

COUNCIL ASSESSMENT REPORT

Panel Reference	PPSSTH-381
DA Number	DA2024/0026
LGA	Hilltops Council
Proposed Development	School alterations and additions - demolition of science building, erection of a new two-storey science building and alterations and additions to the two-storey administration building.
Street Address	Lot 1 DP 1195788, 9 Ripon St, Young
Applicant/ Owner	Richard Small & Phil Quinton Architects Pty Ltd (Applicant) Roman Catholic Church (Owner)
Date of DA lodgement	8 March 2024
Total number of Submissions	Nil.
Recommendation	Approval
Regional Development Criteria	Schedule 6 of SEPP Planning Systems - educational establishment with an estimated development value over \$5 million.
List of all relevant s4.15(1)(a) matters	<ul style="list-style-type: none"> • State Environmental Planning Policy (Planning Systems) 2021. • State Environmental Planning Policy (Resilience and Hazards) 2021. • State Environmental Planning Policy (Transport and Infrastructure) 2021. • State Environmental Planning Policy (Biodiversity and Conservation) 2021. • State Environmental Planning Policy (Industry and Employment) 2021. • State Environmental Planning Policy (Sustainable Buildings) 2022. • Hilltops Local Environmental Plan 2022. • Young Development Control Plan 2011.
List all documents submitted with this report for the Panel's consideration	<ul style="list-style-type: none"> • All plans, documents and reports submitted with the Development Application uploaded to the NSW Planning Portal. • Attachment 1: Draft Conditions
Clause 4.6 requests	Nil.
Submissions	Nil.
Report prepared by	Team Leader Statutory Land Use Planning, Andrew Raines
Report date	8 August 2024

Summary of s4.15 matters

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

Yes

Legislative clauses requiring consent authority satisfaction

Have relevant clauses in all applicable environmental planning instruments where the consent authority must be satisfied about a particular matter been listed, and relevant recommendations summarized, in the Executive Summary of the assessment report?	Yes
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Clause 4.6 Exceptions to development standards

If a written request for a contravention to a development standard (clause 4.6 of the LEP) has been received, has it been attached to the assessment report?	No
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Special Infrastructure Contributions

Does the DA require Special Infrastructure Contributions conditions (S7.24)?	No
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Conditions

Have draft conditions been provided to the applicant for comment?	Yes
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Executive summary

Development consent is sought for alterations and additions to the Hennessy Catholic College at Lot 1 DP 1195788, 9 Ripon Street, Young. The site contains several listed heritage items.

The development proposal involves:

- Demolition of Block M – Science;
- Partial demolition of Block F – Administration (former St Mary's Presentation Convent);
- Erection of a two-storey science building with an outdoor learning area and a two-storey addition to Block F – Administration.
- Refurbishment of Block F – Administration; and
- Pedestrian access upgrades.

In accordance with Schedule 6 of State Environmental Planning Policy (Planning Systems) 2021, the proposal is regionally significant development for which the Southern Regional Planning Panel is authorised to exercise the consent authority functions of Hilltops Council.

The development is defined as a school and is permitted with consent by the Hilltops Local Environmental Plan 2022 (LEP) and State Environmental Planning Policy (Transport and Infrastructure) 2021. The proposal is consistent the LEP, Young Development Control Plan 2011 and all relevant State Environmental Planning Policies.

The application was referred to Essential Energy due to the proximity of electrical infrastructure to the development. Essential Energy provided safety comments which have been included in the recommended consent conditions to satisfy State Environmental Planning Policy (Transport and Infrastructure) 2021.

The proposed development was notified to adjoining property owners and advertised in a local newspaper in accordance with the Hilltops Community Participation Plan and the Young Development Control Plan 2011. The proposal was also readvertised. As a result of the exhibitions, no submissions were received.

The development is supported by Council's Heritage Advisor, subject to conditions. These conditions have been included in the recommended consent conditions.

This report finds that the development conserves the significance of the heritage building, fits within the locality, contributes to the streetscape and improves views of heritage items. The development has no unreasonable impacts on the site, surrounding uses or heritage items. It is recommended

that Development Application No. DA2024/0026 be approved, subject to conditions in Attachment A for the reasons listed in this report.

The site and surrounding area

The site is formally described as Lot 1 DP 1195788, 9 Ripon Street, Young and is bound by public roads. The land is a rectangular shaped property that is the size of town block and gently slopes from the southern boundary towards the north. The site has been used for educational and religious purposes since the 1880s and contains heritage items associated with the early development of Young.

The property contains religious buildings (St Mary's Church and Chapel) on the corner of Ripon and Campbell Streets which are operated by the Roman Catholic Church. The balance of the land forms Hennessy Catholic College with two-storey buildings fronting Campbell, Ripon and Caple Streets. There are heritage items on-site and in the area that address Campbell and Ripon Streets. The school bus drop off/pickup adjoins the northern boundary in Dundas Street and parking for the school is on-street surrounding the property.

Adjoining the site to the north is a bus depot, dwellings and business premises, while residential uses are to the west and educational/administration uses to the south and east. Significant heritage items opposite the site in Ripon Street include Carrington Park, Lambing Flat Riot Site (14 July 1861) and Associated Banner, former Young Gaol (TAFE) and former Public School (Young High School).



Figure: Locality Map (site highlighted)



Figure: Site Aerial

Details of previous consents relating to the site are listed below:

- 2004/DA-00246: To refurbish four (4) existing buildings, and to erect two (2) additional buildings, incorporating five (5) new classrooms, a canteen, an undercover area, and a home science kitchen and staff offices.
- 2004/DA-00356: To locate four (4) prefabricated, metal clad temporary classrooms on-site, to be used for a maximum period of twelve (12) months.
- 2007/DA-00228: To relocate a colorbond garage, for use as storage.
- 2007/DA-00229: To demolish the existing St Mary's Presbytery.
- 2012/DA-00068: To make alterations and additions to Block B: Music/Art, Block D: Library, Block BD: GLA Building, construct a plant propagation building, remove six trees and erect a multipurpose hall, demolish existing science lab and construct a new hospitality building, in six stages (Blocks B, D, BD, E and G).
- 2014/DA-00152: LED variable sign attached to new multi-purpose hall (Block G).
- 2015/DA-00135: Covered outdoor learning area (Block M).
- 2015/DA-00172: Shed - school equipment storage, colorbond.
- DA2021/0030: School alterations & additions (Block C).
- TWA2022/0044: removal of three (3) trees adjacent library (Block D).
- TWA2022/0036: removal of five (5) trees adjacent building (Block C).

The Proposal

The proposal involves demolition of a two-storey school building known as Block M - Science, located on the corner of Ripon and Caple Streets, and partial demolition of an office building known as Block F – Administration Building, along the southern boundary.

A replacement two-storey science building is to be constructed generally in the same location and building footprint. The new building comprises seven learning spaces (classrooms), amenities, covered outdoor learning area and basement for plant, storage and services.

Additions and alterations to the two-storey administration building are also proposed to create several meeting rooms, offices, amenities and improve access to and within the building. The building has local heritage significance being the former St Marys Convent constructed in 1886 and is listed by Hilltops Local Environmental Plan 2022.

The proposal does not alter other existing school buildings, access or parking and school bus arrangements. No changes to the operations of the school are proposed by this application. Student numbers and staffing will remain the same (455 students and 65 staff). A copy of the building plans supporting the application are reproduced below.

Specifically, the proposal involves the following works:

Administration Building

- Demolition of a two-storey previous addition to the original building.
- Removal of one tree (exotic species – likely *Rhus Succedanea*, a noxious weed) near the boundary fence. This tree will be replaced with two endemic trees elsewhere on site.
- Removal of an unused underground water tank.
- Construction of a new two-storey addition to be sympathetic with the original building.
- Internal refurbishment of original building, including structural reinforcements, consistent floor levels, and spatial layout modifications to suit current use and to meet current regulations and standards.
- Rectification of elements in the back verandas, including balustrades heights, damage caused by inappropriate stormwater management, and various minor repairs to brickworks and the like.
- Improving waterproofing of front and back verandas.
- Construction of modern staff toilets to meet current regulations and standards.
- Installation of modern vertical circulations (stairs and lift) in the building.
- Construction of accessible points of entry to the building.

Science Building

- Demolition of a two-storey building and basement.
- Demolition of a COLA structure adjacent to the demolished building.
- Construction of a new two-storey building with basement and COLA.
- Rectifications to make accessibility compliant horizontal circulations that links the building to the rest of the campus.
- Installation of a stormwater catchment system.
- Construction of modern toilets to meet current regulations and standards.
- Installation of modern vertical circulations (stairs and lift) in the building.
- Construction of accessible points of entry to the building.



