adjoining public domain; e) Onsite temporary toilets; f) A garbage container with a tight-fitting lid. Condition reason: To protect workers, the public and the environment.
37.	Notification of Asbestos Removal Before commencement of any demolition works involving asbestos containing materials, all adjoining neighbours, Council and SafeWork NSW must be given a minimum five days written notification of the works. Condition reason: To ensure compliance with legislation and ensure public and work safety.
38.	Asbestos Removal Signage Before demolition work commences involving the removal of asbestos, a standard commercially manufactured sign containing the words 'DANGER: Asbestos removal in progress' (measuring not less than 400mm x 300mm) must be erected in a prominent position at the entry point/s of the site and maintained for the entire duration of the removal of the asbestos. Condition reason: To alert the public to any danger arising from the removal of asbestos.

DURING DEMOLITION WORKS

39.	Notification of New Contamination During demolition work, ground conditions must be monitored. If any evidence of potential soil contamination is discovered including, the presence of any substance (e.g. chemicals, heavy metals, building materials such as asbestos that may be considered to be above EPA or other relevant guidelines in force at the time, and/or likely to present a risk of harm to human health or the environment, works are to immediately cease and a site contamination investigation is to be carried out in accordance with the <i>State Environmental Planning Policy (Resilience and Hazards) 2021</i>. The contamination investigation report is to be submitted to the principal certifier for review. If contamination is confirmed, a Remediation Action Plan must be prepared, remediation works carried out as per the recommendations of the report, and a validation report completed and submitted to the certifying authority. Contaminated waste must be disposed of at a licensed waste facility, unless explicitly approved otherwise. The onsite burial of waste, contaminated soil, or soil material of unknown contamination for which the contaminated status is unknown is prohibited, regardless of the findings of the report. Condition reason: To ensure controls are in place for contamination management
40.	Contamination

	While site work is being carried out, any new information that has the potential to alter previous conclusions about site contamination shall be immediately notified to the principal certifier and Council's Manager – Environment and Health. Condition reason: To protect workers, the site users and the environment.
41.	Trenching within Tree Protection Zone Whilst site works are being carried out, any trenching for installation of retaining walls, drainage, sewerage, irrigation or any other services shall not occur within the Tree Protection Zone of trees identified for retention without prior notification to the Certifier or Council (where a certifier is not required) or under supervision of a project arborist. If supervision by a project arborist is selected, certification of supervision must be provided to (the Certifier or Council (where a certifier is not required) within 14 days of completion of trenching works. Condition reason: To protect trees during the carrying out of site work.
42.	Site Maintenance While demolition work is being carried out, the following requirements, as specified in the approved demolition management plan, must be maintained until the demolition work and demolition waste removal are complete: a) Protective fencing and any hoardings to the perimeter on the site; b) Access to and from the site; c) Construction traffic management measures; d) Protective measures for on-site tree preservation and trees in adjoining public domain; e) Onsite temporary toilets; f) A garbage container with a tight-fitting lid. Condition reason: To protect workers, the public and the environment.
43.	Handling of Asbestos During Demolition While demolition work is being carried out, any work involving the removal of asbestos must comply with the following requirements: a) Only an asbestos removal contractor who holds the required class of Asbestos Licence issued by SafeWork NSW must carry out the removal, handling and disposal of any asbestos material; b) Asbestos waste in any form must be disposed of at a waste facility licensed by the NSW Environment Protection Authority to accept asbestos waste; and c) Any asbestos waste load over 100kg (including asbestos contaminated soil) or 10m² or more of asbestos sheeting must be registered with the EPA online reporting tool WasteLocate. Condition reason: To ensure that the removal of asbestos is undertaken safely and professionally.

BUILDING WORK

GENERAL CONDITIONS

44.	Colours and Materials All colours and materials must be in accordance with the Materials and Finishes Schedule provided in the Set of Plans dated 14 October 2024. Any changes to colours or materials requires a Section 4.55 modification application. Condition reason: To ensure that the development does not detract from the heritage values of the site and is visually subservient and sympathetic to the heritage item.
45.	Road Opening Permit

	Should the subdivision/ development necessitate the installation or upgrading of utility services or any other works on Council land beyond the immediate road frontage of the development site and these works are not covered by a Construction Certificate issued by Council under this consent then a separate road opening permit must be applied for and the works inspected by Council's Maintenance Services team. The contractor is responsible for instructing sub-contractors or service authority providers of this requirement. Contact Council's Construction Engineer if it is unclear whether a separate road opening permit is required. Condition reason: To protect the roads.
46.	Protection of Public Infrastructure During works, Council must be notified of any damage to public infrastructure caused by the development. Adequate protection must be provided prior to work commencing and maintained during building operations. Any damage caused must be made good, to the satisfaction of Council, before an Occupation Certificate can be issued. Public infrastructure includes the road pavement, kerb and gutter, concrete footpaths, drainage structures, utilities and landscaping fronting the site. Condition reason: To document any damaged to public infrastructure during construction and subsequently any damage is to be made good prior to Occupation Certificate.

BEFORE THE ISSUE OF A CONSTRUCTION CERTIFICATE

47.	Contamination Data Gap Assessment Prior to the commencement of construction works for the new Block F building, and following the complete demolition of the existing Block F structure, a data gap assessment must be undertaken in accordance with Section 11.1 of the <i>Detailed Site Investigation (Phase 2)</i> prepared by BHM Geotechnical Pty Ltd (Report Ref: CCR 2411 – AA Rev.1, dated 19 June 2025). The data gap assessment must include subsurface sampling and laboratory analysis of fill material in accordance with the Sampling and Analysis Quality Plan (Appendix A – “CCR 2411 – AA Plan 2”) and must be carried out by a suitably qualified and experienced environmental consultant. Condition reason: To ensure the site is suitable for the use and free of contamination.
48.	Acoustic Requirements Before the issue of a construction certificate, detailed plans and specifications are to be submitted to the certifier that demonstrate that the recommendations of Acoustic Report, prepared by Acoustic Consulting Pty Ltd, dated 10 September 2024, Version 1 have been implemented. In particular: Conduct an acoustic review of the mechanical plant selected. The mechanical plant equipment should be selected to comply with the criteria in Table 5-1 of the acoustic report, at the boundary of residential receivers. An acoustic consultant should review the specific equipment, placement, and any necessary sound treatments before installation to meet noise requirements. Potential treatments may include acoustic barriers or louvres, sound-absorptive materials, enclosures, or low-noise modules. No specific designs for the PA system or school bell have been provided to PKA. However, it is recommended that speakers be positioned to minimize noise impact on nearby residences. Speakers should be directed inward, towards the school, rather than outward towards residential areas. Condition reason: To protect the acoustic amenity of the local area and of the development.
49.	Stormwater Management – Upper Parramatta 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 Woolacotts Consulting Engineers Amendment C Dated 04/09/2024 is for development application purposes only and is not to be used for construction. The detailed design must reflect the stormwater concept plan and the following necessary changes: Water sensitive urban design elements, consisting of filters and Ocean Guards, 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 The design and construction of the stormwater management system must be approved by either Council or an accredited certifier. A Compliance Certificate certifying the detailed design of the stormwater management system can be issued by Council. The following must be included with the documentation approved as part of any Construction Certificate: a) Design/ construction plans prepared by a hydraulic engineer. b) A completed OSD Drainage Design Summary Sheet. c) 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. d) A completed OSD Detailed Design Checklist. e) A maintenance schedule. Condition reason: To ensure runoff from the development does not impact local stormwater systems and waterways.
50.	Security Bond – Road Pavement and Public Asset Protection The applicant must provide a security bond of \$108,000.00 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 at the rate of \$132.00 per square metre based on the road frontage of the subject site plus an additional 50m on either side (150m) multiplied by the width of the road (5.5m). A single bond payment with the amount specified above shall be lodged with Council, partial bond payments will not be accepted. The square metre rate is based on The Hills Shire Council Fees & Charges 2024-2025 which is applicable at the time this consent was issued. Upon lodgement of the bond the amount will be updated to reflect the current schedule of fees and charges that are available on The Hills Shire Council Website. 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.

	This requirement shall be reflected on the Construction Certificate plans and supporting documentation. The bond must be lodged with Council before the issue of a construction certificate or a subdivision work certificate, whichever precedes first/earlier. Condition reason: To ensure any damage to public infrastructure is rectified
51.	Engineering Works and Design 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. Engineering works can be classified as either "subdivision works" or "building works". Works within an existing or proposed public road or works within an existing or proposed public reserve can only be approved, inspected and certified by Council. Depending on the development type and nature and location of the work the required certificate or approval type will differ. The application form covering these certificates or approvals is available on Council's website and the application fees payable are included in Council's Schedule of Fees and Charges. The concept engineering plan prepared by Woolacotts Consulting Engineers Amendment C Dated 04/09/2024 is for development application purposes only and is not to be used for construction. The design and construction of the engineering works listed below must reflect the concept engineering plan and the conditions of consent. Before the issue of a construction certificate or a subdivision work certificate, whichever precedes first/earlier, a suitably qualified civil engineer must review the Engineering design associated with this development and provide written certification on the approved a) Footpath Verge Formation The grading, trimming, topsoiling and turfing of the footpath verge fronting the development site is required to ensure a gradient between 2% and 4% falling from the boundary to the top of kerb is provided. This work must include the construction of any retaining walls necessary to ensure complying grades within the footpath verge area. All retaining walls and associated footings must be contained wholly within the subject site. Any necessary adjustment or relocation of services is also required, to the requirements of the relevant service authority. All service pits and lids must match the finished surface level. b) Site Stormwater Drainage The entire site area must be graded, collected and drained by pits and pipes to connecting to the internal drainage pit within the site. The current stormwater management plan indicates two separate discharge points from the site to the existing kerb and gutter, which does not comply with Council's stormwater design requirements. In accordance with standard practice, all site stormwater—including upstream overland flow and discharge from the on-site detention (OSD) system—must be collected, managed, and discharged through a single legal point of discharge. Prior to the issue of a Construction Certificate, the applicant must submit an amended stormwater management plan that consolidates all flows to one discharge point. c) Service Conduits Service conduits to proposed development to be laid in strict accordance with the relevant service authority's requirements, are required. Services must be shown on the engineering drawings. Condition reason: To ensure that the engineering design associated with this development have been designed and completed in accordance with Australian standards, Council's relevant DCP and Council's Design Guidelines Subdivisions/ Developments and Works Specifications Subdivisions/ Developments

BEFORE WORK COMMENCES

52.	Remediation Action Plan and Waste Classification If the results of the data gap assessment identify contamination that exceeds the nominated Site Assessment Criteria, a Remediation Action Plan (RAP) must be prepared and implemented by a
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	suitably qualified environmental consultant prior to the commencement of construction of the new Block F building. In addition, any excavated material intended for off-site disposal must be classified in accordance with the NSW EPA <i>Waste Classification Guidelines – Part 1: Classifying Waste (2014)</i>. Evidence of lawful waste classification and disposal must be retained on site and made available to the consent authority upon request. Condition reason: To ensure the site is suitable for the use and free of contamination.
53.	Public Infrastructure Inventory Report Before works commencing on site the Principal Contractor must get a public infrastructure inventory report 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: a) Planned construction access and delivery routes; and b) Dated photographic evidence of the condition of all public assets. Condition reason: To document the condition of public infrastructure prior to works commencing.
54.	Traffic Control Plan Before the works commence on site a person with the relevant accreditation must complete and approve/sign a Traffic Control relevant to the site. A copy of the plan must be submitted to Council before being implemented. A plan that includes full (detour) or partial (temporary traffic signals) width road closure requires separate specific approval from Council. Sufficient time should be allowed for this to occur. Condition reason: To Ensure safe movement of vehicles around/past the site
55.	Erection of Signage – Supervision of Work Before works commencing on site the Certifier is to ensure a sign is erected in a prominent position displaying the following information: • The name, address and telephone number of the Principal Certifying Authority; • The name and telephone number (including after hours) of the person responsible for carrying out the works; • That unauthorised entry to the work site is prohibited. This signage must be maintained while the work is being carried out and must be removed upon completion. Condition reason: To address requirements Environmental Planning and Assessment Regulations 2021.
56.	Sydney Water Building Plan Approval Before building work commences, 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 Certifier 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. Condition reason: To ensure compliance with Sydney Water requirements.
57.	Stabilised Access Point Before building work commences, a stabilised all weather access point is to be provided 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). Condition reason: To ensure construction sites are managed properly.

58.	Toilet Facilities
	Before building work commences, toilet facilities are to be provided, at or in the vicinity of the work site on which work involved in the erection or demolition of a building is being carried out, at the rate of one toilet for every 20 persons or part of 20 persons employed at the site. Each toilet provided: a) must be a standard flushing toilet, and b) must be connected: i. to a public sewer, or ii. if connection to a public sewer is not practicable, to an accredited sewage management facility approved by the council, or iii. if connection to a public sewer or an accredited sewage management facility is not practicable, to some other sewage management facility approved by the council.
	Condition reason: To ensure there are amenities provided to workers on site.

DURING BUILDING WORKS

59.	Rock Breaking Noise
	During building work and upon receipt of a justified complaint in relation to noise pollution caused by rock breaking. Rock breaking will only occur between the hours of 9am to 3pm, Monday to Friday. No rock breaking is to occur Saturday – Sunday and on public holidays. Details of noise mitigation measures and likely duration of the activity must be submitted to Council's Manager – Environment and Health within seven (7) days of receiving notice from Council.
	Condition reason: To minimise noise impacts on neighbouring properties
60.	Construction Noise
	During building work, the emission of noise from the construction of the development shall comply with the <i>Interim Construction Noise Guideline published by the Department of Environment and Climate Change (July 2009)</i>.
	Condition reason: To protect residential amenity
61.	Retention of Trees
	While works are being carried out, only trees specifically identified for removal on the approved plans may be removed. All other trees (including neighbouring trees and street trees) are to be retained with remedial work to be carried out in accordance with the Arboricultural Assessment prepared by Arbor Central Tree Care V2 dated 31/03/25.
	Condition reason: To ensure retained trees are adequately protected during works.
62.	Project Arborist
	During site works, the Project Arborist must be on site to supervise any works within the Tree Protection Zone (TPZ). Supervision of the works shall be certified by the Project Arborist and a copy of such certification shall be submitted to the Principle Certifying Authority within 14 days of completion of the works.
	Condition reason: To protect trees during carrying out of site work.
63.	Implementation of the Site Management Plans
	While site work is being carried out: a) the measures required by the construction site management plan and the erosion and sediment control plan (plans) must be implemented at all times, and b) a copy of these plans must be kept on site at all times and made available to council officers upon request.
	Condition reason: To ensure site management measures are implemented during the carrying out of site work.
64.	Contaminated Waste

	During works, in accordance with the waste management plan, the generation, storage, transport, treatment or disposal of hazardous, industrial or Group A liquid waste must be in accordance with the requirements of the Protection of the Environment Operations Act 1997 and the NSW Department of Environment and Climate Change and Water (DECCW) waste tracking requirements.
	Condition reason: To ensure contaminated waste is safely stored, transported, and lawfully disposed of while protecting the surrounding environment and local amenity.
65.	Location of Works
	During building works, any of the approved works / dwelling house (inclusive of any services, equipment and/or utilities), footings, walls, roof barges and guttering are to be constructed and contained wholly within the property boundaries. A survey report from a registered land surveyor may be required for confirmation of its location.
	Condition reason: To ensure no encroachment occurs onto the adjoining property.
66.	Procedure for Critical Stage Inspections
	While building work is being carried out, the work must not continue after each critical stage inspection unless the principal certifier is satisfied the work may proceed in accordance with this consent and the relevant construction certificate.
	Condition reason: To require approval to proceed with building work following each critical stage inspection.

ON COMPLETION OF WORKS

67.	Repair of Infrastructure
	After completion of all site work:
	a) any public infrastructure damaged as a result of the carrying out of work approved under this consent (including damage caused by, but not limited to, delivery vehicles, waste collection, contractors, sub-contractors, concreting vehicles) must be fully repaired to the written satisfaction of council, and at no cost to council, or
	b) if the works in (a) are not carried out to council's satisfaction, council may carry out the works required and the costs of any such works must be paid as directed by council and in the first instance will be paid using the security deposit required to be paid under this consent.
	Condition reason: To ensure any damage to public infrastructure is rectified.