Figure: Proposed Site Plan



Figure: Ripon Street elevation

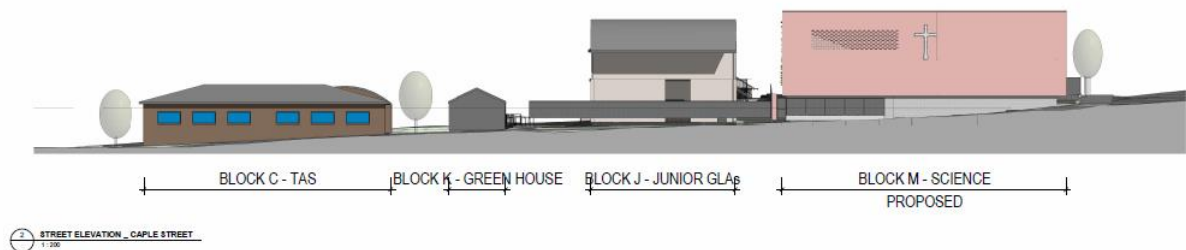


Figure: Caple Street elevation

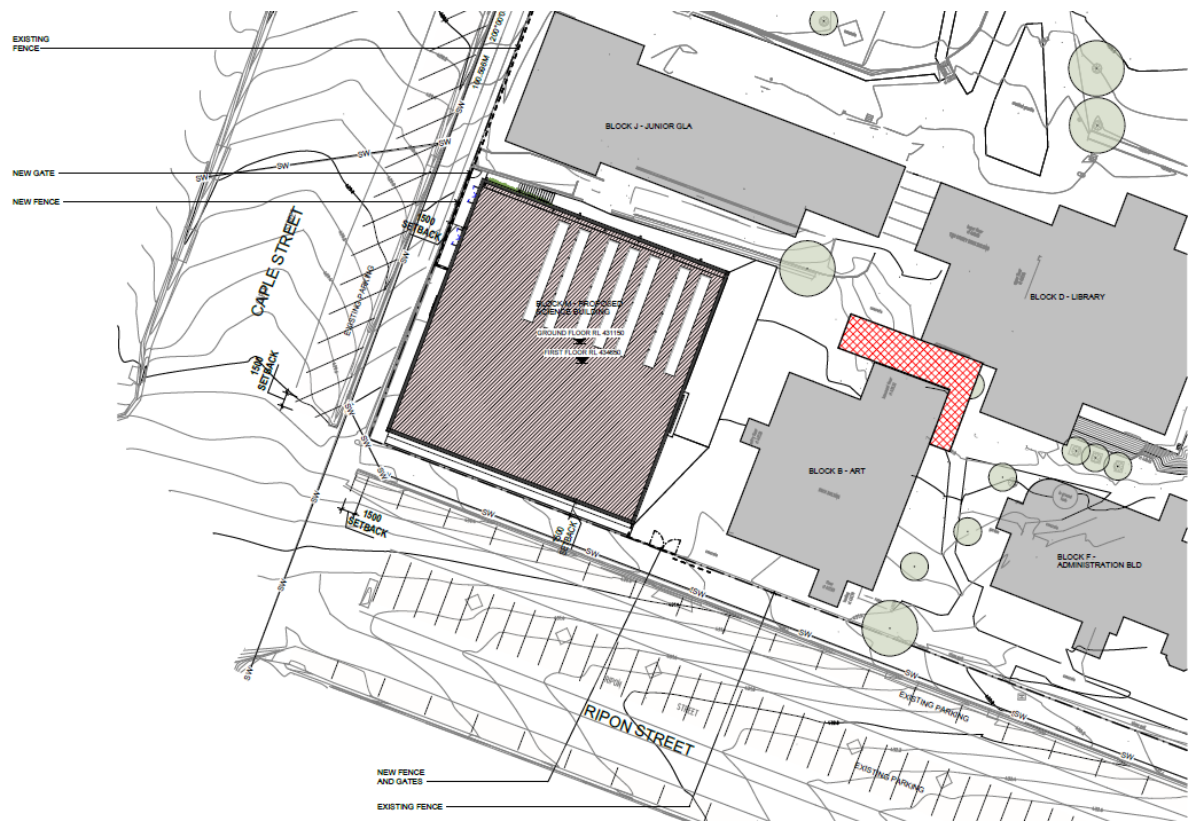
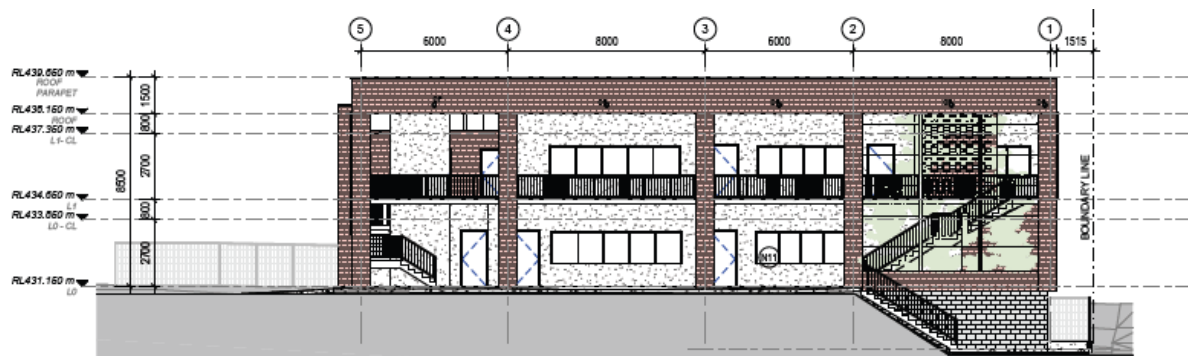
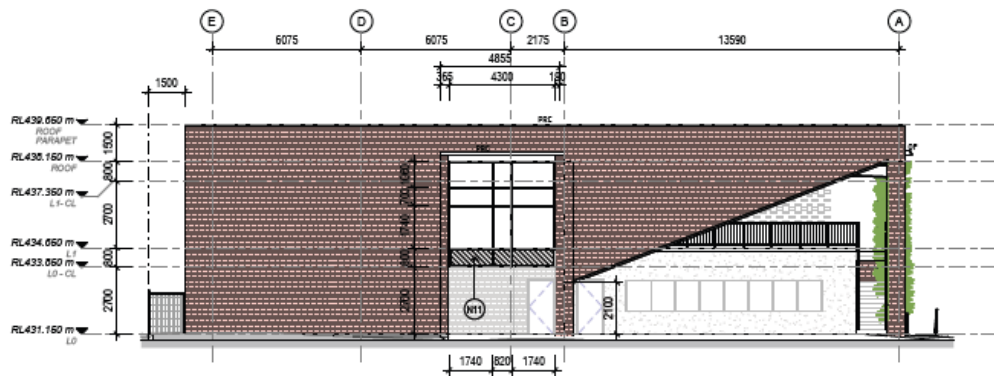


Figure: Part Site Plan Science Building



1 NORTH ELEVATION
1:100



3 EAST ELEVATION
1:100

Figure: Science Building Elevations

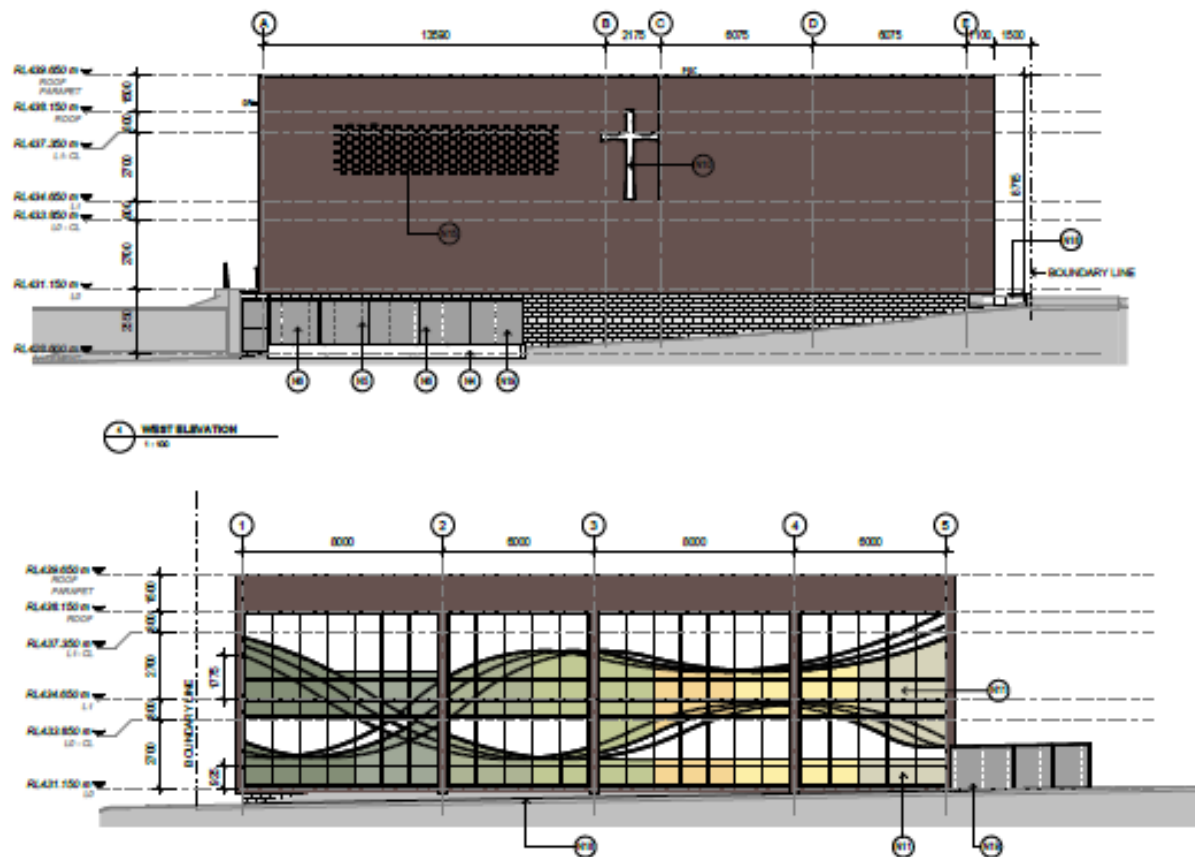


Figure: Science Building Elevations (street frontages)

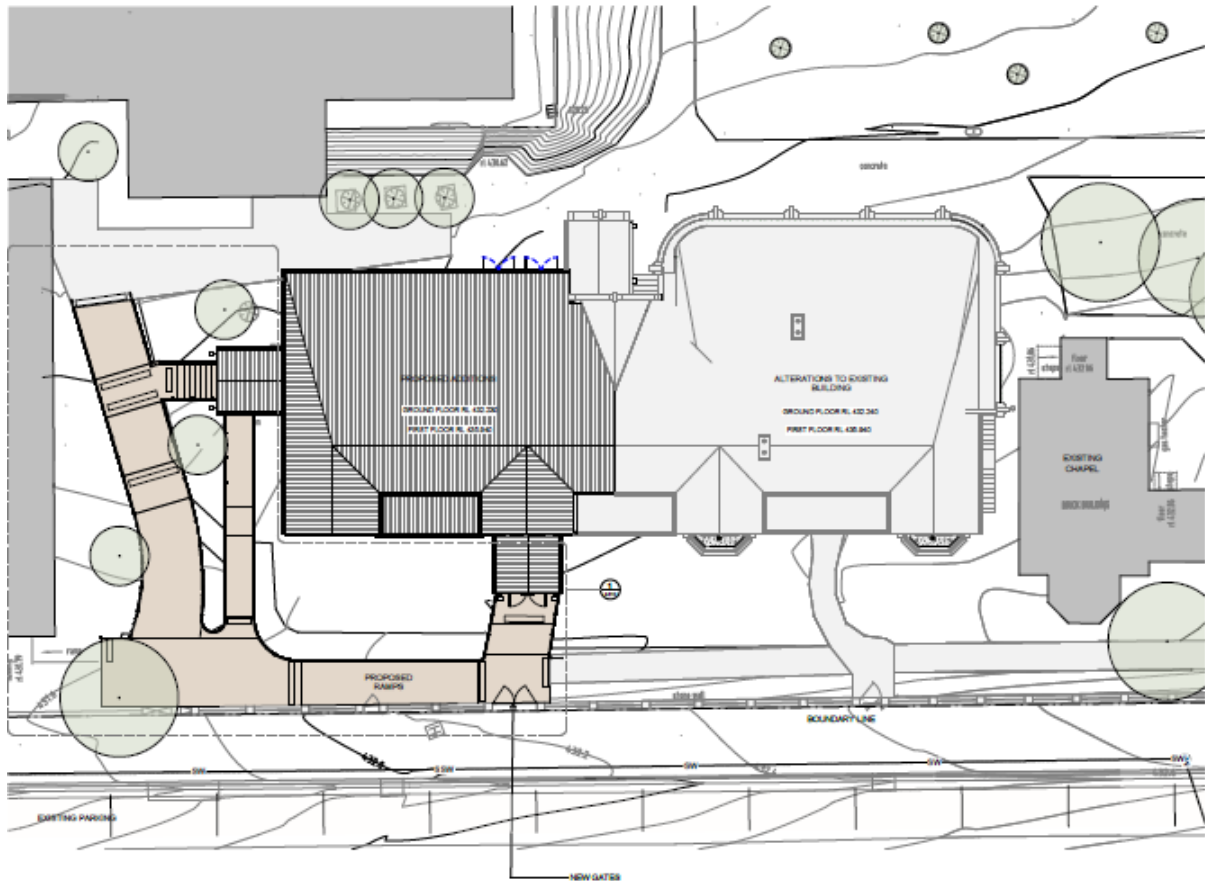
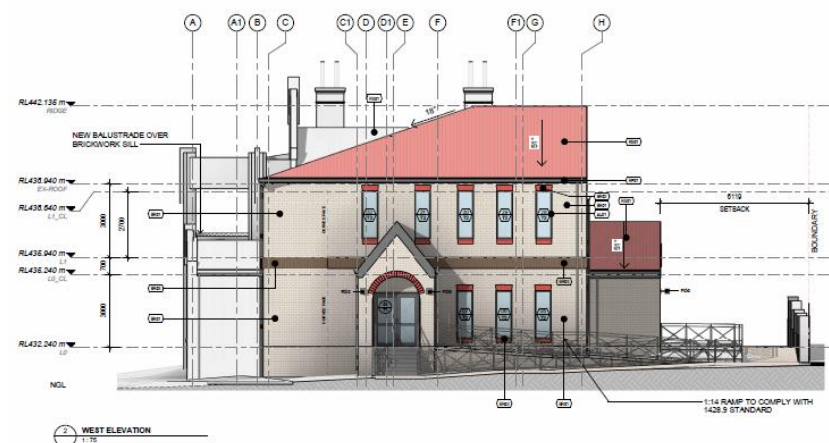


Figure: Part Site Plan Administration Building



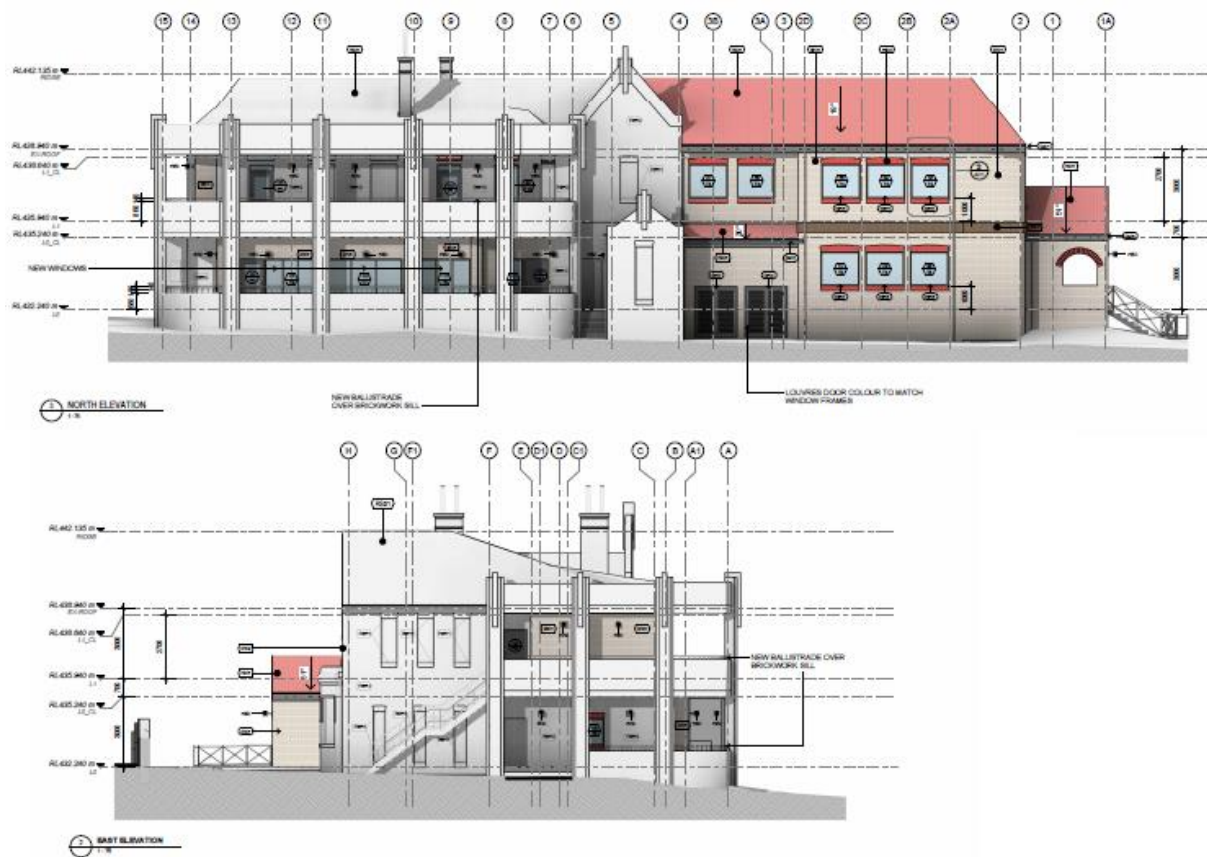


Figure: Administration Building Elevations

Environmental Assessment

In determining this application, a consent authority must take into consideration the following matters as listed under Section 4.15 of the *Environmental Planning and Assessment Act, 1979* (the Act) which are of relevance to the development.