BEFORE ISSUE OF OCCUPATION CERTIFICATE

68.	Retaining Walls
	Before a "whole" occupation certificate is issued, all retaining walls shown on the approved plans shall be completed.
	Condition reason: To ensure the amenity of adjacent properties are protected.
69.	Section 64 - Consent Authority may require upgrade of Building
	The following upgrades are to be undertaken with the construction certificate works and are to be completed prior to an occupation certificate being issued:
	i. A review of hydrant coverage is to be undertaken to ensure system coverage is sufficient to all parts of the refurbished buildings, appropriate to E1P3 of the BCA.
	ii. Emergency lighting is to be upgraded to the refurbished areas to provide a safe level of illumination to every room or space used by the public during an emergency appropriate to E4P1 of the BCA.

	iii. Exit signs are to be upgraded to the refurbished areas to facilitate evacuation appropriate to E4P2 of the BCA. iv. The existing refurbished areas are to be upgraded to ensure the building is accessible, has accessways, and has suitable facilities, appropriate to D1P1, D1P2 and F4P1 of the BCA. v. A review of smoke hazard management is to be undertaken to determine if any systems are required to be upgraded to ensure conditions in any evacuation route will remain tenable, appropriate to EP2.2 of the BCA. vi. Existing penetrations through building elements which are required to have a fire resistance level with respect to integrity or insulation are to be upgraded and protected, appropriate to C1P8 of the BCA. vii. A review of arrangements for egress is to be undertaken to ensure occupants evacuate safely, with sufficient exits being provided, adequate widths of paths of travel, adequate widths through doorways, and connection to a public road, appropriate to D1P4, D1P6 and E2P2 of the BCA. viii. Existing external walls and building elements exposed to new fire source features (block F external walls) are to be provided with elements to maintain structural stability during a fire, appropriate to C1P1 of the BCA. Condition reason: To ensure the existing building is brought into an appropriate level of conformity with the Building Code of Australia.
70.	Clearance Certificate Before the issue of an occupation certificate, a clearance certificate must be issued following the completion of any asbestos removal works in accordance with clause 474 of the Work Health and Safety Regulation 2017 and submitted to the certifying authority for acceptance as satisfactory before the issue of any occupation certificate. Condition reason: To protect health, safety, and the environment
71.	Planting Requirements Before the issue of an occupation certificate, the Landscaping shall be certified to be in accordance with the approved plans by the private certifier. 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/m2. Any species that need substituting requires confirmation from Council. Six (6) advanced seventy-five (75) litre pot size replacement trees from the following list are to be planted elsewhere on property. • Ceratopetalum apetalum (Coachwood) • Corymbia gummifera (Red Bloodwood) • Corymbia eximia (Yellow Bloodwood) • Corymbia maculata (Spotted Gum) • Eucalyptus saligna (Sydney Bluegum) • Eucalyptus pilularis (Blackbutt) • Eucalyptus paniculatum (Grey Ironbark) • Syncarpia glomulifera (Turpentine) • Angophora costata (Sydney Red Gum) Condition reason: To ensure the approved landscaping works have been completed in accordance with the approved landscaping plan(s).
72.	Completion of Landscape and Tree Works

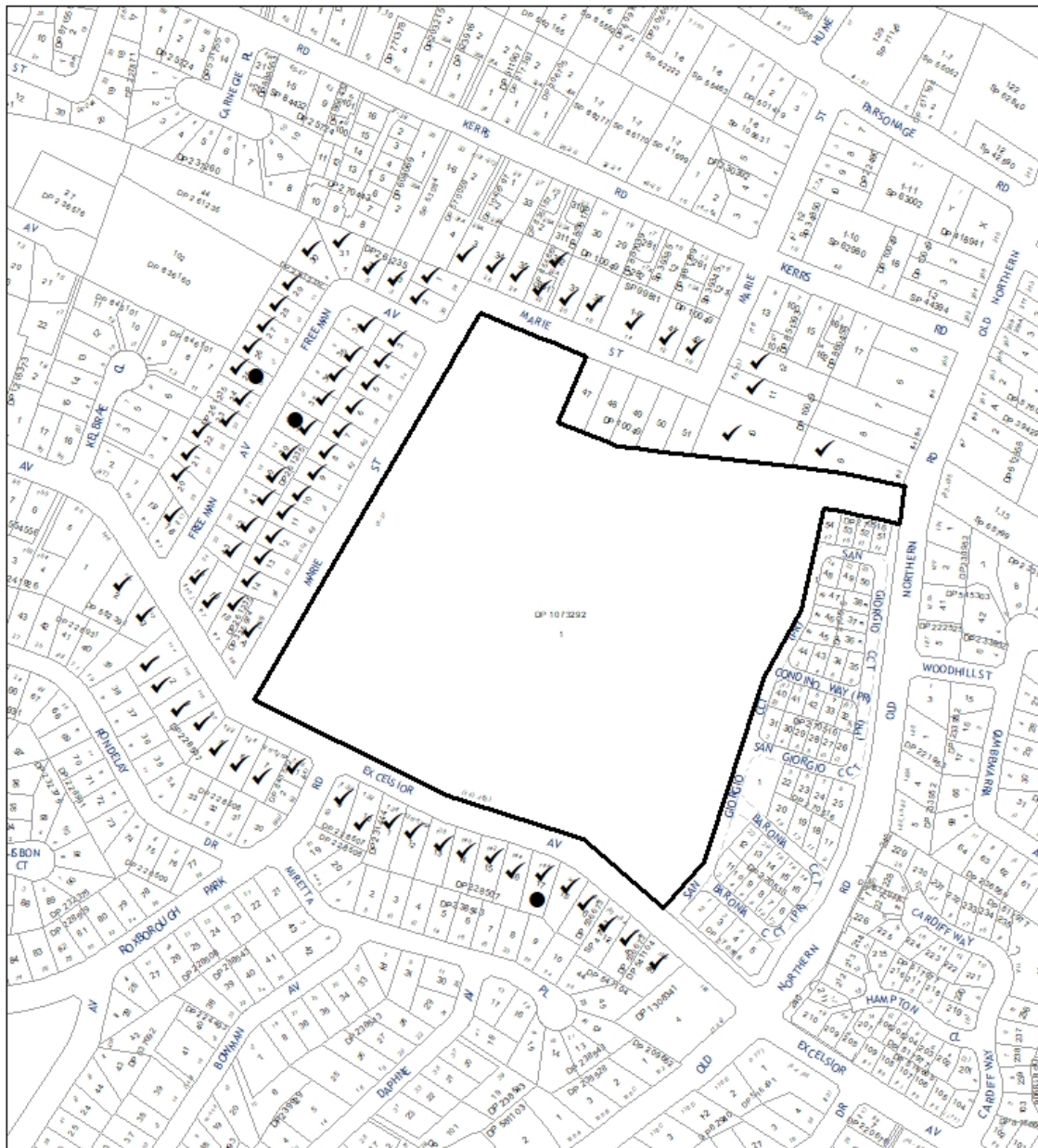
	Before the issue of an occupation certificate, the principal certifier must be satisfied all landscape and tree-works have been completed in accordance with approved plans and documents and any relevant conditions of this consent. Condition reason: To ensure the approved landscaping works have been completed in accordance with the approved landscaping plan(s).
73.	Creation of Restrictions / Positive Covenants Before the issue of an Occupation Certificate the following restrictions/ positive covenants must be registered on the title of the subject site via a request document, Section 88B instrument associated with a plan or the like. Council's standard recitals must be used. 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 WSUD elements referred to earlier in this consent using the “water sensitive urban design elements” terms included in the standard recitals. Condition reason: To ensure appropriate restrictions, positive covenants and easements are created and legally binding to address, where relevant, conditions of consent.
74.	Public Infrastructure Inventory Report - Post Construction Before the release of an Occupation Certificate an updated public infrastructure inventory 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. Condition reason: To ensure protection and where required suitable remediation of public assets
75.	OSD System Certification Before the release of an Occupation Certificate the Onsite Stormwater Detention (OSD) system must be completed to the satisfaction of the Principal Certifying Authority (PCA). The following documentation is required to be submitted upon completion of the OSD system and prior to a final inspection: a) Works as executed plans prepared on a copy of the approved plans; b) A certificate of hydraulic compliance (Form B.11) from a suitably qualified engineer or surveyor verifying that the constructed OSD system will function hydraulically; c) 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. Condition reason: To ensure completion of the OSD system in accordance with the approved plans and that the system has been constructed and is operations.
76.	Water Sensitive Urban Design Certification Before the issue of an Occupation Certificate the WSUD elements conditioned earlier in this consent must be constructed and operational. The following documentation must be submitted in order to obtain an Occupation Certificate: a) WAE drawings and any required engineering certifications; b) Records of inspections; c) An approved operations and maintenance plan; and d) 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..
	Condition reason: To ensure structure(s) associated with the treatment of stormwater to ensure the quality of water discharge from site is suitable to enter the downstream watercourse
77.	Completion of Engineering Works
	An Occupation Certificate must not be issued before the completion of all engineering works covered by this consent, in accordance with this consent.
	Condition reason: To ensure all engineering works are completed before an occupation certificate is issued.
78.	Preservation of Survey Marks
	Before the issue of an occupation certificate, documentation must be submitted by a registered surveyor to the Principal Certifier, which demonstrates that:
	a) no existing survey mark(s) have been removed, damaged, destroyed, obliterated or defaced, or
	b) any survey mark(s) that were damaged, destroyed, obliterated or defaced have been re-established in accordance with the Surveyor General's Direction No. 11 – Preservation of Survey Infrastructure.
	Condition reason: To protect the state's survey infrastructure.

OCCUPATION AND ONGOING USE

79.	Landscaping
	The landscaping shall be in accordance with the approved plan and shall be maintained at all times in accordance with THDCP 2012 Part C Section 3 – Landscaping and the approved landscape plan.
	Condition reason: To ensure the approved landscaping works have been completed in accordance with the approved landscaping plans.
80.	Offensive Noise
	During occupation and ongoing use of the premises, building services, equipment, machinery and ancillary fittings shall not give rise to "offensive noise" as defined under the provisions of the <i>Protection of the Environment Operation Act 1997</i> .
	Condition reason: To protect the amenity of the local area
81.	Waste and Recycling Management
	During the occupation and use, all garbage and recyclable materials must be separated into dedicated waste collection containers and stored in a designated waste storage area(s), which must include provision for the storage of all waste generated on the premises between collections. Arrangements must be in place in all areas of the development for the separation of recyclable materials from garbage. All waste storage areas must be screened from view from any adjoining residential property or public places. Under no circumstances should waste storage containers be stored in locations that restrict access to any of the car parking spaces provided on site. Waste storage areas(s) must be kept clean and tidy, bins must be washed regularly, and contaminants must be removed from bins prior to any collection.
	Condition reason: To ensure responsibility is placed upon the site's occupier or resident to management all waste generated on the site without it affected local amenity of neighbouring properties.
82.	Waste and Recycling Collection Contract
	During the occupation and use, a private waste contract is to be in place with a licensed contractor for the removal and lawful disposal of all waste generated on site. Written evidence of a valid and current collection and disposal contract must be held on site at all times and produced in a legible form to an authorised officer of Council who asks to see it.
	Condition reason: To ensure a private waste contractor is engaged with by commercial premises to lawfully remove all waste generated onsite.

ATTACHMENT B – LOCALITY PLAN



- ☐ SUBJECT SITE
- ✓ PROPERTIES NOTIFIED
- SUBMISSIONS RECEIVED

THE HILLS
Sydney's Garden Shire

THE HILLS SHIRE COUNCIL

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ATTACHMENT C – AERIAL PHOTOGRAPH



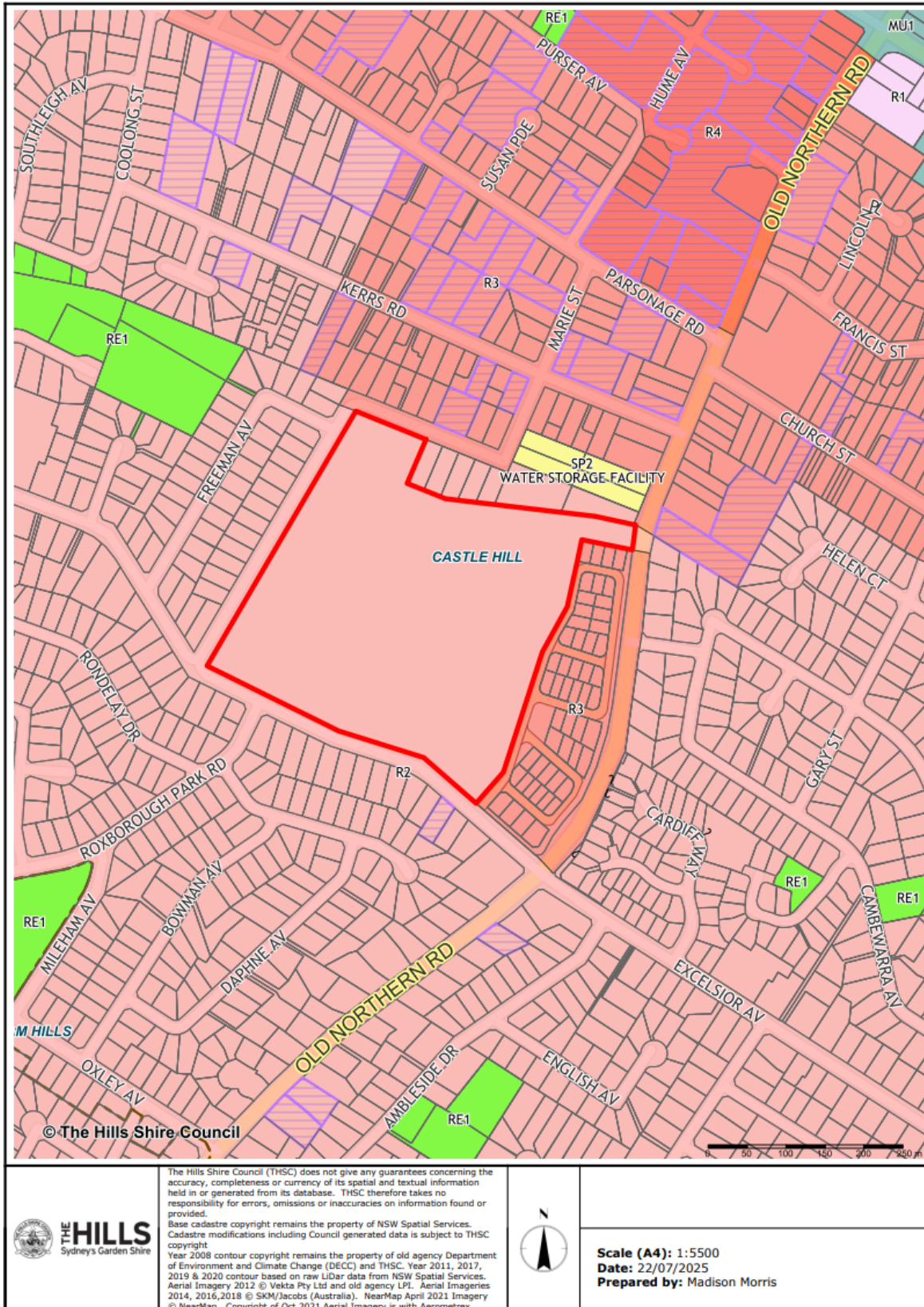
 SUBJECT SITE

THE HILLS
Sydney's Garden Shire

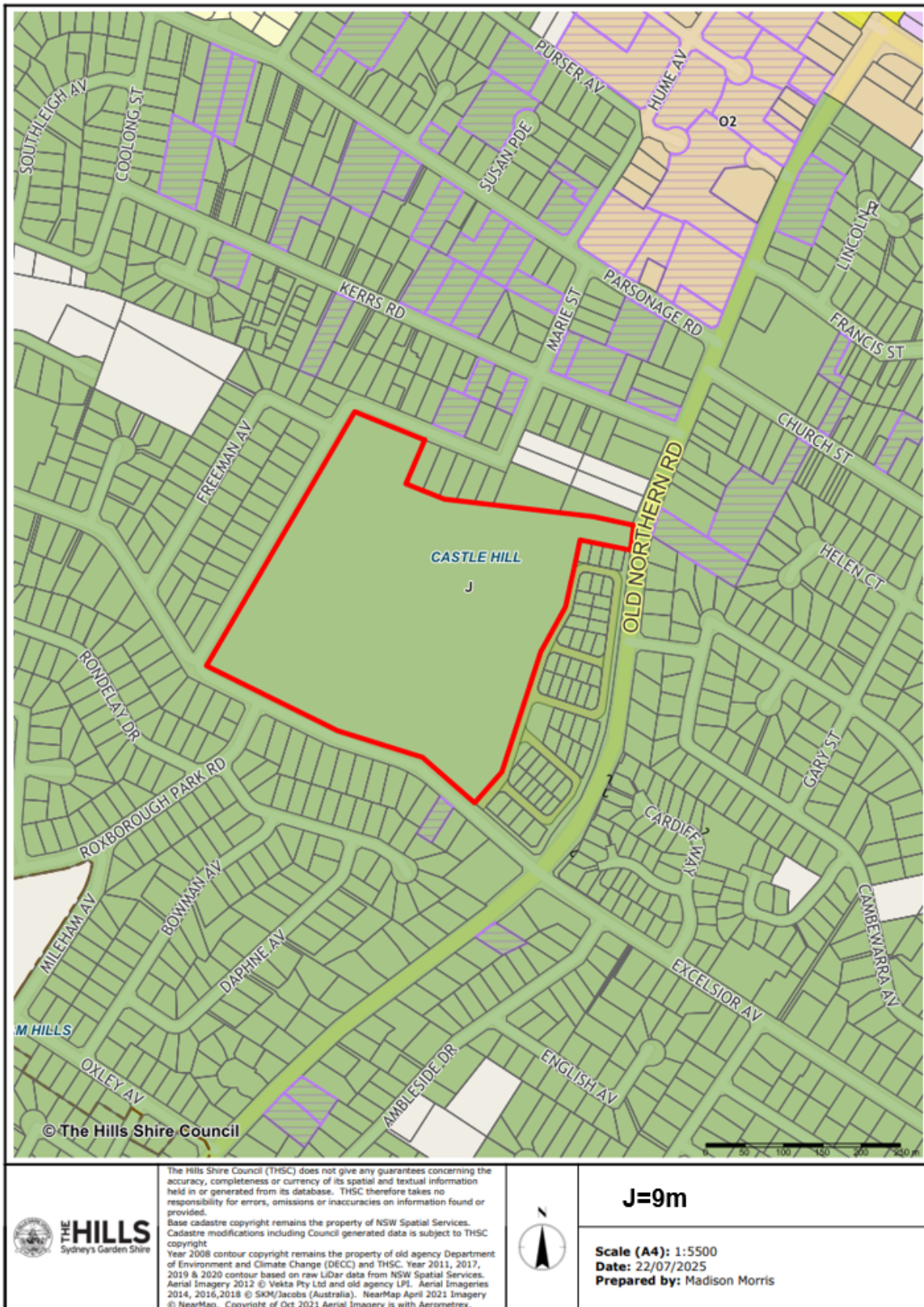
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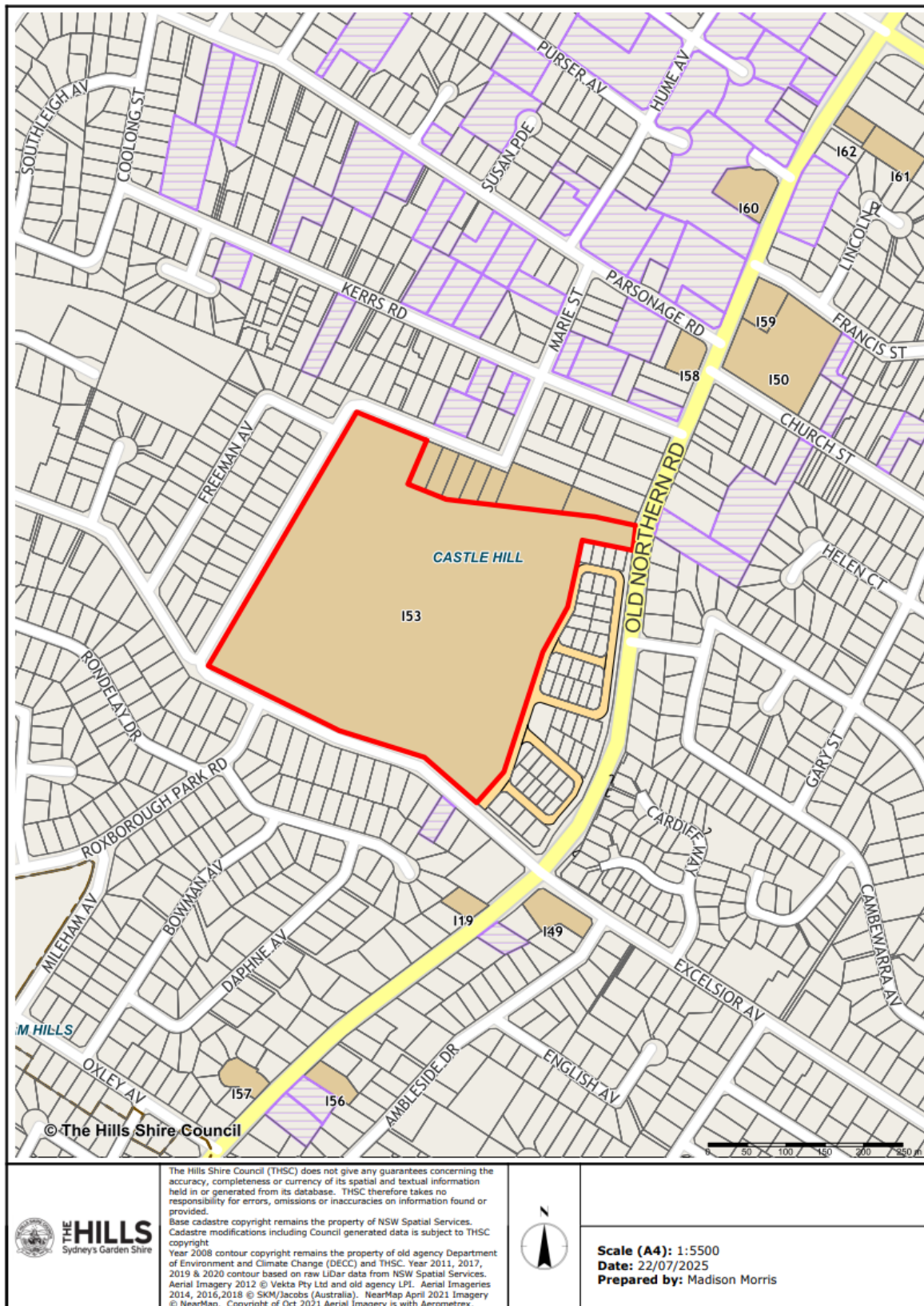
ATTACHMENT D – LEP 2019 ZONING MAP