Under Schedule 6 of State Environmental Planning Policy (Planning Systems) 2021, the proposal is regionally significant development for which the Southern Regional Planning Panel is authorised to exercise the consent authority functions of Hilltops Council. The proposal is not designated or integrated development.

Section 1.7 of the Act requires a consent authority to consider Part 7 of the *Biodiversity Conservation Act, 2016* and Part 7A of the *Fisheries Management Act, 1994*. In consideration of these provisions, the proposal is not expected to result in significant biodiversity impacts as the site is not mapped by the NSW Biodiversity Values Map nor does it contain any watercourses, endangered ecologically communities, threatened species or their habitat. Accordingly, a Biodiversity Development Assessment Report is not required and no further consideration of these Acts is warranted.

Section 4.15(1)(a)(i) - The provisions of any environmental planning instrument

State Environmental Planning Policy (Planning Systems) 2021

The proposal comprises a class of development listed as regionally significant development in Schedule 6 of SEPP Planning Systems being an educational establishment with a capital investment value over \$5 million. Under the SEPP, the proposal is referred to the Southern Regional Planning Panel for determination.

State Environmental Planning Policy (Resilience and Hazards) 2021

Clause 4.6 of SEPP Resilience and Hazards requires the consent authority to consider whether land is contaminated prior to granting consent to the carrying out of any development on that land, and to be satisfied that the land is suitable for the proposed use.

Council's records indicate that the site has been used for educational or community purposes for decades with no known prior use. A review of historical imagery from 1968 and Council's potentially contaminated sites register did not reveal evidence of any activities listed by Table 1 of the Contaminated Land Planning Guidelines as potentially contaminating at the site. Accordingly, the site is suitable for its continued use for educational purposes.

State Environmental Planning Policy (Transport and Infrastructure) 2021

SEPP Transport and Infrastructure aims to facilitate the effective delivery of infrastructure by facilitating consultation with authorities about certain types of development. Chapter 2 Infrastructure of SEPP requires the consent authority to consider the following matters before granting consent to development:

- Section 2.48 (determination of development applications - other development) applies to a development application for development in proximity to electricity infrastructure e.g. within 5 metres of an overhead power line, adjacent substations or within or adjacent an easement for electricity.

Clause 2.48(2) states:

“Before determining a development application for development to which this section applies, the consent authority must:

- (a) give written notice to the electricity supply authority for the area in which the development is to be carried out, inviting comments about potential safety risks, and*

(b) take into consideration any response to the notice that is received within 21 days after the notice is give”.

Comment: The development proposal involves demolition and building work within proximity of Essential Energy's infrastructure (low voltage overhead powerlines) along Ripon and Caple Streets. Accordingly, the application was referred to Essential Energy who advised they had no comments to make as to potential safety risks arising from the proposed development. However, Essential Energy provided the following general comments:

- a) “If the proposed development changes, there may be potential safety risks and it is recommended that Essential Energy is consulted for further comment.*
- b) Any existing encumbrances in favour of Essential Energy (or its predecessors) noted on the title of the above property should be complied with.*
- c) In addition, Essential Energy's records indicate there is electricity infrastructure located within close proximity of the property. Any activities within this location must be undertaken in accordance with the latest industry guideline currently known as ISSC 20 Guideline for the Management of Activities within Electricity Easements and Close to Infrastructure. Approval may be required from Essential Energy should activities within the property encroach on the electricity infrastructure.*
- d) Prior to carrying out any works, a “Dial Before You Dig” enquiry should be undertaken in accordance with the requirements of Part 5E (Protection of Underground Electricity Power Lines) of the Electricity Supply Act 1995 (NSW).*
- e) Given there is electricity infrastructure in the area, it is the responsibility of the person/s completing any works around powerlines to understand their safety responsibilities. SafeWork NSW (www.safework.nsw.gov.au) has publications that provide guidance when working close to electricity infrastructure. These include the Code of Practice Work near Overhead Power Lines and Code of Practice Work near Underground Assets”.*

In consideration of the above electrical safety advice, it is appropriate for a condition to be applied ensuring works near electricity infrastructure is undertaken in accordance with ISSC 20 Guideline for the Management of Activities within Electricity Easements and Close to Infrastructure (as amended). The other comments relating to SafeWork NSW and Dial Before you Dig would be advisory notes in the determination should consent be granted.

- Section 2.77 (development adjacent to pipeline corridors) applies to developments adjacent to a gas pipeline corridor. The development is not adjacent a gas pipeline corridor.

- Division 15, Subdivision 2 (development in or adjacent rail corridors), including Sections 2.97 (access via level crossings), 2.98 (rail corridors), 2.99 (earthworks) and 2.100 (rail noise) are not applicable in the assessment of this application as the site is not adjacent a railway corridor and the proposal is not expected to generate additional traffic over level crossings in the broader area.
- Section 2.119 (development with frontage to classified road) requires the consent authority to ensure new developments do not compromise the effective and ongoing operation and function of classified roads, and to prevent or reduce the potential impact of traffic noise and vehicle emission on development adjacent to classified roads.

Clause 2.119(2) states:

"The consent authority must not grant consent to development on land that has a frontage to a classified road unless it is satisfied that:

(a) where practicable and safe, vehicular access to the land is provided by a road other than the classified road, and

(b) the safety, efficiency and ongoing operation of the classified road will not be adversely affected by the development as a result of—

(i) the design of the vehicular access to the land, or

(ii) the emission of smoke or dust from the development, or

(iii) the nature, volume or frequency of vehicles using the classified road to gain access to the land, and

(c) the development is of a type that is not sensitive to traffic noise or vehicle emissions, or is appropriately located and designed, or includes measures, to ameliorate potential traffic noise or vehicle emissions within the site of the development arising from the adjacent classified road".

Comment: Vehicular access to the site is by local roads (Dundas and Ripon Streets). No access to the classified road (Olympic Highway) is proposed by this application. The science building with noise sensitive classrooms has been suitably located to minimise road traffic noise from the Olympic Highway (170m separation distance and shielded by brick buildings).

- Section 2.120 (impact of road noise or vibration on non-road development) applies to developments on land in or adjacent a road with an annual average daily traffic volume of more than 20,000 vehicles and that the consent authority considers is likely to

be adversely affected by road noise or vibration. The adjoining local and classified roads are not busy roads with less than 6,000 daily vehicle movements on the Olympic Highway.

- Section 2.121 (excavation in or immediately adjacent to corridors) does not apply as the development will not result in an excavation adjacent a road listed in Schedule 2 of the SEPP.
- Section 2.122 and Schedule 3 (traffic generating development) does not apply as the type and/or scale of development is not identified in Schedule 3 of the SEPP. The development does not seek to increase the number of children at the school or changes to existing parking, traffic and school bus arrangements. Accordingly, the proposal is not traffic generating development.

Chapter 3 Educational Establishments and Child Care Facilities of SEPP Transport and Infrastructure applies to the application and aims to facilitate the effective delivery of educational establishments across NSW. The relevant provisions under this chapter have been considered in this assessment as follows:

- Section 3.36 (Schools - development permitted with consent) applies to the development. The proposal is for school alterations and additions in a prescribed zone (R1 General Residential). Therefore, the proposal is permitted with consent under clause 3.36(1) of the SEPP in addition to the Hilltops Local Environmental Plan 2022.

Clause 3.36(6) states:

“Before determining a development application for development of a kind referred to in subsection (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”.*

Comment: The development satisfies the design quality principles in Schedule 8 of the SEPP as assessed below. A design verification statement, prepared by a suitably qualified and experienced Heritage Architect, also supports the application and certifies compliance with the principles. The new buildings (administration and science classrooms) are not proposed to be shared facilities with the community.

Principle	Applicant comments	Council comments
1 Context, built form and landscape	The architectural design of the two planned buildings, situated on the South side of the block on Ripon Street - a street with local heritage importance - reflects careful consideration of their shape, materials, and entryways. The two proposed buildings aim to blend with the streetscape creating a grounded and aesthetic environment towards the street.	The proposed buildings are along public road frontages and adjoin listed heritage items. The new buildings have been designed to respond to the site and respect the significance of listed items. The statement of heritage impact details measures to enhance period style fencing and landscaping and improve the streetscape. Suitable landscaping (and paths) to connect the buildings are in the plans supporting the application.
2 Sustainable, efficient, and durable	The proposed works on both buildings improve their thermal efficiency, reduce their water consumption, incorporate native greenery, and enhance their durability. Allowances for solar panels to be installed on the roofs have been considered for a future stage. Durable and reliant materials have been specified for the buildings. Water tanks have been allowed for the collection of rainwater.	The proposed buildings are designed to comply with Part J of the BCA (energy efficiency). In addition, the new buildings have been designed to maximise the northern roof areas for solar energy systems. The science building has been designed to harvest roof stormwater for reuse on-site.
3 Accessible and inclusive	The proposed works on both buildings comply with current accessibility standards to provide inclusive spaces for people with different needs and capabilities.	The proposed buildings have been designed to comply with the BCA. The application is supported by an access report that demonstrates the buildings have been designed to be accessible and inclusive to persons with differing needs and capabilities.