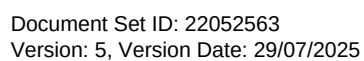
ATTACHMENT E – LEP 2019 HEIGHT OF BUILDINGS MAP



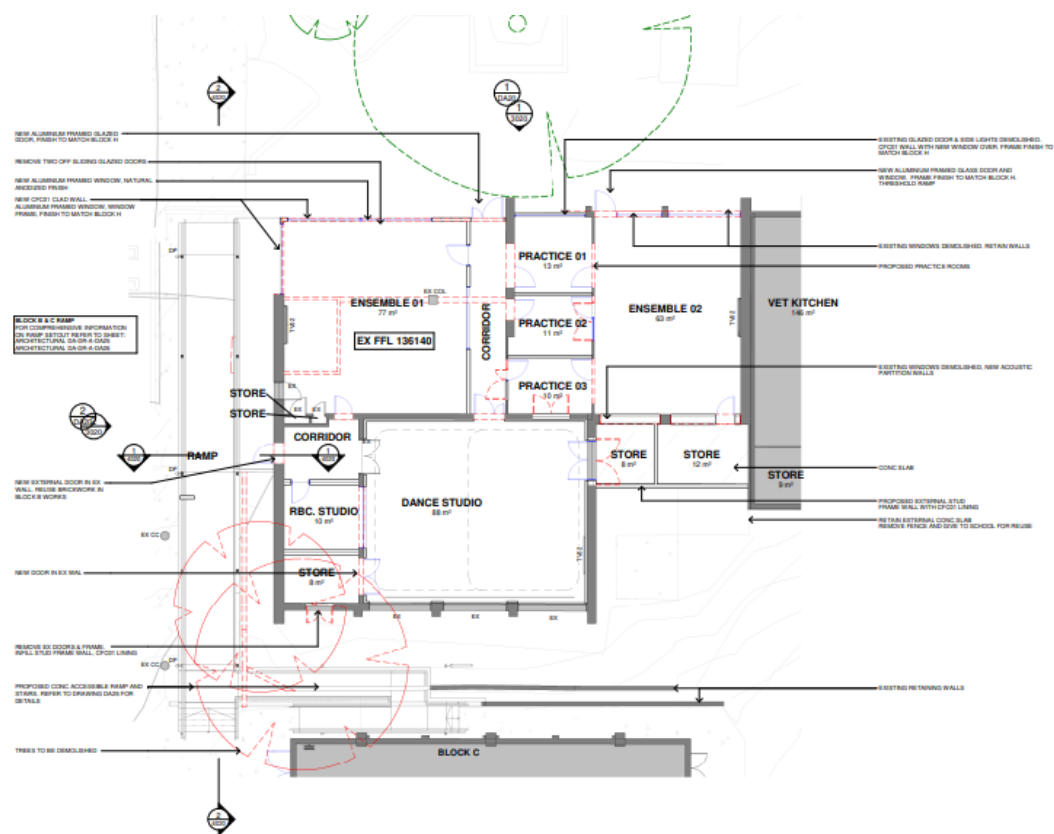
ATTACHMENT F – LEP 2019 HERITAGE MAP



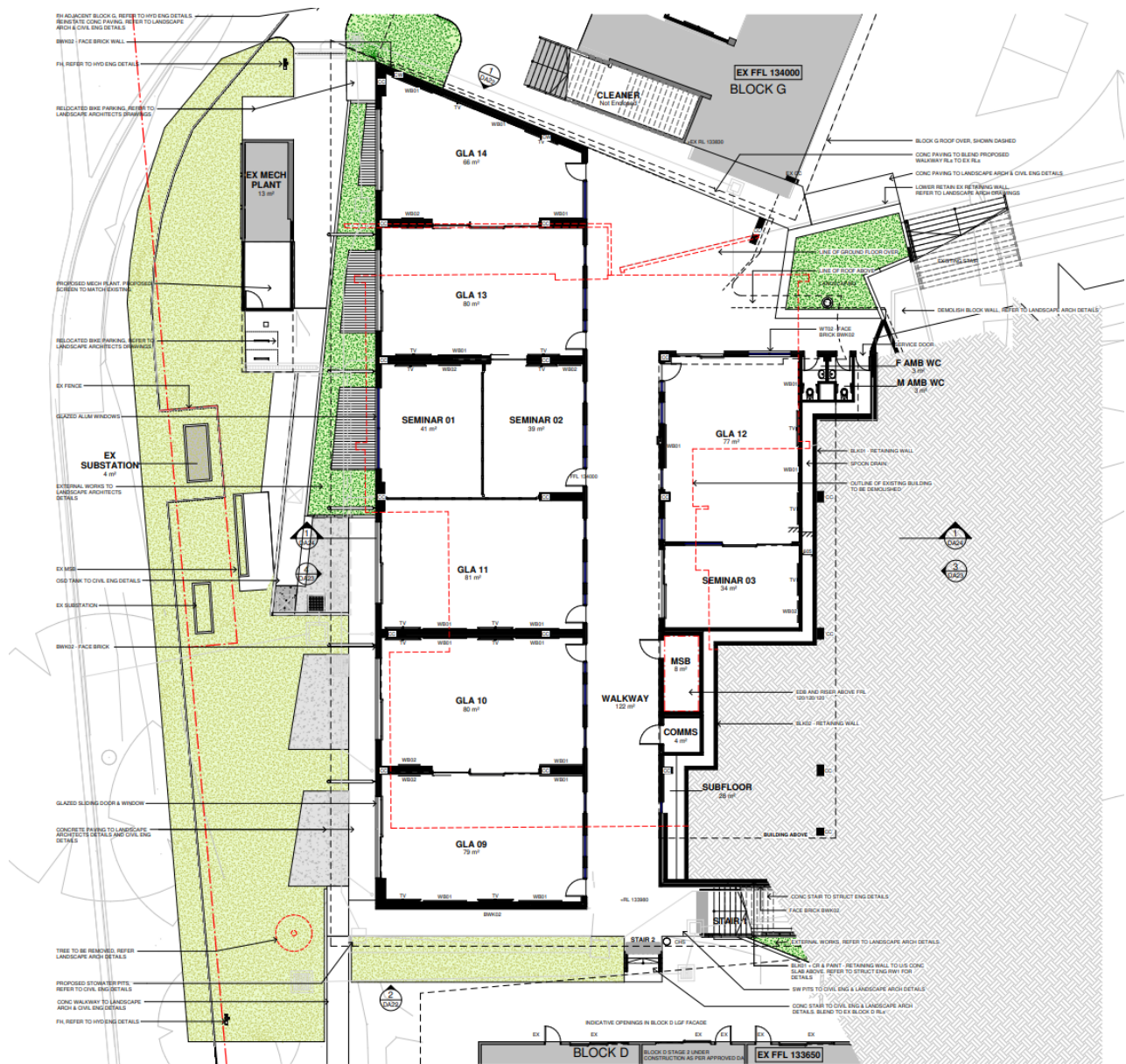
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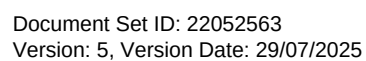


FLOOR PLANS (BLOCK B)

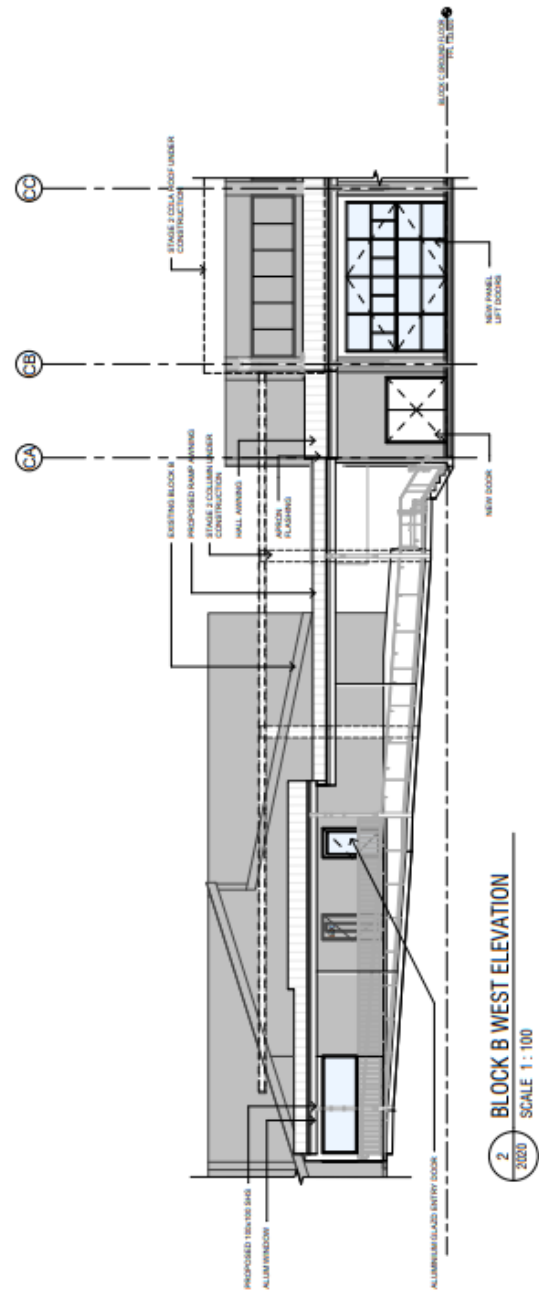
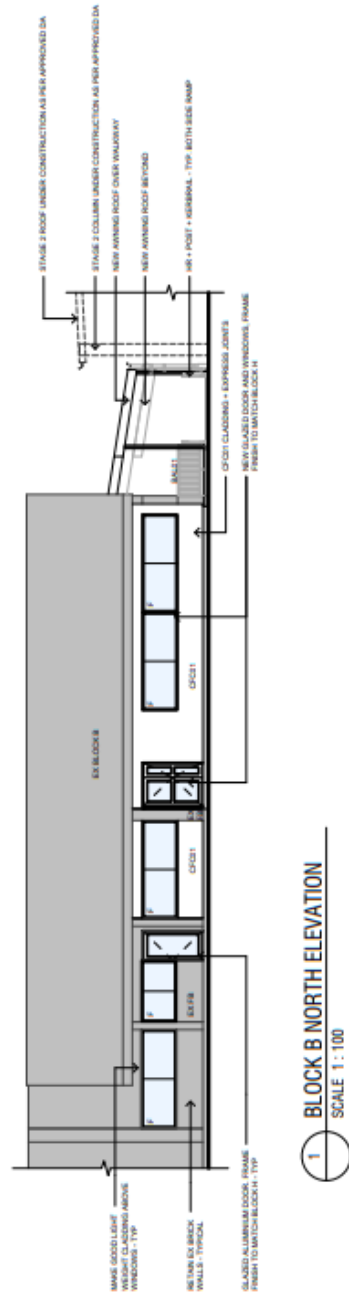


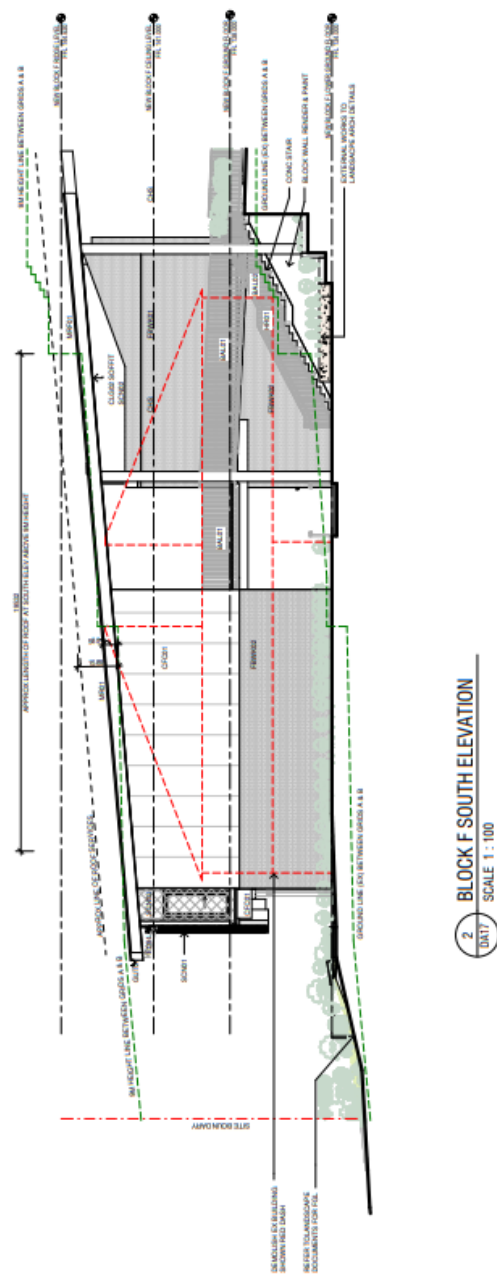
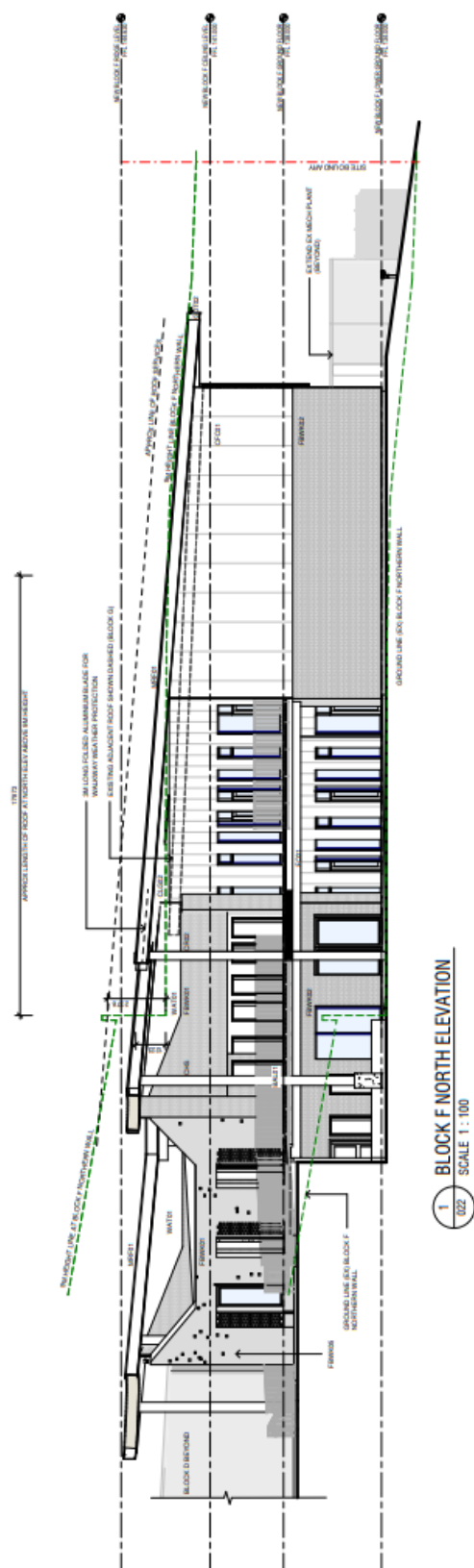
FLOOR PLANS (BLOCK F)



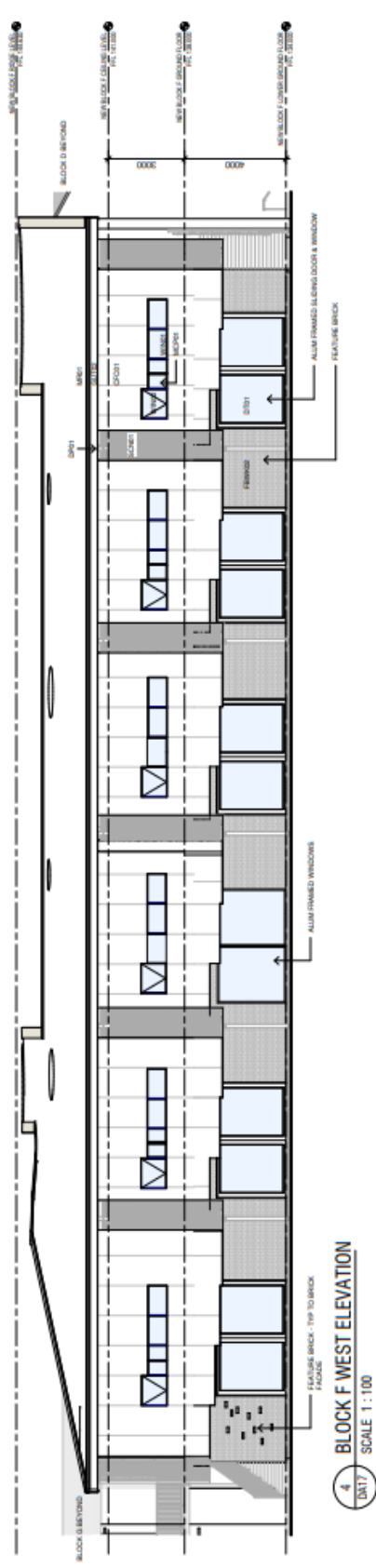
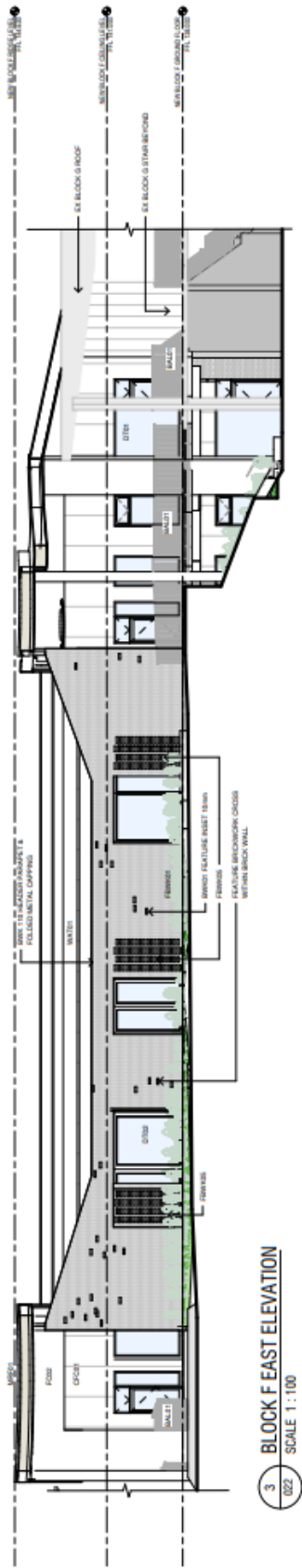


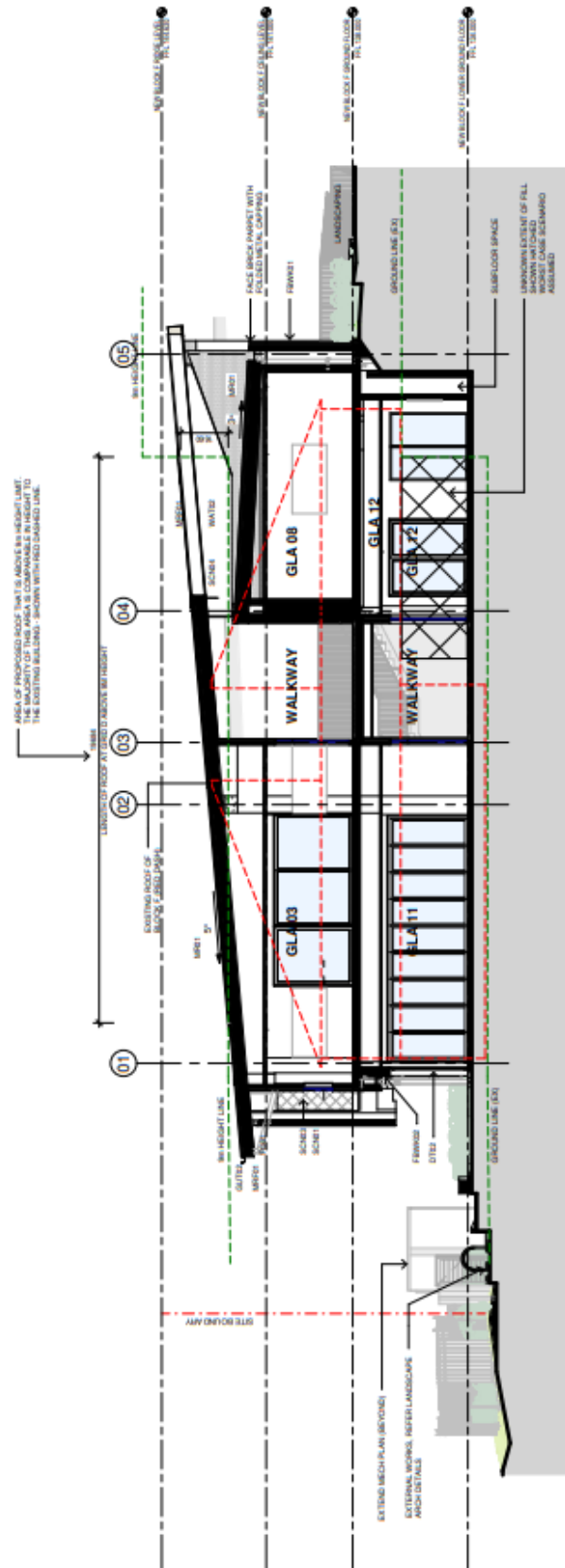
ATTACHMENT I – ELEVATIONS AND SECTIONS



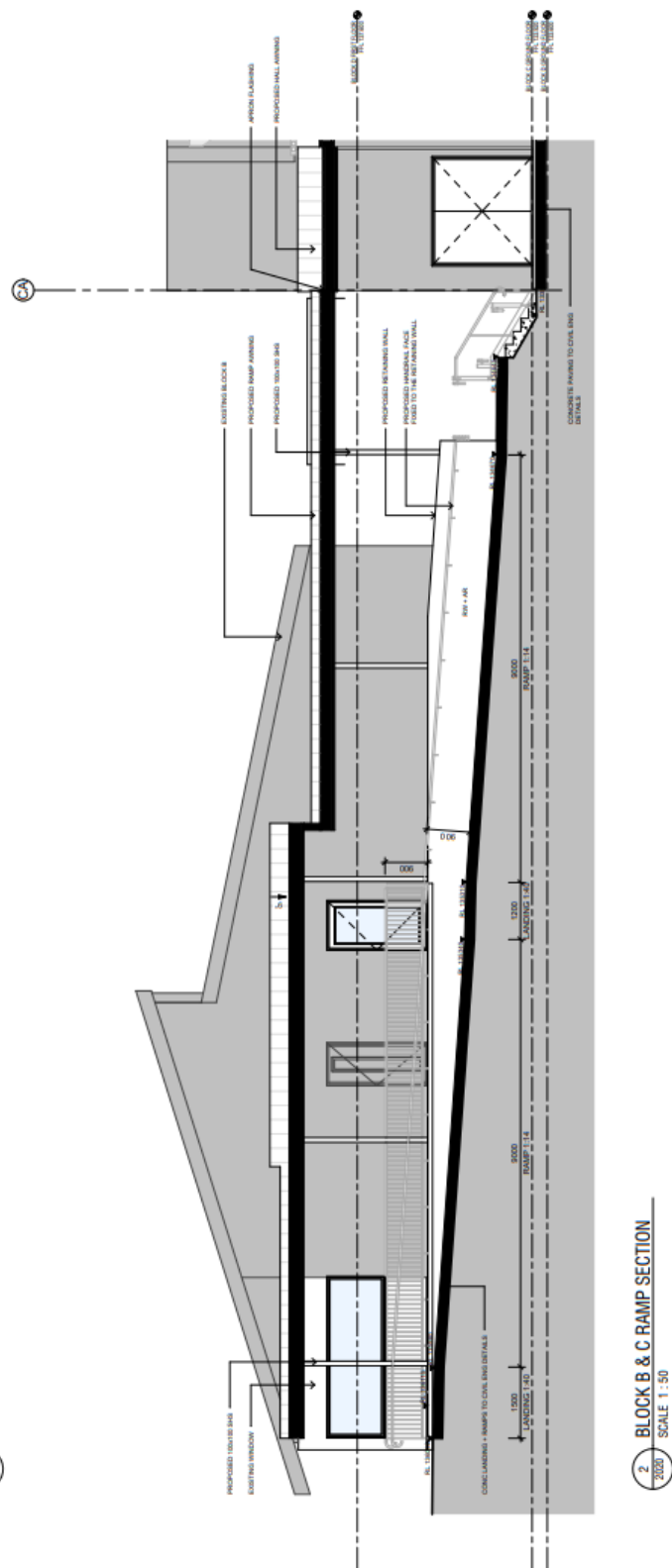


3/20/2025

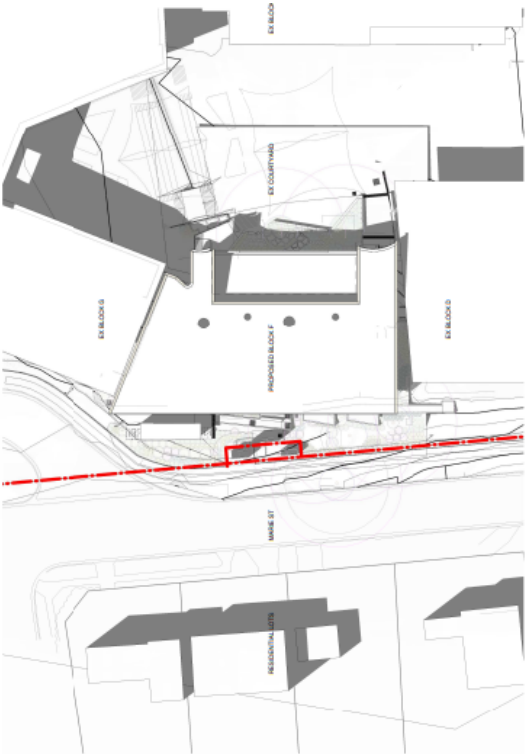




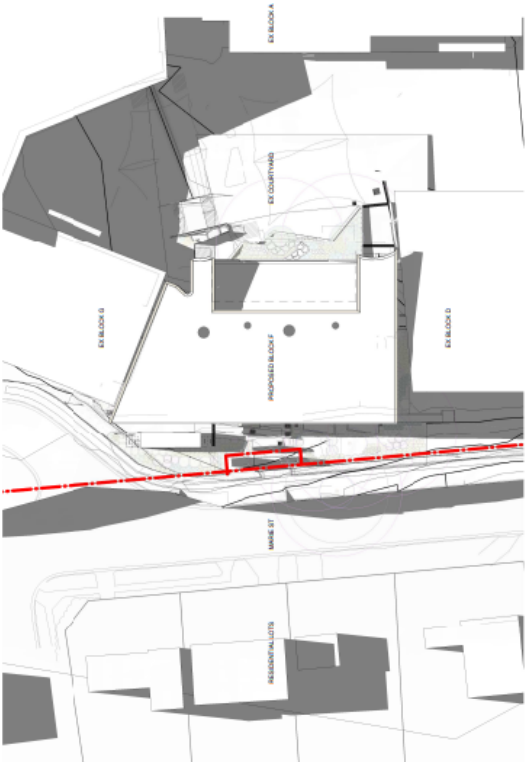
1 BLOCK F SHORT SECTION
DA17 SCALE 1:100



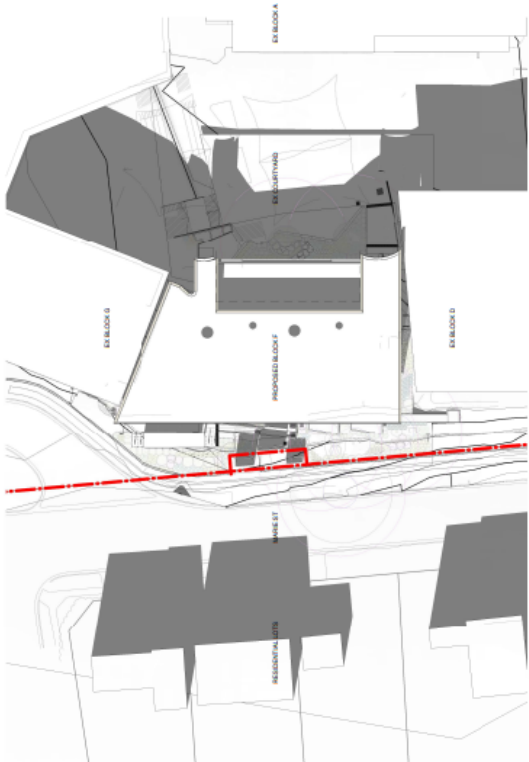
ATTACHMENT J – SHADOW DIAGRAMS



2 BLOCK F - Winter Solstice 12 pm
SCALE 1:400

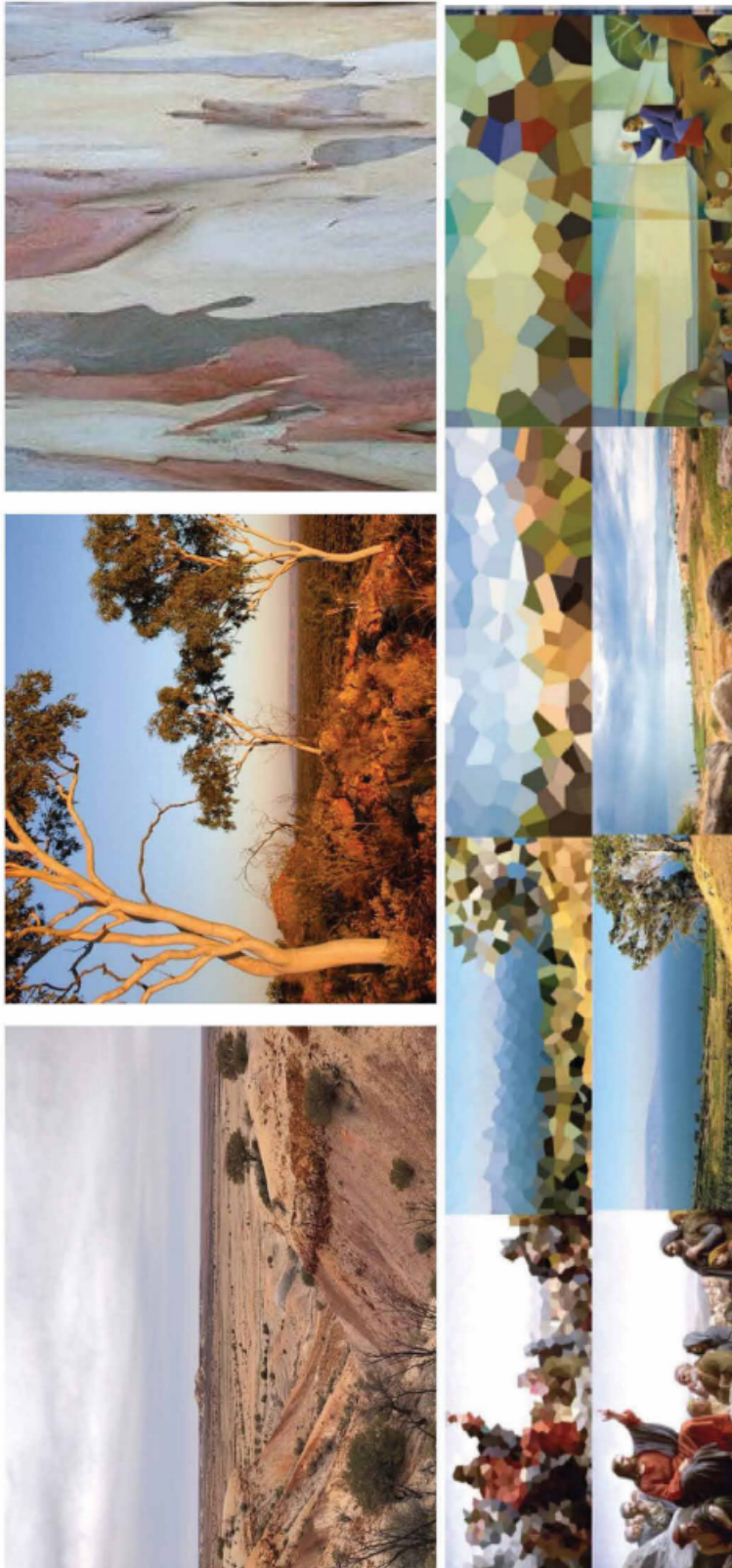


1 BLOCK F - Winter Solstice 9 am
SCALE 1:400



3 BLOCK F - Winter Solstice 3 pm
SCALE 1:400

ATTACHMENT K – MATERIALS AND FINISHES



COLOUR PALETTE INSPIRATION -

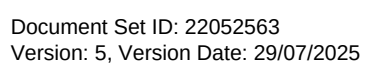
AN EARTHY, NATURE INSPIRED PALETTE THAT TIES INTO THE SERMON ON THE MOUNT CONCEPT, WHILST REFLECTING THE LOCATION AND SURROUNDS.