4 Health and safety	<p>The proposed works on both buildings meet current health and safety regulations, including compliance with emergency egress, fire protection, users' amenity, and security. The school's existing boundary fence provides visibility to the inside of the grounds offering a welcoming and secure environment for the community with passive supervision. Minor upgrades to the boundary fence intend on enhancing this.</p>	<p>The new building and building addition will be constructed to comply with the BCA in terms of health and safety. The existing building, including non-compliant balustrade, will be upgraded to comply with the BCA. The internal building design provides greater safety, amenity and security for staff and students.</p> <p>The site design allows for clear views of the school grounds and entry/exits points.</p>
5 Amenity	<p>The design of the two buildings provides with ample space for indoor and outdoor learning, natural ventilation, sunlight, visual and acoustic privacy, storage, and service areas required by the school. The proposed works on both buildings improve the amount and quality of toilets and recreation areas.</p>	<p>The design of the buildings and spaces ensure they are accessible and able to cater for a range of school activities. Dual purpose spaces (outdoor learning and play) are used in the new science building with amenity treatments (green walls, shadow cast patterns, natural light etc.).</p> <p>Removal of unsympathetic additions to the heritage building would improve the amenity of the area. The new additions have been designed to complement the heritage building and respect the various building styles. The internal amenity of the building would be</p>

		improved for staff and students.
6 Whole of life, flexible and adaptable	<p>The proposed works on the Administration building will add longevity to a heritage building currently at risk of being vacated. Refer to Heritage Impact Statement for more detail on this matter.</p> <p>The Science building is designed to comply with current regulations, including safer handling of chemicals, accessible circulations, accessible toilets, and emergency egress. The proposed works for this building also include an informal learning space, offering flexible learning opportunities for students. This area is intended to adapt to various teaching styles and learning activities, providing a dynamic environment that supports the evolving educational needs. This space is designed with the potential to be converted into a formal classroom to accommodate for future growth.</p>	<p>The new buildings are designed to cater for future developments (classrooms, solar energy systems etc.) and are functional with the flexibility to be used for a variety of uses and cater for class sizes. Access and outdoor areas have been improved in the design.</p> <p>The proposal consolidates administration functions in a single building and allows offices in other school buildings to be redeveloped for other purposes.</p> <p>The proposal is consistent with the school masterplan that guides the strategic planning for the site and future improvements and developments.</p>
7 Aesthetics	<p>The architectural design of the two buildings was meticulously crafted to harmonize with the adjacent buildings, seamlessly integrating with the local landscape and enhancing the visual appeal of the suburb.</p> <p>The extension to the existing heritage building is a thoughtful homage to its architectural legacy, harmonizing with the established styles in a manner that is both subtle and</p>	<p>The new buildings have been designed to cater for the needs of the school and improves the appearance of heritage items along Ripon Street. Unsympathetic additions and landscaping that obscured views of the heritage items would be removed.</p> <p>The science building design reflects the</p>

	<p>innovative. By integrating the extension seamlessly, we ensure that the narrative of the past is carried forward into the future.</p> <p>In the design of the new science building, we preserve the essence of the removed structure's dimensions, materials, and proportions, offering a respectful approach at this corner. Yet, we boldly transform these cues into a contemporary, state-of-the-art facility poised to enrich the lives of the community and nurture the academic pursuits of students. This modern adaptation pays tribute to the site's heritage and elevates its functionality to meet today's educational demands.</p>	<p>established two-storey building height in the area for non-residential development. Appropriate treatments have been used to reduce building bulk when viewed from Caple Street (cutouts and visual features).</p>
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- Section 3.58 (Traffic-generating development) does not apply to the development as the proposal does not result in the school being able to accommodate 50 or more additional students. The statement supporting the application states student numbers and staffing will remain the same. Accordingly, the application is not traffic generating development under the SEPP.

State Environmental Planning Policy (Biodiversity and Conservation) 2021
Chapter 4 Koala habitat protection of SEPP (Biodiversity and Conservation) 2021 applies to all land that has an area of more than 1ha in the Hilltops LGA. Before the consent authority can grant consent to development on such land, it must satisfy itself whether or not the land is a core koala habitat.

The SEPP defines a core koala habitat as an area of land where koalas are present, or an area of land which has been assessed by a suitably qualified and experienced person in accordance with the Koala Habitat Protection Guideline as being highly suitable koala habitat, and where koalas have been recorded as being present in the previous 18 years. A search of the NSW BioAtlas confirms there has been no recorded sightings of koalas in the locality. On this basis, the site does not contain core koala habitat under the SEPP.

State Environmental Planning Policy (Industry and Employment) 2021

Chapter 3 of the SEPP regulates the display of signage. As no signage is proposed by this application a condition is recommended to control the display of signage.

State Environmental Planning Policy (Sustainable Buildings) 2022.

Chapter 3 of the SEPP applies to large commercial developments and requires the consent authority to consider whether the development minimises the use of on-site fossil fuels, as part of the goal of achieving net zero emissions in NSW by 2050. The SEPP defines large commercial developments as:

- a) the erection of a new building with an estimated development cost of \$5 million or more, or
- b) alterations, enlargement or extension of an existing building with an estimated development cost of \$10 million or more.

The value of the development is \$6.35 million. The value of the new science building is \$3.75 million. Accordingly, the large commercial development triggers are not reached as such no further consideration is warranted under the SEPP.

Hilltops Local Environmental Plan 2022

Permissibility

The site is zoned R1 General Residential by the Hilltops Local Environmental Plan 2022 (LEP). The proposal is for school alterations and additions and the Land Use Table for this zone permits such development with consent.

School means a government school or non-government school within the meaning of the Education Act 1990.

The R1 General Residential zone objectives are:

- *To provide for the housing needs of the community.*
- *To provide for a variety of housing types and densities.*
- *To enable other land uses that provide facilities or services to meet the day to day needs of residents.*
- *To provide and protect a high quality residential amenity that adds value to the existing character and amenity of the town, neighbourhood and street.*
- *To provide fully serviced residential lots linked to town water and sewer networks.*

In accordance with Clause 2.3 of the LEP, the proposal is consistent with above objectives as it is a permissible land use and is compatible with the surrounding commercial, educational and residential developments in the

area. The proposal would improve an established school in an accessible location to cater for the educational, social and cultural needs of the community. Views of the significant heritage buildings in Ripon Street would be enhanced.

The following relevant LEP provisions have been considered in this assessment:

Clause 1.2 Aims of Plan

The particular aims of the LEP that are of relevant to this application include:

- a) to advance the environmental, economic and social goals of Hilltops,*
- b) to provide for the lifestyles sought by current and future residents of Hilltops, including by providing for the following—*
 - i. the rural lifestyle and liveability of Hilltops communities,*
 - ii. connected, safe and accessible communities,*
 - iii. diverse and affordable housing options,*
 - iv. timely and efficient provision of infrastructure,*
 - v. sustainable building design and energy efficiency,*
- c) to build and sustain healthy, diverse and empowered communities that actively participate in planning and managing their future, including by providing for the following—*
 - i. social infrastructure that is appropriately planned and located in response to demand and demographic change,*
 - ii. the protection and enhancement of cultural heritage values,*
 - iii. land management practices that support sustainable outcomes, including water efficiency,*
 - iv. the siting and arrangement of land uses for development in response to climate change,*
 - v. the planning of development to manage emissions,*
 - vi. planning decisions that recognise the basic needs and expectations of diverse community members.*

The proposal is consistent with the above aims of the LEP as it would improve an established educational facility for the benefit of the Hilltops community in terms of accessibility. The development has been designed to respect the significance of the listed heritage items on-site and in the area and ensures the educational facility can be used for a range of educational, cultural and community activities.

Clause 1.9A Suspension of covenants, agreements and instruments

The registered plan (DP1195788) does not contain any agreements, covenants or restrictions. Further, there is no public infrastructure on the property.

Clause 2.7 Demolition requires development consent

Clause 2.7 of the LEP requires consent for demolition works. This application seeks consent for demolition of the existing science building and part of the administration building (heritage listed).

Clause 5.10 Heritage conservation

Clause 5.10 of the LEP addresses heritage conservation and requires consent for alterations to a heritage listed building and for the erection of a building on land on which a heritage item is located. The objectives of this clause are as follows:

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

The site contains heritage buildings with local significance listed by the LEP that front Ripon and Campbell Streets, including: St Mary's Presentation Convent (former), St Mary's War Memorial School (former), St Patrick's School Hall (former), St Mary's Catholic Church, St Joseph's School (former) and St Mary's Church Chapel. The proposal involves alterations and additions to the convent including demolition of its western wing.

The site is also within the vicinity of other listed heritage items as shown on the LEP Heritage Map below, including: Carrington Park, Lambing Flat Riot Site (14 July 1861) and Associated Banner (state significance), former Young Gaol and former Public School.