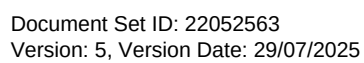


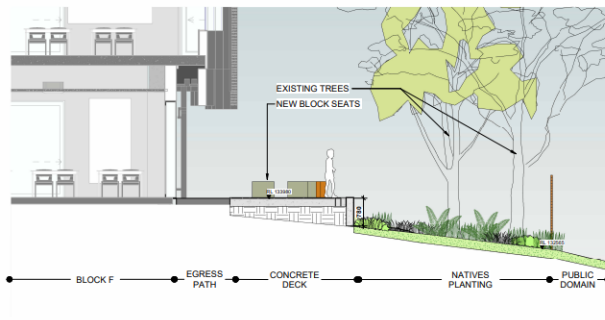
ATTACHMENT L – LANDSCAPE PLANS



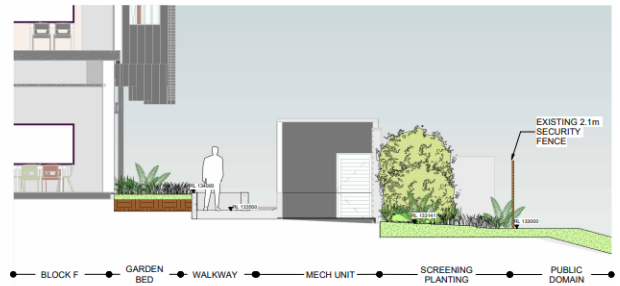




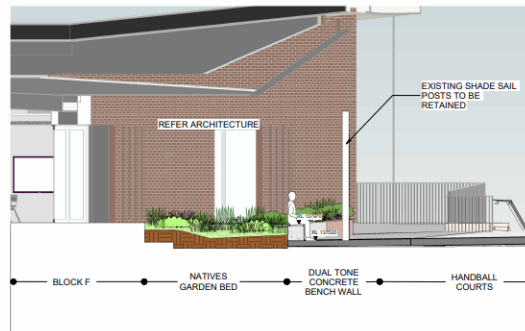




① BLOCK F BALCONY SECTION 01 DA
1:50



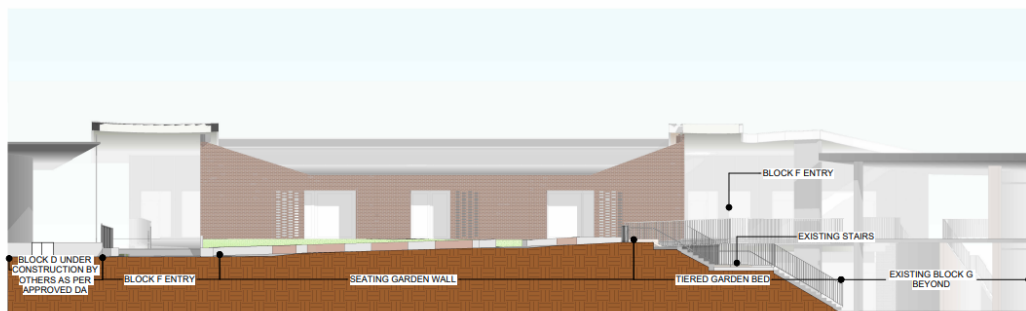
② BLOCK F WALKWAY SECTION 02 DA
1:50



③ BLOCK F COURT PLANTER DA
1:50

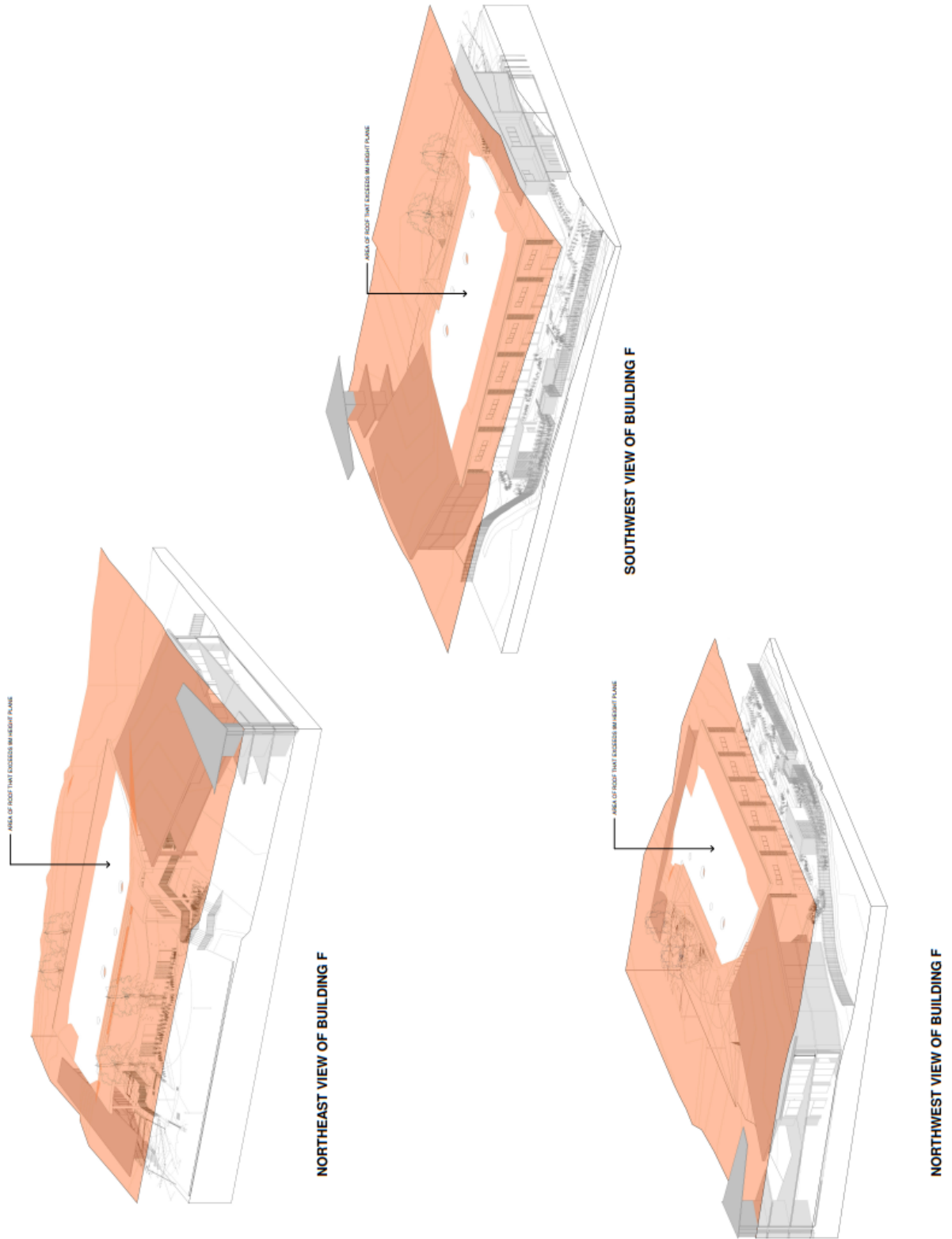


① L F BLOCKS Elevation DA
1:100



② L F GARDEN WALL DA
1:100

ATTACHMENT M – 9M HEIGHT PLANE





Project Revision History:

Version	Prepared By	Reviewed By	Issued To	Date
A	I. Clayton	S. Earp	Client	21 October 2024

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1 Introduction

1.1 Commission and Reason for Variation Request

EPM Projects (EPM) has been commissioned by Catholic School Parramatta Diocese (CSPB) to prepare a request to vary a development standard pursuant to Clause 4.6 of *The Hills Local Environmental Plan 2019* (HLEP). The proposed development comprises alterations and additions to existing buildings, construction of a new classroom building, tree removal with ancillary landscape and stormwater works that would be undertaken on an existing educational establishment. The educational establishment, Gilroy Catholic College, is located at 19-37 Marie Street and is legally described as Lot 1 in Deposited Plan (DP) 1073292 (the site).

The variation request addresses the proposed development's exceedance of a 9m height of building development standard as applicable to the site and pursuant to the Clause 4.3 of the HLEP. Block F has a maximum height of 10.98m at the centre of the northern elevation where the building steps up the site's slope and exceeds the height of buildings development standard by 1.98m or 22%.

The Clause 4.6 variation request has been prepared to address the relevant tests under clause 4.6(3) namely that compliance with the development standard is unreasonable and unnecessary in the circumstances of the case and that there are sufficient environmental planning grounds to justify contravention of the height of buildings development standard.

1.2 Development Plans

The request has been prepared in relation to the following Architectural plans:

- Gilroy Catholic College, Issue DA02, prepared by NBRS Architects, dated 14/10/2024 as accompanying the Statement of Environmental Effects prepared by EPM.

1.3 The Guide

This request to vary a development standard has been prepared generally in accordance with the *Guide to Varying Development Standards* (the Guide), prepared by the NSW Department of Planning and Environment, dated November 2023. **Table 1** below provides a checklist from Section 3.1 of the Guide to demonstrate that the requirements for a written variation request have been met.

Table 1 Checklist for Written Requests (Section 3.1 of the Guide)		
Variation Request Requirements	Addressed?	Comments
The control to which the variation relates must be a development standard as defined in the <i>Environmental Planning and Assessment Act 1979</i> (EP&A Act)	Yes	The height of building control requested to be varied is a development standard as defined by the EP&A Act.
If the variation relates to the subdivision of land, the variation must be consistent with any relevant limits identified in clause 4.6(6) of the <i>Standard Instrument LEP</i> .	N/A	The variation request does not relate to the subdivision of land.
The development standard being varied must not be specifically excluded from the operation of clause 4.6. Exclusions are listed in clause 4.6(8) and in some circumstances, within the development standard.	Yes	The height of building control is not excluded from the operation of clause 4.6 of the HLEP.
The written request must be lodged as part of the DA.	Yes	This written request forms part of a DA for a proposed development at the site (see Section 3).
The written request must satisfy the 2 tests set out in clause 4.6(3): • clause 4.6(3)(a) – compliance with the development standard is unreasonable and unnecessary in the circumstances • clause 4.6(3)(b) – there are sufficient environmental planning grounds to justify contravention of the development standard.	Yes	The two (2) tests are addressed at Section 5 of this report.

Table 1 Checklist for Written Requests (Section 3.1 of the Guide)		
Variation Request Requirements	Addressed?	Comments
The written request must include sufficient information for the consent authority to understand the relevant aspects of the proposed development and the totality of the proposed variation to the development standard.	Yes	The variation has been prepared in accordance with the Guide and includes sufficient information for Council and the Sydney Central Regional Panel to understand the relevant aspects of the proposed development and the totality of the proposed variation to the development standard

2 The Site and Context

2.1 Site Location

The site is located at 19-37 Marie Street, Castle Hill and is within The Hills Shire Council LGA (**Figure 1**).



Figure 1: Site Location plan with the site boundary, outlined in yellow with the location of the works identified in red (source: ePlanning portal).

2.2 Site Description

The site is legally described as Lot 1 in DP1073292; and has an area of 10.63ha with multiple street frontages to Marie Street from the north and west and Excelsior Avenue from the south. The property is irregular in shape and contains two existing educational establishment, Gilroy Catholic College and St Gabriel's school. Both schools are operated by separate organisations and do not share facilities.

In terms of built form, Gilroy Catholic College has school buildings at the northern and western portions of the site which are typically of one or two storey construction. Outdoor play areas are located between buildings, with sports courts and playing fields located at the southern portion of the site and extending to the site's eastern boundary.

Vehicle access is provided by Marie Street at the main staff and visitor carpark, which is located at the northern end of the site. A secondary vehicle access at the western site boundary services the waste storage and utility buildings located at the southern end of the site.

The site's undulating topography generally slopes from the cluster of school buildings at the northwest portion of the campus to the southeastern playfields. From the playfields, the site slopes steeply towards Excelsior Ave. Tree coverage across the site is intermittent and is primarily located at the site's boundary and at the boundary fence between Gilroy Catholic College and St Gabriel's.



Figure 2: Aerial Image of the existing site, with the Gilroy College Campus outlined in yellow (source: NearMap dated 25 July 2024).

2.3 Site Context and Surrounding Development

The immediate surroundings of the development comprise a mixture of single and two (2) storey dwelling houses and dual occupancies, as well as some medium-density developments and multi-dwelling housing that are typical of the locality. Multi dwelling housing is located along the eastern site boundary and indicates a change in the residential character from the predominately low density residential development located west to southeast of the site. A water storage facility is located adjacent to the northern boundary of St Gabriel's with development in the vicinity of the facility characterised as a mix of detached and multi-dwelling housing.

Castle Hill town centre is located approximately 900m north of the site and includes a shopping centre, a mix of commercial premises, high density residential flat buildings, Castle Hill Train and Metro stations.

Beyond the residential and public recreation areas that are located north and northwest of the site, Castle Hill's industrial precinct is located approximately 1000m from the site.



Figure 3: Aerial image of the surrounding area with the site outlined in yellow[source: NearMap dated 14 September 2024].

3 Proposed Development

3.1 Summary of Proposed Development

The proposed development primarily seeks to carry out works within the northwest portion of the site. These works include the demolition of the existing Block F building and construction of a new two storey building in its place with associated landscaping and tree removal also proposed.

Along with above works, the development also seeks to carry out minor alteration and additions to internal and external parts of Block A, B and C, which include:

- Internal alterations to reconfigure the staff area and bathroom areas on the first floor of Block A,
- Internal alterations to reconfigure the learning space which results in alterations to external window and door openings to Block B,
- External alterations to include bi-fold doors and door openings to Block C, and
- Alterations to the existing ramp and covered walkway between Block B and C.

The proposed variation relates to the height of the proposed new building (Block F) which would provide a two (2) storey classroom building, which is discussed in further detail below.

4 Planning Instrument, Development Standard and Proposed Variation

Table 2 Planning Instrument, Development Standard and Proposed Variation	
Questions and matters to address	Discussion
What is the environmental planning instrument/s you are seeking to vary?	The Hills Local Environmental Plan 2019
What is the site's zoning?	R2 Low Density Residential (the R1 zone). Refer to Figure 5 below.
Identify the development standard to be varied.	The variation request is for the development standard imposed under clause 4.3 of the HLEP: 4.3 Height of buildings (1) The objectives of this clause are as follows— (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.

Table 2 Planning Instrument, Development Standard and Proposed Variation	
Questions and matters to address	Discussion
	(2) 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.
Identify the type of development standard.	Numerical development standard.
What is the numeric value of the development standard in the environmental planning instrument?	9m. Refer to Figure 6 below.
What is the difference between the existing and proposed numeric values? What is the percentage variation (between the proposal and the environmental planning instrument)?	The proposal exceeds the maximum 9m height of building (HoB) development standard as follows: Block F 19.7m of north elevation roof pitch, centre of roof plane, a maximum variation of 22%, difference of 1.98m 19.5m of southern elevation, centre of roof plane a variation of 6.5%, difference of 0.58m
Visual representation of the proposed variation	Refer to Figures 7, 8, and 9 below.



Figure 5: HLEP Land use zoning map (Source: ePlanning Spatial Viewer).



Figure 6: HLEP Height of Buildings Map (Source: ePlanning Spatial Viewer).

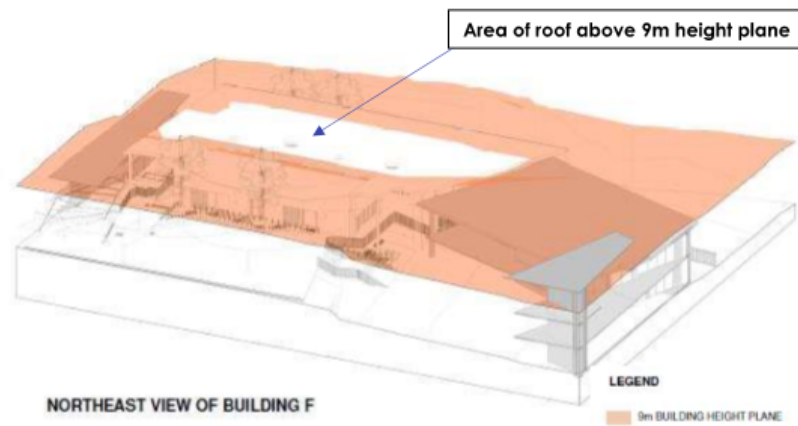


Figure 7: Visual representation of the proposed variation from the northeast (Source: NBR, 2024)

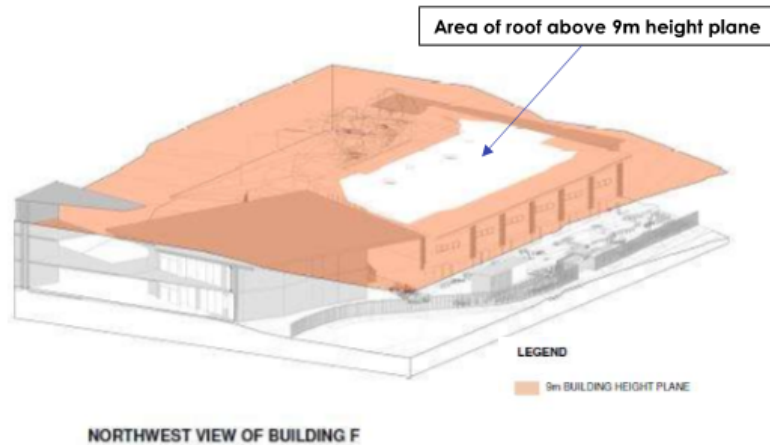


Figure 8: Visual representation of the proposed variation viewed from the northwest (Source: NBR5, 2024).

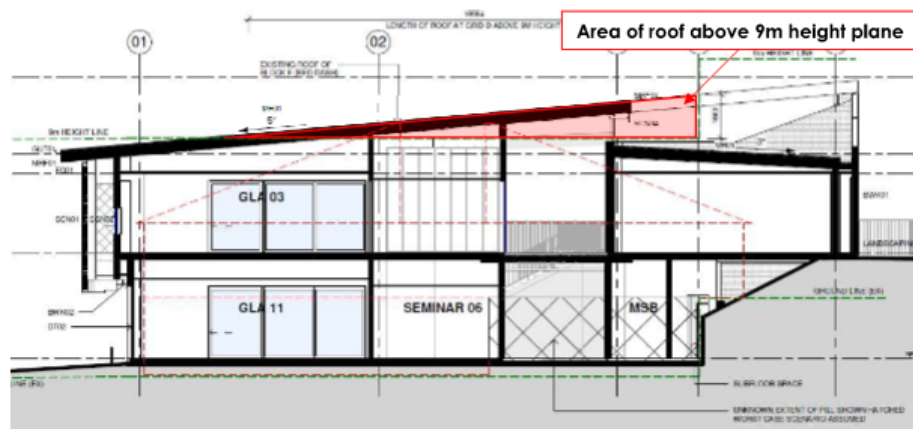


Figure 9: Short section through Block F showing the height exceedance through the centre of the building, highlighted in red (Source: NBR5 2024).

5 Justification for the proposed variation

In accordance with the Guide and clause 4.6 of the HLEP, the following subsections detail how compliance with the height of buildings development standard is unreasonable or unnecessary, and the environmental planning grounds which justify the variation.

5.1 How is compliance with the development standard unreasonable or unnecessary in the circumstances of this particular case? (cls 4.6(3)(a))

5.1.1 The proposed development will not cause adverse amenity impacts by exceeding the height development standard

Overshadowing

NBRS Architects have provided a shadow diagram analysis (**Appendix B** of the SEE) of Block F. The analysis has provided a representation of the extent of overshadowing in the post development scenario at:

- 9am, 12pm and 3pm during the winter solstice
- 9am, 11pm and 3pm during the summer solstice

The diagrams identify that the development will not cause any overshadowing to the neighbouring residential developments.

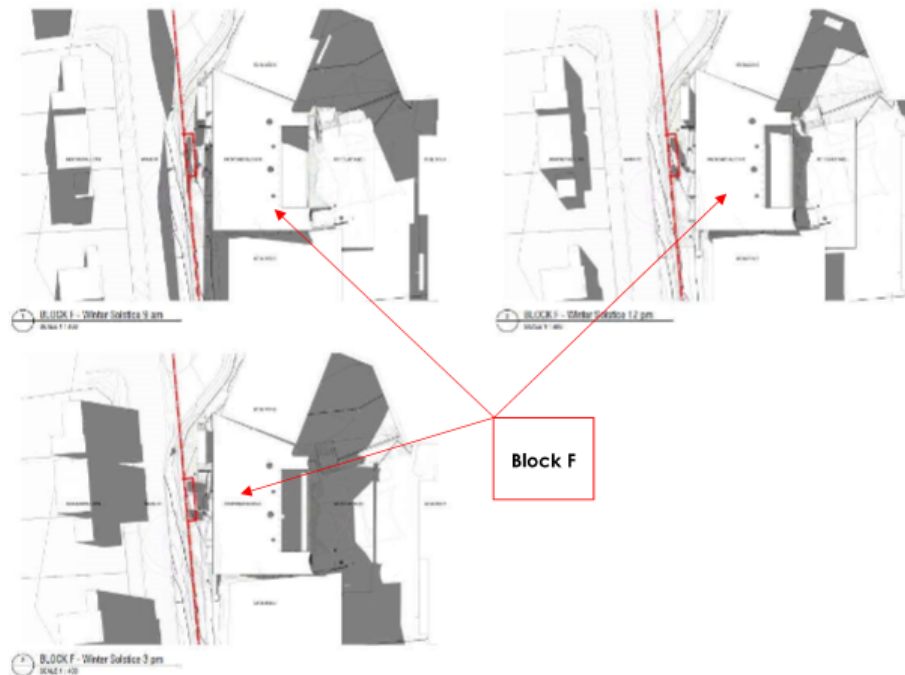


Figure 10: Overshadowing diagram for winter solstice. The site boundary is shown as a red dashed line (source NBRS, 2024).

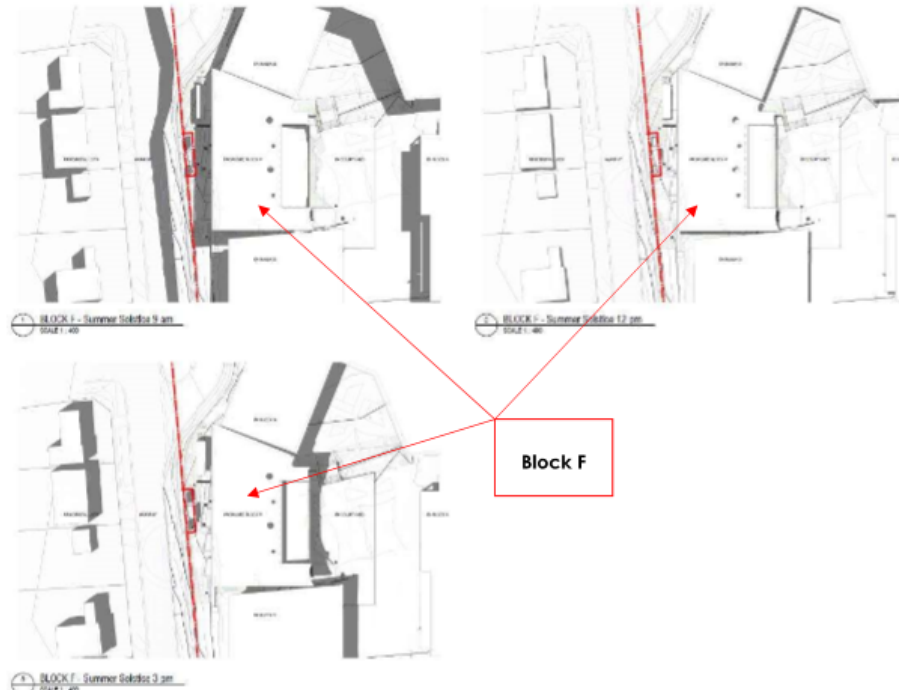


Figure 11: Overshadowing diagram for summer solstice. The site boundary is shown as red dashed line (source NBR, 2024).

Visual privacy and streetscape impacts

Block F is orientated towards the centre of the College campus with the circulation spaces for students located on the eastern side of the building away from the residential properties, located on the opposite side of Marie Street. The new Block F building would be sited in a similar position to the existing building and would maintain a similar setback distance to the northern and western site boundaries.

To ensure the privacy for neighbouring properties is maintained, opportunities for direct and indirect overlooking have been reduced through design elements such as the use of narrow horizontal windows at first floor level, façade articulation and the stepped design of the western façade. These design elements in conjunction with relative distance of the proposed Block F building from the nearest residential property would, in effect, reduce the overall bulk and scale of built form and is unlikely to create any real or perceived impacts to visual amenity.

5.1.2 The scale of Block F would be subservient to existing built form within the campus

Figure 12 below shows the proposed western elevation of the College campus along Marie Street. The section shows the alignment of Block F in the foreground against the dominant built form of Block A and Block G in the background. This section shows the upper ground floor and eaves line of the new Block F building would generally align with the upper ground level of Block D (currently under construction).

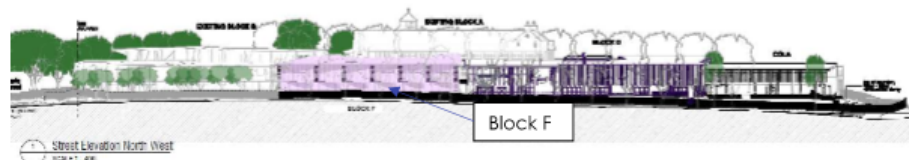


Figure 12: Western elevation of Block F highlighted against the existing built form of the college campus (source NBR, 2024).

5.1.3 The design and scale of Block F is consistent with the character of previously approved developments within the campus

The new Block F building would be sited between recently constructed school buildings, Block G to the north and Block D to the south (under construction). Consistent with these buildings, Block F would be aligned to the College's western boundary and would exhibit a contemporary design that incorporates materials such as sheet metal roofing, textured face brick and cement fibre sheeting. This materiality which also references the materiality present in the broader Marie Street Streetscape and presents a consistent at street level. As with Block D, the two (2) storey component of the Block F would be constructed on the lower, western side of the building and would transition to single storey on the eastern side of the building.

Furthermore, Council and the Panel have favourably determined built form (Block G and Block D) which involved height variations of a similar nature and thus have set a precedent for a design and scale of built form that is acceptable having regard to the evolving characteristics of the campus. This is discussed further at **Section 5.3**.

5.1.4 The proposed RLs of Block F's lower and upper ground floors align with existing access ramps and provide improved equitable access outcomes

The Design Statement prepared by NBR5 (**Appendix K** of the SEE) outlines that the floor levels of Block F have been set to enable accessible path of travel from Block F to the accessible access ramp connecting Block G as well as the existing external courtyard area between Block F and Block A. The roof pitch of Block F has been provided in consideration of these levels and allows the built form to tie into the site's topography thereby providing equitable access without compromising internal floor to ceiling heights.

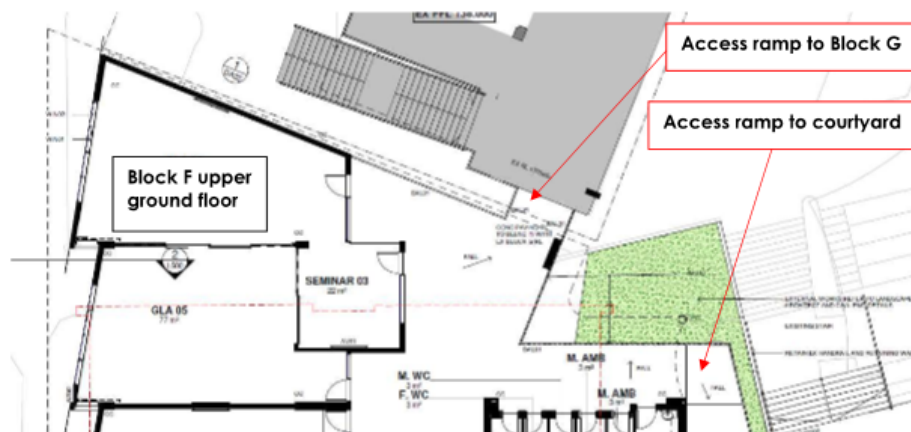


Figure 13: Extract of Block F upper ground floor, marked up to indicate the access ramps to Block G and external courtyard area (Source: NBR5, 2024).

5.1.5 The non-compliance with the development standard does not adversely affect the site's heritage significance

Heritage impacts resulting from the construction of Block F have been considered in the Heritage Impact Statement (HIS) prepared by NBRS Heritage (**Appendix E** of the SEE). The HIS outlines that the design of the new Block F building would be similar to that of the demolished building and would be sympathetic to the overall heritage context of the site. The HIS confirms that the height exceedance proposed is acceptable from a heritage perspective as it would not obscure views to Block A or in terms of overall scale overwhelm Block A's significant features.

5.1.6 The objectives of the development standard are achieved notwithstanding the non-compliance

Table 3 below demonstrates that the objectives of clause 4.3 height of buildings of the HLEP are achieved despite the height of building non-compliance on the site.

Table 3 Objectives of Clause 4.3 of the HLEP	
Questions and matters to address	Discussion
4.3 Height of buildings The objectives of this clause are as follows:	
(a) to ensure the height of buildings is compatible with that of adjoining development and the overall streetscape.	The height exceedance would occur at an existing educational establishment and would in terms of bulk and height result in a development that is consistent with the prevailing pattern and scale of development along the College's Marie Street frontage.
(b) to minimise the impact of overshadowing, visual impact and loss of privacy on adjoining properties and open space areas.	Shadow diagrams have been prepared by NBRS (Appendix B to the SEE) and demonstrate that the development will not lead to any overshadowing of adjoining properties. The height exceedance is confined to the internal section of the new Block F's roof plane and would not position any windows above the 9m height of building development standard. The new Block F building would maintain a similar setback as the existing building and due to the distance from the nearest residential dwelling would not establish a visual connection to any private open space or living areas.

5.2 Are there sufficient environmental planning grounds to justify contravening the development standard? (cls 4.6(3)(b))

5.2.1 Design and amenity

The proposed development demonstrates sound architectural design and maintains amenity within the locality. The proposed siting and scale of the development has been designed in a manner that does not encroach forward of the established setback alignment and as a result avoids overshadowing to adjoining properties. This design approach maintains the College's established presence on Marie Street and ensures that the new built form does not present as a visually prominent element within streetscape and locality.

In this regard, the proposal is considered to 'promote good design and amenity of the built environment', consistent with the objects of the EP&A Act (s 1.3(g)). Similarly, the supporting design statement (**Appendix L** to the SEE) identifies that the proposal is consistent with the design quality principles for schools outlined by Schedule 8 of *State Environmental Planning Policy (Transport and Infrastructure) 2021*.

5.2.2 Planning Principle – General Impact

The principles for considering impact on neighbouring properties were established in the NSW Land and Environment Court (LEC) case *Paftburn v North Sydney Council* [2005] NSWLEC 444, (*Paftburn*) which were later refined by LEC Case *Davies v Penrith City Council* [2013] NSWLEC 1141 (*Davies*).

In *Paftburn*, the Commissioner considered, among other matters, whether non-compliance with a height control was justified. In *Paftburn*, the commissioner identified five common themes that were considered in previous case law. These themes are summarised as follows:

- The change in impact may be as important as the magnitude of impact

- in assessing an impact, one should balance the magnitude of the impact with the necessity and reasonableness of the proposal that creates it.
- in assessing an impact, one should take into consideration the vulnerability of the property receiving the impact
- skill with which a proposal has been designed is relevant to the assessments of its impacts
- an impact that arises from a proposal that fails to comply with planning controls is much harder to justify than one that arises from a complying proposal.

From these five themes, the LEC Commissioner established planning principles that are to be considered when assessing impacts to neighbouring properties. The principles established by Pafburn were refined by commissioner in Davies to delete the words "necessary and/or" so that the revised planning principle reads as follows:

Revised planning principle: criteria for assessing impact on neighbouring properties

The following questions are relevant to the assessment of impacts on neighbouring properties:

- How does the impact change the amenity of the affected property? How much sunlight, view or privacy is lost as well as how much is retained?
- How reasonable is the proposal causing the impact?
- How vulnerable to the impact is the property receiving the impact? Would it require the loss of reasonable development potential to avoid the impact?
- Does the impact arise out of poor design? Could the same amount of floor space and amenity be achieved for the proponent while reducing the impact on neighbours?
- Does the proposal comply with the planning controls? If not, how much of the impact is due to the non-complying elements of the proposal?

The principles provided by Davies can be applied to the subject site and demonstrate sufficient environmental planning grounds to justify the proposed variation. In the context of the proposed development and the above questions, the relevant neighbouring properties are taken to be those opposite to the western boundary of the College campus and **Table 4** provides a summary of impact against the criteria established by Pafburn and refined by Davies. The assessment in **Table 4** adequately demonstrates:

- Compliance with the development standard is unnecessary in the circumstances of the case; and
- There are sufficient environmental planning grounds to justify contravening the development standard.

Table 4 Revised planning principle: criteria for assessing impact on neighbouring properties

Criteria for assessing impact on neighbouring properties	Discussion
How does the impact change the amenity of the affected property? How much sunlight, view or privacy is lost as well as how much is retained?	The proposed development's impacts to the west adjoining sites from overshadowing are demonstrated to be minimal by the submitted shadow diagrams and confined to minor overshadowing at the property boundary.
How reasonable is the proposal causing the impact?	The proposed development relates to an existing educational establishment. The proposal is intended to upgrade the existing college Campus and to support the needs of a contemporary school pedagogy. The development is therefore considered reasonable in the context of the site and its existing use.
How vulnerable to the impact is the property receiving the impact? Would it require the loss of reasonable development potential to avoid the impact?	The existing character of the College's western boundary area is defined by a rhythm and scale built form that is set back from the western site boundary. These buildings are designed in manner that rationalises the topography of the site to sit above the adjoining footpath and Marie Street carriageway. The properties located opposite the College are generally set below the carriageway and are approximately 35m away from the established setback of the College's western boundary. Due to this, neighbouring priorities are not considered to be sensitive to

Table 4 Revised planning principle: criteria for assessing impact on neighbouring properties	
Criteria for assessing impact on neighbouring properties	Discussion
	impacts from an existing use as they are not affected by overlooking or overshadowing.
<i>Does the impact arise out of poor design? Could the same amount of floor space and amenity be achieved for the proponent while reducing the impact on neighbours?</i>	The design of Block F would provide improved outcomes for the College without causing adverse impacts to adjoining properties. The consolidated built form enables the school to maximise student play space and ensures built form does not encroach on the significant built form of Block A. Accordingly, a reduction in the amount of floor space provided by the proposal is not required to improve the amenity of neighbours.
<i>Does the proposal comply with the planning controls? If not, how much of the impact is due to the non-complying elements of the proposal?</i>	The proposed development is non-compliant with the HLEP's HoB development standard. However, this non-compliance does not create an adverse impact on the locality or adjoining properties.

5.3 Is there any other relevant information relating to justifying a variation of the development standard?

Development consents at the College campus, assessed by Council and determined by the Sydney Central City Planning Panel, have confirmed that requests to vary the height of building development standard have previously been well founded. Council's assessment report for DA 1451/2019/JP provided that a maximum building height of 13.5m (4.5m exceedance, 50% of development standard) for the now complete Block G building was consistent with the NSW LEC findings of *Wehbe vs Pittwater* in that:

- Strict compliance with a development standard was found to be unnecessary as it was demonstrated that the objectives of the standard were achieved, despite non-compliance with the development standard; and
- The proposal satisfactorily demonstrated that the development will achieve consistency with the objectives of the building height development standard, and strict compliance was considered to be unreasonable and unnecessary in the circumstances of the application

6 Conclusion

This written variation request relating to a proposed height of building non-compliance with the 9.0m height of buildings development standard under the HLEP, has been prepared generally in accordance with the Guide and demonstrates that:

- compliance with the development standard is unreasonable or unnecessary in the circumstances, and
- there are sufficient environmental planning grounds to justify the contravention of the development standard.

The new building is proposed to be located along the western boundary of the site and marries into the College's established site levels and pattern and scale of development. The proposal would allow for the construction of 14 additional general learning areas and has been designed to meet the needs of a modern school curriculum.

The exceedance of the height of buildings development standard does not result in any amenity impacts such as overshadowing or overlooking to the adjoining residential properties. Similarly, the height exceedance would not adversely affect the site's heritage significance

On balance, and in consideration of the scale of existing buildings in the College campus, the non-compliance with the height of building standard is a minor exceedance that is consistent with the objectives of clause 4.3 of the HLEP.



HERITAGE IMPACT STATEMENT

Gilroy Catholic School – 17-37 MARIE ST, CASTLE HILL



March 2025



Cover Image: Proposed new Block F as viewed from Marie Street (Source: NBRS)

NBRS & PARTNERS Pty Ltd
4 Glen Street
Milsons Point
NSW 2061 Australia

Telephone +61 2 9922 2344
Email architects@nbbs.com.au

ABN: 16 002 247 565

Nominated Architects
Andrew Duffin: NSW Reg No. 5602

This report has been prepared under the guidance of the Expert Witness Code of Conduct in the Uniform Civil Procedure Rules and the provisions relating to expert evidence

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ISSUED	REVIEW	ISSUED BY
12 September 2024	Draft for Review	Daniel Nabb
7 November 2024	Release Issue	Daniel Nabb
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HERITAGE IMPACT STATEMENT FOR GILROY COLLEGE HIGH SCHOOL & ST GABRIELS SCHOOL – 17-37 MARIE ST, CASTLE HILL

1.0 INTRODUCTION

1.1 BACKGROUND

This Heritage Impact Statement has been prepared in accordance with the standard guidelines of the NSW Heritage Division to accompany an application for proposed works at Gilroy College High School, 17-37 Marie Street, Castle Hill. The site comprises a School Campus fronting Marie Street.

The proposal involves the following works to the school campus:

- Minor works to the heritage significant professional/staff hub (Block A). The heritage building known as 'Gilroy College'.
- The demolition of the existing two-storey science hub building (current Block F) and the construction of a new two-storey science hub building (new Block F).
- Internal and external alterations, along with general refurbishment of the hall/gym (Block C) and the creative hub (Block B).

Details of the development proposal have been prepared by NBRs.

The subject site is listed as an item of local heritage significance on Schedule 5 of *The Hills Local Environmental Plan (LEP) 2019* as I53 – Gilroy College.

Accordingly, this Heritage Impact Statement reviews the proposal in terms of the relevant heritage provisions of *The Hills LEP 2019* and the requirements of *The Hills Development Control Plan (DCP) 2012*, and the Impact Assessment Criteria guidelines endorsed by the NSW Heritage Council.

1.2 METHODOLOGY

This Heritage Impact Statement has been prepared in accordance with the guidelines set out in the *Australia ICOMOS Charter for Places of Cultural Significance*, 2013, known as The Burra Charter, and the New South Wales Heritage Office (now the Heritage Division of the NSW Office of Environment and Heritage) publication, *NSW Heritage Manual*.

The Burra Charter provides definitions for terms used in heritage conservation and proposes conservation processes and principles for the conservation of an item. The terminology used, particularly the words *place*, *cultural significance*, *fabric*, and *conservation*, is as defined in Article 1 of The Burra Charter. The NSW Heritage Manual explains and promotes the standardisation of heritage investigation, assessment and management practices in NSW.

1.3 SITE LOCATION

The subject site is known as the Gilroy Catholic School campus located in Castle Hill, NSW. The campus is located on an irregular allotment bounded by Marie Street to the north and west, Excelsior Ave in the south, and San Giorgio Circuit and Old Northern Road to the east. The subject site is identified as Lot 1 DP 1073292 by the NSW Land Registry Services.



Figure 1: Aerial map with the subject site highlighted in yellow. Figure 2: Street map with the subject site highlighted in yellow.
(Source: NSW LRS, SIX Maps, maps.six.nsw.gov.au)

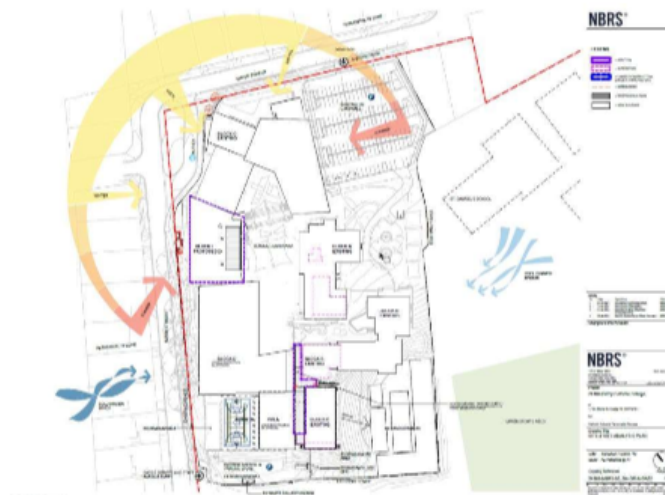


Figure 3: Campus map of Gilroy Catholic School with the marked areas for the proposed works. (Source: NBRS)

1.4 HERITAGE MANAGEMENT FRAMEWORK

The subject site is listed as an item of local heritage significance on Schedule 5 of *The Hills LEP 2019* as I53 – Gilroy College. The heritage significance of the site is limited to Block A.