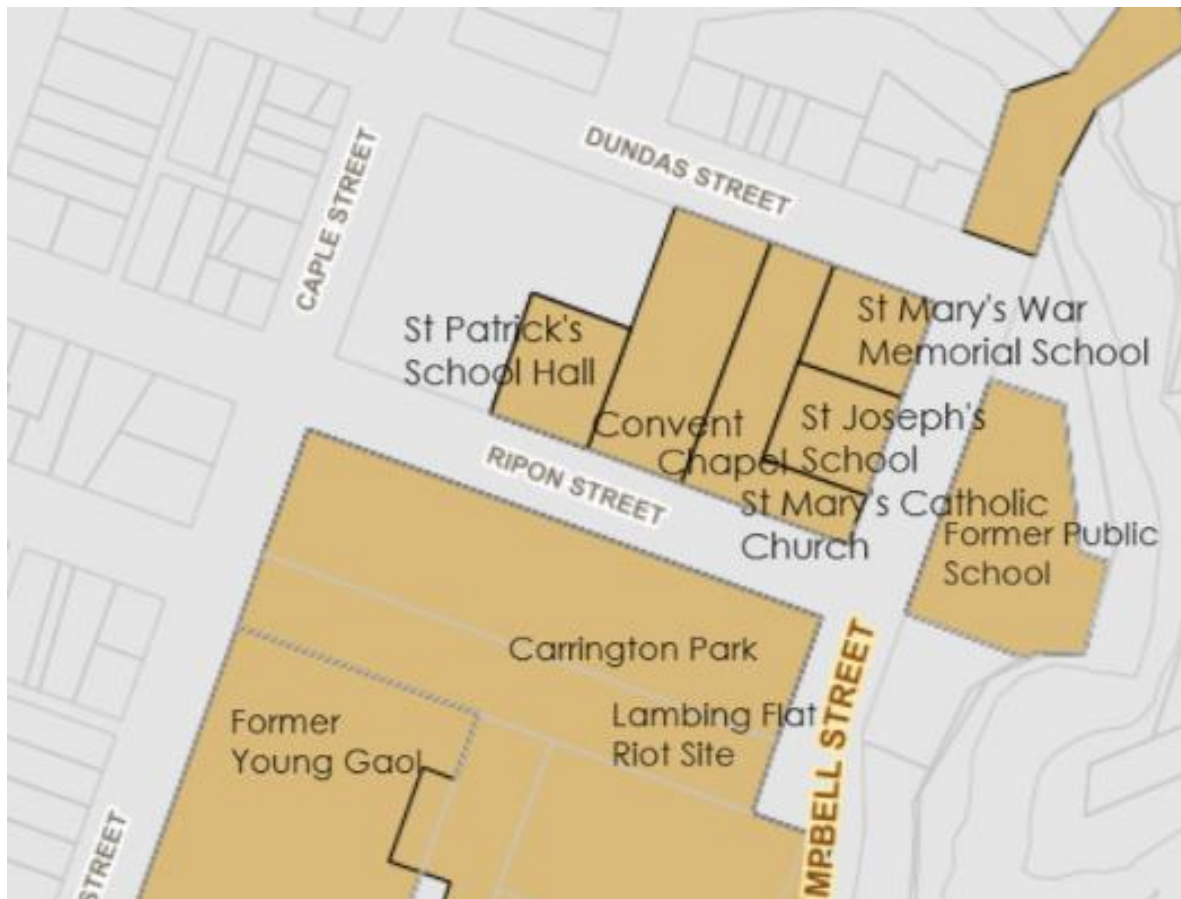


Figure: LEP Heritage Map extract

Accordingly, Clause 5.10(4) of the LEP requires the consent authority to consider the effect of the proposed development on the significance of the heritage item and area before granting consent.

St Mary's Presentation Convent has the following significance:

"The former St Mary's Presentation Convent was built for the Presentation Nuns who taught Catholic children in Young from 1886. The building has ongoing associations with Catholic education in Young. The building has direct associations with Reverend Monsignor Hennessy who is remembered as a builder and great public benefactor. It also has associations with the Presentation Sisters who were responsible for Catholic education for many years. The main convent building is a handsome Victorian Italianate structure built in the form of two villas. The structure of the building demonstrates the stages of growth of a Catholic Convent community during the 19th and 20th centuries. Only two other Presentation Sisters convents have been given statutory listing in New South Wales. The convent buildings have local historical, historical association, aesthetic and social

significance, and representativeness. They have a high degree of integrity".

St Mary's Presentation Convent is also part of the St Mary's Catholic Church group listing, which has the following significance:

"St Mary's Catholic Church group is an expression of the strength of community of Roman Catholics in Young. The complex represents over 130 years of the development of Catholic religion and education in Young. The complex of buildings has direct associations with Reverend Monsignor Hennessy who is remembered as a builder and great public benefactor. The buildings in the group represent changes in architectural style during the development of the complex and all are pleasing examples of their type. They range from Victorian Picturesque Gothic St Mary's Church to the Victorian Italianate Presentation Nun's Convent and Inter-War Gothic St Joseph's Kindergarten to the Modernist style St Mary's War Memorial School designed by local architect Neville Lipman. The complex is the centre of worship and education for the district's Roman Catholics. It has local historical, historical association, aesthetic and social significance, rarity and representativeness. It also has a high degree of integrity".

The science building has no negative impact on the significance of the listed heritage items in the area. The building is outside of the curtilage of heritage items.

The proposed alterations to St Mary's Presentation Convent would retain the original victorian building (identified in the significance statements above) and the art deco addition with internal alterations. No external changes to the original building materials, colours or finishes are proposed.

A Statement of Heritage Impact, prepared by SQC Group Pty Ltd, supports the application and provides an assessment of the development, identifying impacts which the proposal may have on the significance of the heritage items, and details measures to mitigate impacts. The Heritage Architects expert assessment concludes:

"That whilst the proposal will have a visual and physical impact on the Former Convent Building and to a lesser degree its setting, the works will not detrimentally impact the understanding, interpretation or significance of the building, its setting or relationship to the other historic Catholic Church parish buildings in the precinct. Whilst the main historic significance of the place is its association with the Presentation sisters and the early history of the Catholic Church in Young, the new history and Significance is related to the association and role in the delivery of Education in Young as part of Hennessy College. The proposed continued use is consistent with the history of the site and the

proposed works provide a positive and sympathetic adaptation of the building to enable it to continue in active use as the entry building to the Campus.

The guidelines presented in this document when applied will ensure the mitigation of potential detrimental impact on significance."

Council's Heritage Advisor reviewed the application and provided the following comments:

"I have had a look through the Heritage Impact Statement for the works. I am in general agreement with the proposal and support the proposed heritage impact mitigation strategies.

I propose the consent for these works be conditioned to require a copy of the archival record to be lodged with Council prior to commencement of works.

I concur that referral to Heritage NSW is unnecessary. The Standard Exemptions attached to the listing permitted works with the road reserves".

Given the above, the proposal is consistent with the objectives of clause 5.10 of the LEP as the significance of St Mary's Presentation Convent would be conserved and the building improved with a sympathetic addition to allow its adaptive reuse. Conditions are included in the recommendation to ensure mitigation measures in the Statement of Heritage Impact are implemented and for an archival record to be prepared and submitted to Council prior to works commencing.

Clause 5.21 Flood Planning

The site is not within a flood planning area identified by Young Floodplain Risk Management Study & Plan 2015 or the LEP. The new buildings have been located on land that is above the probable maximum flood (1:1000-year event) well outside the flood planning area. Therefore, no flood planning controls apply to the development.

Clause 6.1 Earthworks

Clause 6.1 of the LEP requires consent for earthworks and consideration of whether the proposal will have a detrimental impact on environmental functions and processes, neighbouring uses, cultural or heritage items or features of the surrounding land.

The proposal involves earthworks for building footings, pathways and the science building lift (1m cut) and basement (2.6m cut). The administration addition is to be constructed on piers and minimal earthworks are necessary

for the work. The section plans showing the earthworks are reproduced below.