Other heritage listed items in the vicinity of the subject site are visually and physically separated from the site by intervening development, local topography, roadways and distance, and do not warrant assessment as part of this report.

1.5 AUTHORSHIP

This report was prepared by Daniel Nabb, Heritage Consultant and reviewed by Krystal Pua, Associate, both of **NBRS**.

The historical research has been sourced from the Heritage Impact Statement prepared by Andrew Starr and Associates Heritage Consultants in March 2019.



1.6 LIMITATIONS

This report is limited to the assessment of potential impacts on the European cultural heritage values of the site and does not include Aboriginal and Archaeological assessment. This report only addresses the relevant planning provisions that relate to heritage.

1.7 COPYRIGHT

Copyright of this report remains with the author, **NBRs**. Unless otherwise noted, all images are by the author.

2.0 DOCUMENTARY EVIDENCE

The following historical information for the subject site has been sourced from the Heritage Impact Statement prepared by Andrew Starr and Associates Heritage Consultants for a previous development application for the site:¹

Specific History of Site

Gilroy Catholic College began at a school with 137 Year 7 students and 12 staff in 1980. This was after strong parish and local support for a local Catholic co-educational secondary school. It was decided that the College would be built on the land formerly belonging to St Gabriel's School for the Hearing Impaired, as its large property and pre-existing buildings would be able to cater for the new school.

The school was originally intended to offer only junior secondary education for students in Year 7 through to Year 10. However, in 1982 it was decided that Gilroy would also include senior education (Year 11 and Year 12) for its students.

The school, with continuing support from the CEO and St Gabriel's School for the Hearing Impaired hosts a learning support centre for secondary students with hearing impairment.

The school's feeder schools originally consisted of St. Michael's (Baulkham Hills) Our Lady Of Lourdes (Baulkham Hills South), St. Bernadettes (Castle Hill) and Our Lady of the Rosary (Kellyville).

The original students are known as the "Gilroy Pioneers". The land on which the building stands was originally granted to Thomas Bradley in 1799. The house, called Southleigh, was built prior to 1923, possibly on a 19th century subdivision of the land to provide villa estates. Part of this estate was subdivided again in 1922 into 36 half acre lots. Large modification and additions have been made post 1922, possibly as late as the 1970's. The building is used as a school.

Gilroy College was named after Cardinal Sir Norman Thomas Gilroy, the first Cardinal born in Australia. As well as adopting his name, the College also made Cardinal Gilroy's personal motto "Christ is my light" the College's official motto.

In 2004, Gilroy College celebrated its Silver Jubilee (25th anniversary) as a school and a community. Each year, the College celebrates its patron with a formal Gilroy day mass in the morning, while also including celebration activities during the afternoons. This was recently changed from March 17, the anniversary of Cardinal Gilroy's elevation to becoming a Bishop, to May 4, the day on which the school was officially opened.

Land Title Search

Edmund William Molesworth 4 July 1891

The Excelsior Land and Investment building Company 17 January 1889

George Henry Mobbs 28 November 1918

Trustees of the Roman Catholic Church, Diocese of Sydney 19 October 1937.

Trustees of the Roman Catholic Church, Diocese of Parramatta 11 August 1989.

¹ Andrew Starr and Associates Heritage Consultants, *Statement of Heritage Impact - Gilroy Catholic College Marie Street Castle Hill*, (Sydney, NSW, 2019).



Evaluation

The key events in the site's history were the building of a house Stoneleigh, the adaption of the house to a school for the deaf by the Catholic Church Dioceses of Sydney in 1923 and the site's conversion to a Catholic Secondary College in 1980. Subsequently since 1980 the site has undergone incremental changes in adaption of the original building to school use and through the introduction of new school buildings. The St Gabriel's School for the Deaf has been relocated on an adjacent site.

3.0 PHYSICAL EVIDENCE

3.1 CONTEXT AND SETTING

The subject site is located in Castle Hill, approximately 26 kilometres northwest of Sydney's Central Business District (CBD). The residential area is primarily characterised by detached dwellings set within landscaped yards, with large mature trees lining the streets. The campus itself is situated atop a small hill.

3.2 DESCRIPTION OF THE SITE

The subject site comprises the Gilroy Catholic School campus, including playgrounds, playing fields, and carparks. Most of the school buildings are concentrated in the northwestern portion of the campus, while large playing fields and landscaped playgrounds occupy the majority of the site. A sizable carpark is located along the northern boundary, accessible via Marie Street, with a second parking lot to the south of the school buildings. Large, mature trees are scattered throughout and around the campus.

3.3 DESCRIPTION OF THE BUILDING

3.3.1 BLOCK A (HERITAGE)

Block A was originally constructed as a house called 'Southleigh' during the early Interwar period and was later significantly modified for use as a school, including the addition of a Romanesque-style façade and tower on the east side. The two-storey building features a gabled metal roof and an exposed brick façade, with arcaded verandas and balconies providing access to classrooms. The building currently serves as both classrooms and administrative facilities for the school.

While key features of the building have been retained since its conversion to a school, several modifications have been made to support its ongoing use. These include the removal of the original slate roof, creation and enclosure of openings, the installation of new services and external condenser units, and adjustments to the ground-floor verandah to provide disability access.

The building's interior retains several significant early elements and details, such as:

- The original room configuration;
- Timber architraves, and skirting;
- Original timber windows;
- Plaster-moulded ceiling.

However, interior alterations have also been made, particularly to the ground-floor classroom layouts, new carpet and flooring throughout, new bathroom fitouts and the introduction of new services. A lift has also been introduced to the northern side of the building. These alterations have been undertaken to facilitate the building's ongoing use as a school.



Figure 4: External view of the Romanesque-style façade and tower on the east side of the building. (Source: NBRS).



Figure 5: Romanesque-style façade on the eastern side. (Source: NBRS).

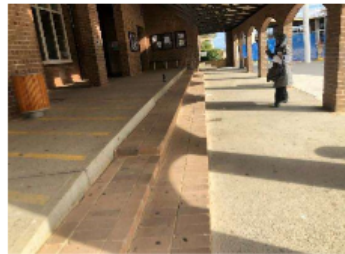


Figure 6: External view of the alteration on the western side of the building. (Source: NBRS).



Figure 7: External view of the western façade of the Block A. (Source: NBRS).



Figure 8: External view of the southern façade of the Block A. (Source: NBRS).



Figure 9: External view of the enclosure and creation of new openings on the western side of the building to facilitate the ongoing use as a class rooms. (Source: NBRS).



Figure 10: External view of the eastern verandah and the existing performance solutions for disability access. (Source: NBRS)

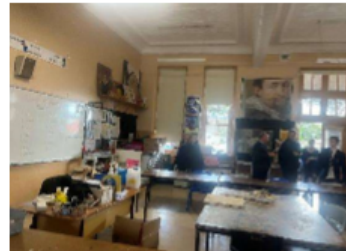


Figure 11: Internal view of ground floor class room, showing retained significant interior decorative features. (Source: NBRS)



Figure 12: Internal view of ground floor northern classroom with existing alteration to facilitate the use as a dark room. (Source: NBRS)

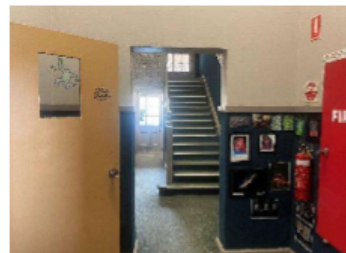


Figure 13: Internal view of interior staircase with significant timber balustrade. (Source: NBRS)

3.3.2 BLOCK B, BLOCK C AND BLOCK F

Block B, Block C, and Block F are contemporary buildings constructed at various times during the second half of the 20th century and early 21st century to accommodate the school's expanding needs. These buildings are situated around the heritage-listed Block A, on its western and southern sides. However, they are physically separated from Block A by playgrounds and are of a scale that does not overwhelm the heritage building.

None of these buildings are considered to have heritage significance.



Figure 14: External view of Block B, facing south from within the campus. (Source: NBRS)



Figure 15: External view of Block C, facing north from within the campus. (Source: NBRS)



Figure 16: External view of Block C, facing northeast from Marie Street. Notably the building largely obscures Block A from Marie Street (Source: Google Streetview).



Figure 17: External view of Block F, facing south from within the campus. (Source: NBRS).



Figure 18: External view of Block F, facing west from in front of Block A. (Source: NBRS).



Figure 19: External view of Block F, facing southeast from Marie Street. Notably the building largely obscures Block A from Marie Street (Source: Google Streetview).

3.4 VIEWS

Primary views of the subject site are from Marie Street, Excelsior Avenue, San Giorgio Circuit, and Old Northern Road. However, significant views of Block A are largely obscured from the public domain by existing school buildings and mature trees. Views of the Romanesque-style façade and tower on the east side of Block A are primarily available from within the school campus.

Due to the topography of the surrounding area, there are no significant distant views or vistas from or towards the subject site.

4.0 HERITAGE MANAGEMENT FRAMEWORK

4.1 HERITAGE STATUS

The subject site is listed as an item of local heritage significance on Schedule 5 of *The Hills LEP 2019* as I53 – Gilroy College. The heritage significance of the site is limited to Block A.

Other heritage listed items in the vicinity of the subject site are visually and physically separated from the site by intervening development, local topography, roadways and distance, and do not warrant assessment as part of this report.

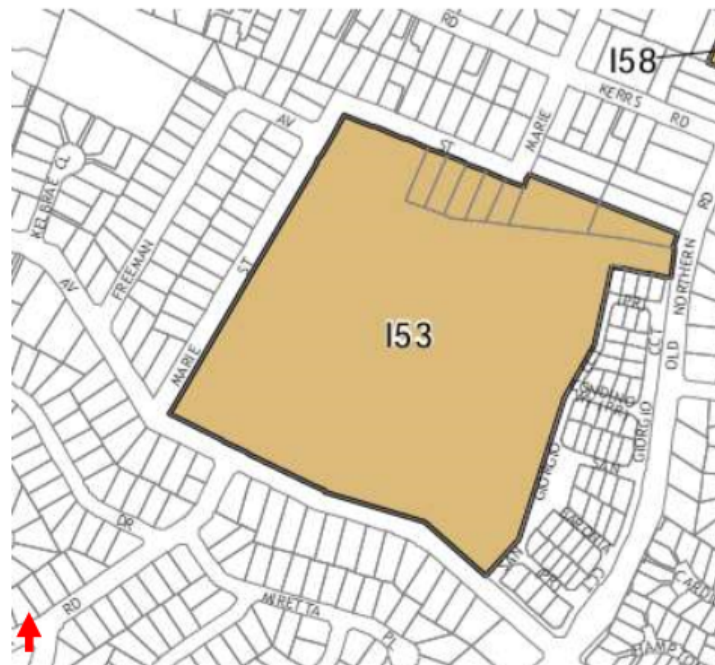


Figure 20: Excerpt from The Hills LEP 2019 heritage map. Heritage items are shown brown. (Source: The Hills LEP 2019, Heritage Map HER_24)

4.2 SIGNIFICANCE OF THE SUBJECT SITE

The following Statement of Significance for the site, is sourced from the Heritage Impact Statement prepared by Andrew Starr and Associates Heritage Consultants:

Gilroy Catholic College has social significance through its association with the Roman Catholic Church. This ninety year long association, which includes the site's use as a school for the deaf give the site a degree of historic significance. The main school building has aesthetic significance. The key component of the aesthetic character of the building is the east façade and tower. The building mixes styles between the Romanesque and Federation styles, but these are married together with great sympathy. Other school buildings have less significance. They are more recently constructed. However the choice of materials in their construction has a relationship with the heritage item and the buildings do not compete in terms of height, bulk or scale. Provisions of



open space have been created around the heritage item creating courtyards and recreational areas for students, and this curtilage is sympathetic to the heritage item.²

Note that the NSW State Heritage Inventory entry for this site does not contain a statement of significance.

² Andrew Starr and Associates Heritage Consultants, *Statement of Heritage Impact - Gilroy Catholic College Marie Street Castle Hill*, (Sydney, NSW: 2019).



5.0 THE PROPOSAL

The proposed development, designed by NBRS, includes the following:

Block A

- Partial demolition of the internal walls and flooring within ground floor classrooms.
- Partial demolition of existing ground floor timber deck.
- Removal and replacement of ground floor and first floor doors for disability access.
- Demolition of first floor male and female bathrooms.
- Construction of new timber deck for disability access.
- Construction of new external timber ramp and staircase.
- New internal partition walls on ground floor.
- New interior fitout within ground floor for new staff office and meeting rooms.
- New bathroom fitout on first floor.
- Air conditioning and mechanical services upgrades on ground and first floor.

Block F

- Demolition of the existing Block F.
- Construction of new two-storey science hub building (new Block F)
- New landscaping works

Block B and C

- Minor internal and external alterations to both buildings.
- New walkway awning between buildings.
- Remedial maintenance works to both buildings.

The aim of the proposal is to upgrade the existing buildings and construct a new purpose built science hub to provide improved facilities and ongoing use of the site as a school.

5.1 DOCUMENTATION EVALUATED

The following drawings, prepared by NBRS and SAAD, were reviewed as part of the preparation of this report:

DRAWING NO.	DRAWING TITLE	ISSUE	DATE
DA-DR-A-DA02	Site and Site Analysis Plan	7	25.03.2025
DA-DR-A-DA03	Campus Demolition Plan - Lower Ground Floor	7	25.03.2025
DA-DR-A-DA04	Campus Demolition Plan - Ground Floor	7	25.03.2025
DA-DR-A-DA05	Campus Demolition plan - Level 1	6	25.03.2025
DA-DR-A-DA06	Campus Demolition plan - Roof Plan	6	25.03.2025
DA-DR-A-DA07	Proposed Campus Plan - Lower Ground Floor	8	25.03.2025
DA-DR-A-DA08	Proposed Campus Plan - Ground Floor	8	25.03.2025
DA-DR-A-DA09	Proposed Campus Plan - Level 1 Plan	8	25.03.2025
DA-DR-A-DA010	Proposed Campus Plan - Roof Plan	8	25.03.2025
DA-DR-A-DA011	Block A Demolition Plan - Ground Floor	8	25.03.2025
DA-DR-A-DA012	Block A Demolition Plan - Level 1	8	25.03.2025
DA-DR-A-DA013	Block A Proposed Plan - Ground Floor	8	25.03.2025
DA-DR-A-DA014	Block A Proposed Plan - Level 1	8	25.03.2025
DA-DR-A-DA017	Block F Proposed - Lower Ground Floor Plan	10	25.03.2025
DA-DR-A-DA018	Block F Proposed - Ground Floor Plan	10	25.03.2025
DA-DR-A-DA019	Block F Proposed - Roof Plan	18	25.03.2025
DA-DR-A-DA018	Block F Street Elevations	7	25.03.2025
DA-DR-A-DA025	External Works Plan	5	25.03.2025

SA399 M100	Mechanical Services Block A – Ground Floor	E	11.09.2024
SA399 M101	Mechanical Services Block A – First Floor	E	11.09.2024



Figure 21: Campus Demolition plan – Roof Plan (Source: NBRS)



Figure 22: Block A Demolition Plan – Ground Floor (Source: NBRS)



Figure 23: Block A Demolition Plan - Level 1 (Source: NBRS)



Figure 24: Block A Proposed Plan - Ground Floor (Source: NBRS)



Figure 25: Block A Proposed Plan - Level 1 (Source: NBRS)



Figure 26: Block F Street Elevations (Source: NBRS)



NBRS	
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100.0	100.0

Figure 27: Block F North and South Elevations (Source: NBRS)



Figure 28: Landscape Block F - Ground Floor (Source: NBRS)

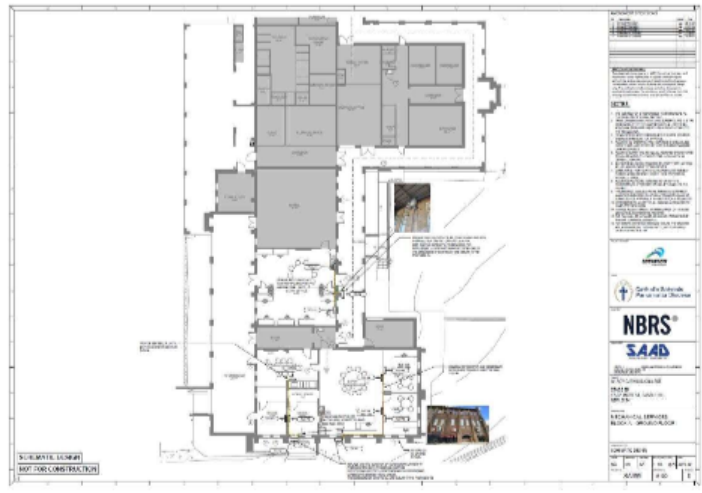


Figure 29. Mechanical Services Block A – Ground Floor (Source: SAAD)



Figure 30. Mechanical Services Block A – First Floor (Source: SAAD)

6.0 ASSESSMENT OF HERITAGE IMPACT

6.1 INTRODUCTION

This Heritage Impact Statement has been prepared in relation to the following impact assessment criteria: *The Hills Local Environmental Plan (LEP) 2019*, *The Hills Development Control Plan (DCP) 2012* and the guidelines prepared by Environment and Heritage – Department of Planning and Environment NSW in their document, ‘Guidelines for preparing a statement of heritage impact’ published in June 2023.

6.2 EVALUATION OF THE GUIDELINES OF THE NSW HERITAGE DIVISION

The following assessment is based on the assessment criteria set out by Environment and Heritage – Department of Planning and Environment NSW in their ‘Guidelines for preparing a statement of heritage impact’ published in June 2023. The standard format has been adapted to suit the circumstances of this application.

6.2.1 MATTERS FOR CONSIDERATION

The following questions, extracted from the above guidelines and reproduced in italics, are considered in relation to the proposed development in the below table.