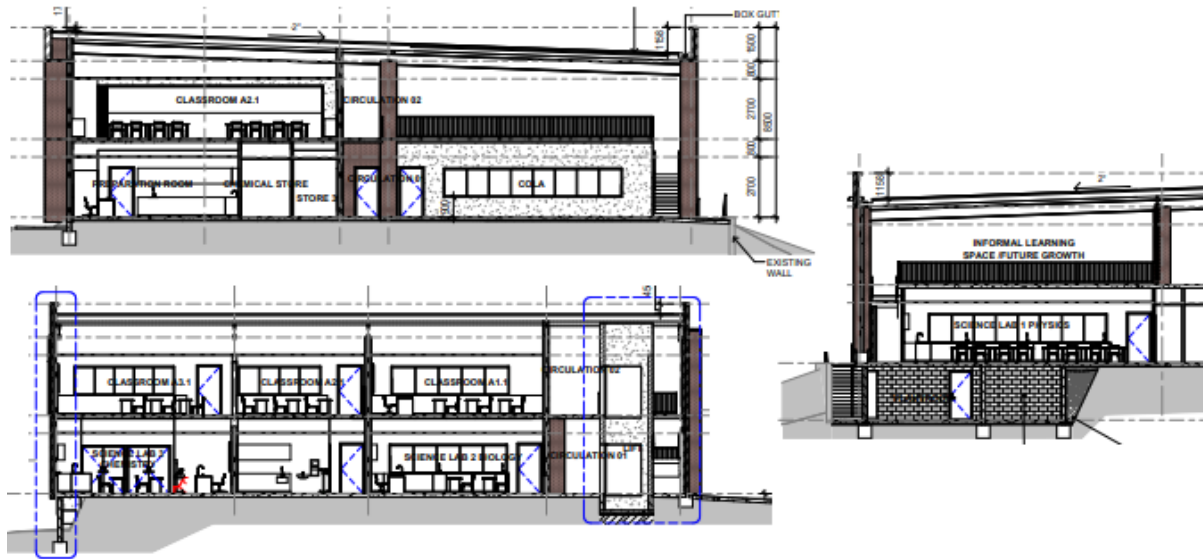


Figure: Science building sections

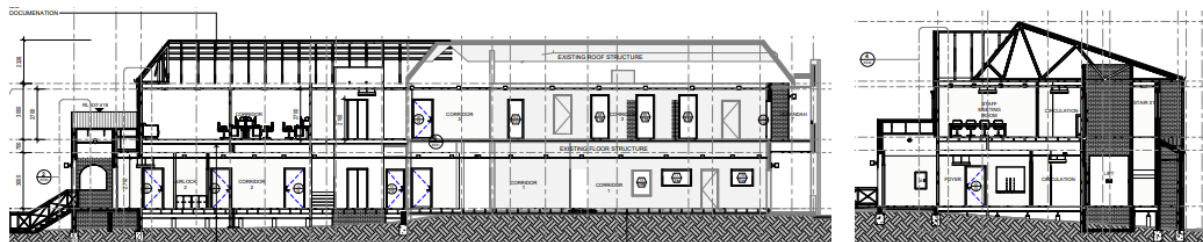


Figure: Administration building sections

Clause 6.1(3) of the LEP requires the consent authority to consider the following matters before granting consent:

- (a) *the likely disruption of, or any detrimental effect on, drainage patterns and soil stability in the locality of the development,*

Comment: The site does not contain any natural drainage lines nor does it receive stormwater from the upstream catchment. Stormwater from roof and hardstand areas at the site remains largely the same as a result of the development. Stormwater from the science building would be harvested and stored in tanks for reused on-site. On this basis, no adverse impacts are expected on drainage arrangements in the locality.

- (b) *the effect of the development on the likely future use or redevelopment of the land,*

Comment: The proposal has been designed to minimise earthworks and supports the redevelopment of the school in accordance with a

masterplan. The works are unlikely to affect the development potential of the land for educational purposes or surrounding lands.

(c) the quality of the fill or the soil to be excavated,

Comment: Limited details have been provided on the source of external fill that may be required for the development or the method of disposal of excess fill. Accordingly, standard conditions are recommended to ensure Virgin Excavated Natural Material or Excavated Natural Material is used in this development and excess fill material is classified and disposed of in accordance with the NSW Environment Protection Authority Waste Classification Guidelines.

(d) the effect of the development on the existing and likely amenity of adjoining properties,

Comment: The development will not affect the amenity enjoyed by adjoining property owners. The earthworks retain the natural topography of the site.

(e) the source of the fill material and the destination of the excavated material,

Comment: As above, excavated soil will be reused on-site as fill material and conditions are recommended to ensure excess fill is classified and disposed of in accordance with the NSW Environment Protection Authority Waste Classification Guidelines.

(f) the likelihood of disturbing relics,

Comment: The site has been used for educational purposes for many decades and has been modified by various developments and building additions. Ground disturbance for the lift and basement is required and an unexpected finds condition is recommended given the early history of the site and surrounding area.

(g) the proximity to, and potential for adverse impacts on, a waterway, drinking water catchment or environmentally sensitive area,

Comment: The site is not within a drinking water catchment or an environmentally sensitive area (wetland, national park, environmental protection or land containing critical habitat). The site is 70m from Burrangong Creek and the works are 140m from this watercourse. A soil and erosion control plan supports the application and demonstrates suitable measures would be implemented during works to minimise on and off-site water and soil impacts.

(h) appropriate measures proposed to avoid, minimise or mitigate the impacts of the development.

Comment: The statement supporting the application demonstrates appropriate measures would be implemented to minimise the impacts of the development. In addition, conditions are recommended to ensure an unexpected finds protocol is implemented during works and the soil and erosion control measures are installed and maintained in accordance with the Blue Book.

Clause 6.2 Essential services

Clause 6.2 of the LEP states the consent authority must not grant consent to development unless it is satisfied the following services that are essential for the development are available or that adequate arrangements have been made to make them available when required:

a) the supply of water

Comment: The site is serviced by Council's reticulated water service and street hydrants. The existing water service at the property would be extended to the new buildings to provide potable water and the main may be extended for any required fire services. Conditions are included in the recommendation to ensure appropriate arrangements are made to extend these services to the development at no cost of Council.

b) the supply of electricity

Comment: The site is serviced by Essential Energy's electrical supply network. The existing science building and administration building are connected to this network by consumer mains connections in Caple and Ripon Streets. The development would be connected to the electricity supply in a similar arrangement and is unlikely to increase demand.

c) the disposal and management of sewage

Comment: The site is serviced by Council's reticulated sewer service. Internal plumbing and drainage works would be required to drain the new buildings to the existing service. Further, liquid trade waste pre-treatment equipment for the science building is required to discharge such waste and conditions are included in the recommendation to ensure the detailed design of the sewerage system complies with the requirements of the water authority.

d) stormwater drainage or on-site conservation

Comment: Stormwater from roof and hardstand areas on site are presently drained by a series of pits/pipes to Council's drainage

infrastructure adjoining the property. The new buildings would be drained to Council's infrastructure and no significant increase in impervious area is proposed. Conditions are recommended to ensure the detailed stormwater design complies with Council's Engineering Guidelines for Subdivisions and Developments.

e) *suitable road access*

Comment: The site is serviced by sealed property accesses and no changes to access and parking arrangements are proposed by this application. An existing sealed access to Ripon Street would be used for construction access. These arrangements are adequate for the development, subject to preparation of a construction management plan to address demolition and construction activity access and parking.

Section 4.15(1)(a)(ii) - Any draft environmental planning instrument

There are no relevant draft environmental planning instruments that apply to the development.

Section 4.15(1)(a)(iii) - Development control plan

Young Development Control Plan 2011 (DCP)

Section 1.3 DA Notification Policy, Section 3.1 The Health, medical and Educational Precinct and Section 4.1 Car Parking and Vehicle Access, Section 4.3 Development Requiring Tree Removal or Lopping apply in the assessment of this application.

However, clause 3.36(9) of SEPP Transport and Infrastructure clarifies provisions of a Development Control Plan that specifies a requirement, standard or control (such as setbacks, landscaping, parking etc.) in relation to a school is of no effect. Nevertheless, the relevant DCP provisions have been considered as follows:

Section 1.3 DA Notification Policy

In accordance with the DCP, the application was advertised in a local newspaper and notified to neighbours from 28 March 2014 to 11 April 2024 and from 6 June 2024 to 21 June 2024. As a result of the public exhibitions, no submissions were received.

Section 3.1 The Health, medical and Educational Precinct

PH1 Medical centres are located within close proximity of hospitals or other medical facilities.

AH1 Medical centres are located within 400 m of a hospital, other medical facility or aged care facility or are accessible by patient or community based transport services;

Comment: Not applicable.

PH2 New uses respect residential amenity.

AH2.1 Meet the building setback and height criteria for residential development;

Comment: Complies. The proposal is consistent with the maximum two-storey building height sought for residential development and the new buildings are setback greater than the average of adjoining buildings as desired for residential development.

AH2.2 Non-main-stream education centres and child-care centres are located in buildings which respect the mixed character of the precinct, being a combination of residential and institutional development;

Comment: Complies. The proposal is not for a mixed-use development. The design of the site and buildings respect the mixed character of the health, medical and educational precinct and heritage items in the area.

AH2.3 Protect neighbourhood amenity when located adjoining residences by achieving the design outcomes consistent with medium density development and managing noise;

Comment: Complies. The objective for multi dwelling residential development is to ensure development is of high visual quality and amenity, while minimising amenity impacts on surrounding development. The design of the buildings achieves this objective with various treatments (colour, materials, features, brick cutouts) to reduce building bulk and provide building identity. Noise from the school (and associated plant and equipment) is expected to remain the same in the area as a result of the development.

PH3 Traffic generating activities shall be appropriately serviced in terms of car parking provisions.

AH3 Meet the parking requirements set out in Section 4.1 of the DCP (Parking).

Comment: The development complies with the parking requirements of the DCP (Section 4.1).

Section 4.1 Car Parking and Vehicle Access

PPA1 New car parks are sufficient in number and design to provide appropriately for the needs of new developments.