Matters for consideration	Summary comments on the proposal
<i>Do the proposed works include removal of unsympathetic alterations and additions? How does this benefit or impact the heritage item and its significance?</i>	The proposed works would not seek to remove any unsympathetic alterations or elements of the heritage item.
<i>Do the proposed works affect the setting of the heritage item, including views and vistas to and from the heritage item and/or a cultural landscape in which it is sited? Can the impacts be avoided and/or mitigated?</i>	The proposed works would not significantly impact the setting of the heritage item. The proposed changes to the existing Block A building are minor, and are primarily located within the building's interior or on the ground-floor timber deck. The alterations are designed to be reversible if needed in the future. The proposed design of Block F will be similar in bulk and scale to the existing structure and will not further obscure views of the heritage-significant Block A. The new building will retain an acceptable setback from Block A, ensuring the visual prominence of Block A will be retained. The proposed alterations to Block B and Block C, along with the new landscaping works, are minor and would not alter any significant fabric. Therefore, the proposal would not impact the existing setting and is acceptable from a heritage perspective.
<i>Are the proposed works part of a broader scope of works?</i>	No broader scope of works associated with this project is known to NBRS.



Does this proposal relate to any previous or future works? If so, what cumulative impact (positive and/or adverse) will these works have on the heritage significance of the item?	The proposed work relates to the ongoing upgrading of Block D approved under development consent 1237/2022/JP and recently completed works for the new amphitheatre and handball courts approved under development consent 1202/2020/HA. The cumulative impact of the works would have a neutral impact on the heritage significance of the site and would provide for its ongoing use.
Are the proposed works to a heritage item that is also significant for its Aboriginal cultural heritage values? If so, have experts in Aboriginal cultural heritage been consulted.	Assessment of impacts on Aboriginal cultural heritage values are outside the scope of this report and services provided by NBRS.
Has the applicant checked if any other approvals of a separate process to evaluate the potential for impacts is required?	This report has been prepared to accompany an application for development approval under the <i>Environmental Planning and Assessment Act 1979</i> , to be assessed in accordance with the relevant provisions of <i>The Hills LEP 2019</i> . NBRS is not aware of any additional approval processes which may be relevant to the project and which would be pursued by the applicant if applicable.
Do the proposed works trigger a change of use classification under the National construction code that may result in prescriptive building requirements? If so, have options that avoid impact on the heritage values been investigated?	The proposed works would not trigger a change of use classification under the National construction code.
If the proposed works are to a local heritage item, are the requirements of the development control plans or any local design guidelines that may apply to the site considered?	The relevant requirements of the DCP are considered in Section 6.4 of this report.
Will the proposed works result in adverse heritage impact? If so, how will this be avoided, minimised or mitigated?	The significance of the heritage items in the vicinity of the subject site will be retained. Heritage impacts are discussed in further detail in Section 6.2.2.

6.2.2 PARTIAL DEMOLITION OF A HERITAGE ITEM (INCLUDING INTERNAL ELEMENTS)

- Is the partial demolition essential for the heritage item to function?
- If partial demolition is proposed because of the condition of the fabric, can the fabric be repaired?
- Are important features and elements of the heritage item affected by the proposed partial demolition (e.g. fireplaces in buildings)?
- Will the proposed partial demolition have a detrimental effect or pose a risk to the heritage item and its significance? If yes, what measures are proposed to avoid/mitigate the impact?
- Identify and include advice about how significant elements, if removed by the proposal, will be salvaged and reused.

Comment:

The proposed works, as illustrated in Section 5.0 comprise carefully planned demolition work on the site, including:

Block A

The proposed works would include the partial removal of internal walls and the creations of new opening within the ground floor classrooms to facilitate the conversion of the space into new staff meeting rooms and staff offices. The proposed removal would be minor in scale or be located to later addition partition walls. This would ensure that significant fabric would be retained and the original layout and walls would still be able to be interpreted.

The proposed works would also remove the existing carpet and vinyl flooring within the ground floor classrooms. The existing carpet and vinyl flooring is not of heritage significance and therefore its removal would be acceptable from a heritage perspective.



Figure 31: Proposed demolition of interior walls with the ground floor classrooms. (Source: NBRS).



Figure 32: View 1 showing existing space where proposed wall and floor are proposed to be removed. (Source: NBRS).

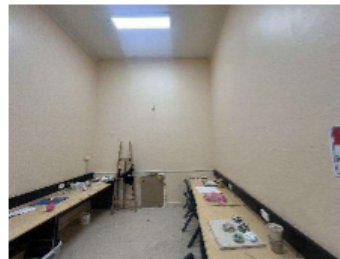


Figure 33: View 2 showing existing space where proposed walls and floor are proposed to be removed. (Source: NBRS).

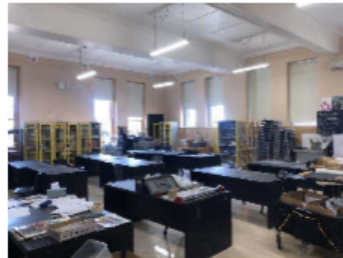


Figure 34: View 3 showing where the demolition of the existing space where the existing floor would be removed. (Source: NBRS).

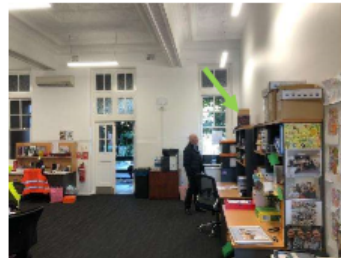


Figure 35: View 4 showing the existing later addition partition wall. The proposed location of the new opening is indicated by the green arrow. (Source: NBRS).

The proposed works include the demolition of the existing first-floor male and female staff bathrooms. The existing non-original bathroom fitouts (See Figure 36 and Figure 37) are not of heritage significance, are no longer fit for purpose, and require to be refurbished for the school staff. Additionally, the existing early entrance door leaves will be removed and stored on-site, for the provision of new accessible compliant doors. The existing doorway and openings, including early joinery such as door frames, architraves and reveals will be retained. As such, the proposed demolition would be acceptable from a heritage perspective.

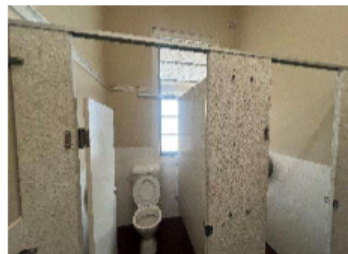


Figure 36: Interior view of first floor existing male bathroom. (Source: NBRS).



Figure 37: Interior view of first floor existing female bathroom. (Source: NBRS).

Block F

The proposed works would seek to demolish the existing Block F. As discussed on Section 3.0, the existing building is a contemporary addition and not of heritage significance. Therefore, its demolition would be acceptable from a heritage perspective.

6.2.3 ALTERATIONS AND ADDITIONS

- Do the proposed works comply with Article 22 of The Burra Charter, specifically Practice note article 22 – new work (Australia ICOMOS 2013b)?
- Are the proposed alterations/additions sympathetic to the heritage item? In what way (e.g. form, proportion, scale, design, materials)?
- Will the proposed works impact on the significant fabric, design or layout, significant garden setting, landscape and trees or on the heritage item's setting or any significant views?
- How have the impact of the alterations/additions on the heritage item been minimised?
- Are the additions sited on any known or potentially significant archaeological relics? If yes, has specialist advice from archaeologists been sought? How will the impact be avoided or mitigated?

Comment:

As outlined in Section 5.0, the proposed works include minor alterations and additions to Block A, the construction of a new two-storey science hub building (new Block F), as well as internal and external alterations and general refurbishment of the hall/gym (Block C) and the creative hub (Block B). The heritage assessment of these proposed works is as follows:

Block A

The proposed alterations include introducing new interior walls and doors to the ground-floor classrooms to create meeting rooms and office space for the school's teaching staff. These new walls and doors would be lightweight and fully removable if needed in the future. Significant interior elements, such as the ceiling and timber windows, would be preserved. To further reduce the potential heritage impact, minimal penetration and fixings into the existing masonry walls would be used wherever possible.

The proposed works would include the introduction of new office fitouts and kitchenettes within the existing ground floor classroom. The proposed furniture fixtures and fittings will be either free-standing or, if wall-mounted, will use the minimum number of fixings necessary. Additionally, all conduits would be surface mounted on the existing walls, and no chasing would be necessary for the installation. This would ensure that the works would be completely removable when required in the future.

New carpet would be laid over the existing floor. This would be acceptable from a heritage perspective as it would not damage the existing floor and would be removable in the future.

The proposed works involve replacing two existing ground-floor doors to provide appropriate equitable access to the interior spaces. To mitigate potential heritage impact, the door frames, sidelights and fanlights will be preserved, and the early doors will be retained on-site for possible future reinstatement. This approach ensures that the alterations are reversible and sensitive to the heritage significance of the building.



Figure 38: Proposed door to be replaced due to accessibility non-compliance. Note that the existing door frame, sidelights and fanlights would be retained (Source: NBRS).



Figure 39: Proposed door to be replaced due to accessibility non-compliance. Note that the existing door frame and fanlights would be retained (Source: NBRS).

The proposed works would introduce new bathroom fitouts and a cleaner storeroom into the existing first floor bathrooms. This works involve installation of lightweight partition walls and new bathroom fixtures and fittings. From a heritage perspective, these alterations are acceptable as they are confined to the non-significant pre-existing bathroom spaces. The changes will also support the ongoing use of the site and provide increased amenities for staff.

To provide equitable access from the lift to the interiors and bathroom on the first floor the exterior French doors and a single office door will be altered. This would include the removal of the existing doors leaves and widening of the door opening to achieve an 850mm clearance. This would result in the loss and alteration of original fabric. To mitigate the heritage impact the original door leaves would be retained on site and the removal of fabric is limited to only what is necessary to achieve compliance with the BCA. The alteration would also provide for the ongoing use of the site. As such, the works would be acceptable from a heritage perspective.

The proposed works aim to raise the level of the existing deck on the eastern side of Block A to provide equitable access to the building's interior. The northern and southern ends of the deck have already been raised to achieve the required falls for accessibility. The proposed works would involve removing the existing ramped decks at both ends and installing a new deck on top of the existing structure.

From a heritage perspective, these works are acceptable as the current deck has already been altered, and the significant slate threshold steps will be retained in their original condition. The new deck would improve accessibility throughout the ground floor and provide for the ongoing use of the site.

The proposal includes the addition of a new external timber ramp and staircase connecting the deck to the carpark on the eastern side of Block A. This new feature will provide equitable and stretcher access between the carpark and Block A's deck. From a heritage perspective, the proposal is acceptable as the existing garden bed will be preserved and no significant heritage fabric will be altered. Additionally, the ramp will be fully reversible if needed in the future.



Figure 40: Proposed northern ramp to be removed (Source: NBRS).

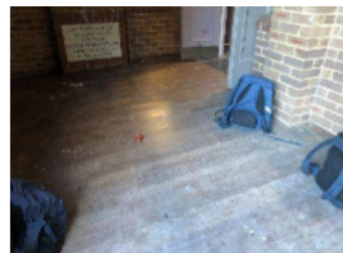


Figure 41: Proposed southern ramp to be removed (Source: NBRS).



Figure 42: Existing non-level entrance to the interiors. The slate threshold step would be retained and level access would be provided by the raised deck. (Source: NBRS).



Figure 43: Proposed location of new ramp from carpark to deck of Block A (Source: NBRS).

Block F

The proposed design of Block F will be similar in bulk and scale to the existing structure, as shown in Figure 44 below. This design approach ensures that the new building is sympathetic to the overall heritage context and are similar in scale, bulk and height with the existing buildings on the site. The proposed design will be contemporary and complementary to the heritage item, and be clearly distinguishable as a modern addition to the site. The new Block F will maintain a comparable setback to the existing structure, ensuring Block A maintains its visual prominence. Although the new building will be visible from the public domain, it will not further obscure views of the heritage-significant Block A.

The proposed height of Block F would exceed the 9 metre height controls; however, this exceedance would not further impair views to Block A compared to the existing Block F.

As such, the proposed new Block F would be acceptable from a heritage perspective.



Figure 44: Comparison of the existing Block F and proposed new Block F (Source: NBRS).

As shown in Figure 45 and Figure 46 below, the proposed height of Block F would exceed the 9-metre height controls. However, this exceedance is acceptable from a heritage perspective, as it is minor and would not result in Block F overwhelming the heritage significant Block A. Additionally, compared to the existing Block F, the proposed height exceedance would not further impair views from the public domain towards Block A.

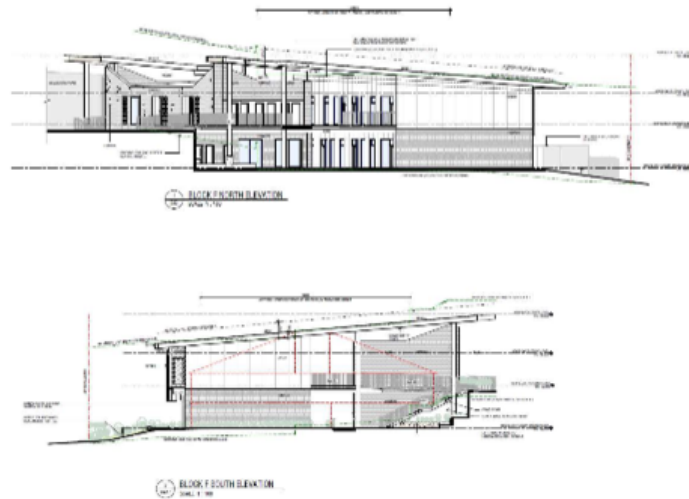


Figure 45: Proposed Block F north and south elevations. (Source: NBRS).



Figure 46: Proposed Block F east and west elevations. (Source: NBRS).

Block B and Block C

The proposed works include minor interior and exterior alterations to the buildings, as well as the introduction of a covered walkway. The existing buildings are not of heritage significance, and the works are minor in scale. The covered walkway will be located on the western side of both buildings and will have a negligible impact on the wider setting of the school. Therefore, they would be acceptable from a heritage perspective.

6.2.4 NEW SERVICES AND SERVICE UPGRADES

- *Are any of the existing services of significance? In what way are they affected by the proposed works?*
- *How have the impacts of the installation of new services on heritage significance been minimised?*
- *Are any known or potential archaeological deposits affected by the proposed new services?*
- *Has specialist advice from a heritage consultant, architect, archaeologist or services engineer been sought?*

Comment:

The proposed works would include new services within the ground floor of Block A. This would include installation of wall-mounted air conditioning head units to the interior and associated conduits.

The existing external condenser units would be retained and reused for the air conditioning system or where required to be replaced would be located in the existing location and utilise existing brackets.

New wall-mounted air conditioning head units and associated conduits will be installed in the on the ground floor. The units will either be mounted on the proposed stud walls or installed with minimal penetration into the existing wall fabric. The conduits will be surface-mounted, utilising minimal fixings and existing penetrations reused to reduce the impact on the significant heritage fabric. This would ensure that minimal physical impact and would allow for complete removal and repair of fabric in the future if required.

As such, the proposed air conditioning system would be acceptable from a heritage perspective.

New mechanical services will be installed in the first-floor bathrooms, including a ducted exhaust system in the roof space and a rooftop cowl. This proposed system is acceptable from a heritage perspective, as the existing bathroom ceiling is not of heritage significance, and the ducting will not alter any significant fabric within the roof. Additionally, the system would be fully removable in the future if necessary.

As shown in Figure 47 and Figure 48, the existing roof is a contemporary addition with existing roof cowls. Therefore, the proposed exhaust system and rooftop cowl will not impact any significant fabric and will blend with the contemporary nature of the roof.

As such, the proposed new mechanical services would be acceptable from a heritage perspective.



Figure 47: Existing contemporary metal roof of Block B (Source: NBRS).



Figure 48: The proposed new roof cowl would be generally located in this location and would appear as part of the existing contemporary roof. (Source: NBRS).

6.2.5 NEW LANDSCAPE WORKS AND FEATURES

- How has the impact on the heritage significance of the existing landscape been minimised?
- Are works to the landscape or pathways necessary to comply with the access requirements of the Disability Discrimination Act 1992?
- Has evidence (archival or physical) of previous landscape work been investigated? Is the original landscape work being reinstated?
- Will any known or potential archaeological relics be affected by the landscape works? How will this be mitigated? Has advice been sought from a suitably qualified archaeologist?
- Do the proposed works impact views to, from and within adjacent heritage items?

Comment:

The proposed landscaping works involve removing the existing contemporary landscaping and introducing new landscaping around Block F. Since these changes would not impact significant landscape features, are detached and are largely not visible from Block A, they are acceptable from a heritage perspective.

6.3 HERITAGE OBJECTIVES OF THE HILLS LEP 2019

The proposed development is acceptable, from a heritage perspective, for the following reasons:

- Views to and from the heritage items in the vicinity of the subject site will remain available from the public domain.
- There will be no change to the appreciation or interpretation of the heritage items in the vicinity of the subject site from the public domain.
- There will be no adverse physical or visual impacts on the established heritage significance of the heritage items in the vicinity.

The proposal is, therefore, considered to be consistent with the relevant heritage objectives of *The Hills LEP 2019*, which are:

5.10 Heritage conservation

(1) Objectives

The objectives of this clause are as follows:

- to conserve the environmental heritage of The Hills,
- to conserve the heritage significance of heritage items and heritage conservation areas,



including associated fabric, settings and views

6.4 HERITAGE GUIDELINES OF THE HILLS DCP 2012

The Hills DCP 2012 supports The Hills LEP 2019 by providing additional objectives and development standards for properties within the vicinity of heritage items. In addition to the general heritage provisions, The Hills DCP 2012, has additional site-specific guidelines for any potential development of the subject site.

6.4.1 GENERAL HERITAGE PROVISIONS

The proposed development is generally consistent with the objectives of *The Hills DCP 2012* that relate to heritage and are set out in the following DCP Sections:

Part C – General Development

Section 4 – Heritage

3.0 Objectives and Development Controls

4.0 Information to be submitted with a development application

7.0 CONCLUSION

The proposed works to Gilroy College High School at 17-37 Marie Street, Castle Hill will have an acceptable impact on the heritage significance of the site.

The minor alterations to the heritage-significant professional/staff hub (Block A) will have minimal impact on the fabric of the building and are reversible if needed. These changes will enhance staff amenities, provide increased accessibility and support the building's ongoing use.

The demolition of the existing two-storey science hub (Block F) and the construction of a new two-storey building are also acceptable. Since Block F is not heritage-significant, its removal will not affect the site's heritage value. The new Block F will match the current structure's bulk and scale, ensuring it does not overwhelm Block A. Its contemporary design will be clearly recognisable as new while maintaining a similar setback to preserve Block A's context and avoid further obstructing views.

The minor alterations to Block B and Block C, including the addition of a covered walkway, are acceptable from a heritage perspective, as these buildings are not of heritage significance and the impact is minimal.

The proposed alterations and additions are consistent with the heritage objectives of *The Hills LEP 2019* and *The Hills 2012*.

In our view, the consent authority should have no hesitation, from a heritage perspective, in approving this application.

Yours faithfully,



Daniel Nabb
Heritage Consultant
NBRS
25 March 2025