APA1.1 Car parking is provided at the rate set out in Table 4.1;

APA1.2 Car parking is provided on the site of the development;

Comment: No increase in the number of students or staff are proposed by this application and no new car parks are shown on the submitted plans. The parking demand generated by the existing school is catered for by on-street parking (approximately 289 spaces) adjoining the site and public car parks.

PPA2 Parking areas are designed to operate in a safe manner for drivers and pedestrians.

APA2.1 Vehicles enter and leave the site in a forward direction;

APA2.2 All parking spaces are suitably marked by lines or spaces indicated by other approved means;

Comment: Complies. On-street parking along Ripon, Caple, Dundas and Campbell Streets servicing the development is constructed in accordance with Australian Standard AS2890.5 Parking Facilities On-Street Parking. The verge contains adequate pedestrian facilities and measures (sealed footpaths, barrier kerb, signposted crossings, school signs etc.) to ensure parking areas are safe.

PPA3 All parking bays must be readily accessible and an adequate area is provided for the turning and manoeuvring of vehicles;

APA3.1 The layout and dimensions of car parking areas are in accordance with the design standards and principles as set out in Figures 4.1 and 4.2;

APA3.2 Unless specified to a different standard elsewhere in this DCP, all car parking areas, driveways, turning areas and loading areas are paved in either a bitumen seal coat, asphaltic or bituminous concrete, cement concrete, concrete paving blocks, or brick paving blocks.

APA3.3 Free and uninterrupted access to car parking areas is maintained at all times;

Comment: Complies. On-street parking and loading areas servicing the school in Ripon, Caple, Dundas and Campbell Street are sealed and constructed in accordance with Australian Standard AS2890.5 Parking Facilities On-Street Parking.

Section 4.3 Development Requiring Tree Removal or Lopping

The DCP designates certain trees in urban areas to be protected. A single

tree is to be removed to cater for the administration building additions. This tree is declared a weed species in NSW and therefore, the tree may be removed without offsets. Conditions are recommended to ensure other trees not approved for removal are protected in accordance with Australian Standards.

Development Contributions

The Young Shire Council Section 94A Developer Contributions Plan applies to the land. The value of the development is \$6,350,000.00. In accordance with the Plan, a 1% levy (\$63,500.00) applies to the development and is required to be paid to Council prior to the issue of a Construction Certificate. This matter is addressed in the recommended consent conditions.

Section 4.15(1)(a)(iia) - Any planning agreements

There are no planning agreements relating to the site and no offer has been made with this application.

Section 4.15(1)(a)(iv) - The regulations (to the extent that they prescribe matters)

The Environmental Planning and Assessment Regulation 2021 specifies additional matters that must be taken into consideration by the consent authority, specifically:

- Clause 61(1) requires the consent authority to consider the provisions of Australian Standard AS 2601-2001: The Demolition of Structures. The proposal involves demolition works and conditions are included in the recommendation to ensure compliance with Australian Standards, SafeWork NSW requirements and appropriate waste management.
- Clause 61(2) requires the consent authority to consider if the land is subject to a Subdivision Order under Schedule 7 of the Act. No such order is relevant to this application.
- Clause 61(3) - The development is not located within the local government area of Coonamble, City of Dubbo, Gilgandra or Warrumbungle (to which the Dark Sky Planning Guideline applies).
- Clause 61(4) The development is not for the purpose of a manor house or multi dwelling housing (terraces) as such this clause does not apply.
- Clause 61(6) – The development is not on land in the Penrith City Centre and as a result, this clause does not apply.
- Clause 62 – the development does not involve a change of building use as such this clause does not apply.
- Clause 64 – the development involves alterations and additions to an administration building and as such the consent authority must consider if building upgrades are appropriate. The architectural plans submitted with

the application are supported by a BCA compliance report and structural report that demonstrates the building will be brought into total conformity with the BCA either through compliance with performance outcomes or deemed to satisfy provisions to be assessed as part of the construction certificate. Conditions are included in the recommendation to ensure compliance with the BCA.

Section 4.15(1)(b) - The likely impacts of the development in the locality

- **Context and Setting** – The site is a regular shaped property, bound by public roads, that has been continuously used for educational and religious purposes since the 1880s. The site contains heritage items associated with the early development of Young and a mix of buildings with varying architectural styles. Heritage significant buildings and items are along Ripon and Campbell Street. There are also significant heritage items opposite the proposal in Ripon Street (Carrington Park and Lambing Flat Riot Site). The site and building design is supported by a Statement of Heritage Impact that demonstrates the development, including changes to the setting of the listed heritage items and area, are acceptable in this context. Views of the listed heritage buildings would be improved in the locality.

Surrounding uses include residential, business premises and educational facilities. The new buildings are generally located in the same footprint of the buildings to be removed with appropriate treatments to maintain the amenity of the locality. The proposal is compatible with surrounding uses in the area.

- **Access and Traffic** – No changes to vehicular access, parking or school bus arrangements are proposed by this application. Sealed property accesses to Ripon Street, adjacent the new buildings, would be used for vehicular access during the demolition and construction phases of the development. Work site fencing and signage will be installed to protect students and the public.

A new pedestrian access to the administration building is proposed from Ripon Street. Part of the stone fence is to be removed to cater for the access with no changes to the footpath. These works are acceptable and would clearly define the building entrance for the administration building from the public way.

- **Public Domain** - No works are proposed within the public domain. Access to the site for the demolition and construction phases is proposed by an existing sealed property access to Ribbon Street. It is recommended that a dilapidated report be prepared prior to works commencing and for public

damage as a result of these works to be repaired by the applicant at no cost to Council.

- **Utilities** - The site is serviced with power, telecommunications and reticulated water and sewer services. The site is able to cater for the proposal and no changes are proposed to existing services. Standard conditions are included in the recommendation to ensure that any service adjustments or augmentation required by the development is at no cost to Council.
- **Other land resources** - There is unlikely to be adverse impacts on land resources such as mineral extractive resources, agricultural land or water supply catchments.
- **Water** – Suitable arrangements would be made for provision of water supply and stormwater management as previously discussed in this report. Conditions are included in the recommendation to ensure detailed design plans are submitted to Council and approved prior to the issue of the Construction Certificate.
- **Soils** - Construction works involving soil disturbance is proposed and are unlikely to result in adverse on or offsite impacts with the implementation of erosion and sedimentation control measures as previously discussed in this report.
- **Air & Microclimate** - It is considered that there will be minimal impact in terms of odour or emissions from the development. It is likely given the earthworks that dust emissions will be generated during the construction phase of the development. The statement supporting the application indicates sedimentation and erosion control measures (silt fence, hay bales) will be implemented during works. A condition is included in the recommendation to ensure all reasonable and feasible dust mitigation measures are implemented to prevent and minimise dust emissions during the construction phase.
- **Noise and Vibration** – The school has operated at the site for decades and the operations are unlikely to result in offensive noise or vibration in the locality. The science building is 35m from the nearest dwelling and noise emissions generated by classrooms (or surrounding dwellings) would be attenuated by the brick external wall (no openings) and the separation distance. Nevertheless, conditions are included in the recommendation to ensure no offensive noise is generated by the premises or plant and equipment.

Construction noise in the locality is expected during works and such noise would be limited to standard hours (weekdays 7am to 6pm and Saturdays 8am to 1pm). Conditions are recommended to ensure the works comply

with the NSW Environment Protection Authority Interim Construction Noise Guideline.

- **Flora and Fauna** - The information in support of the application has not identified any threatened species of flora or fauna that may be impacted by the proposal. A tree (weed species) would be removed to cater for the administration building additions and its removal would improve views of the listed building from surrounding roads, Carrington Park and other lands.
- **Waste** - Suitable conditions will be imposed, in terms of collection, storage and disposal of waste during the demolition and construction phases of the development. Conditions are also recommended to ensure waste, including excess fill material and asbestos containing material, is classified, transported and disposed of at appropriate facilities, licenced to receive such waste.
- **Hazards** - There are no known risks to people, property or the biophysical environment from geologic or soil instability or bushfire. The development has been suitably located to avoid land in the flood planning area. Given the age of the buildings, asbestos containing materials are likely to be present and standard conditions ensuring compliance with SafeWork NSW requirements and NSW EPA Guidelines for transportation and disposal are included in the recommendation.
- **Safety Security and Crime Prevention** - The school site is fenced with gates that restrict access to the property. Appropriate signage and landscaping is established along the transition area from the public way so that there is a demarcation between public and private spaces. Casual surveillance of the school grounds and surrounding roads would be maintained from the existing and proposed buildings. The development proposal is not expected to give rise to antisocial behaviour or crime opportunities in the locality.
- **Social and Economic Impact in the Locality** - The development is not expected to have a detrimental social or economic impact in the locality considering the nature of the surrounding uses (commercial, educational and residential). The proposal is expected to have a positive effect by providing employment opportunities during the construction phase of the development.
- **Construction** - The likely impacts associated with the demolition and construction phases of the development can be effectively managed through the imposition of conditions, including the preparation of a construction management plan to control traffic. A soil and erosion control plan and waste management plan supports the application and

demonstrates suitable environmental management arrangements during the construction phase.

- **Site Design and Internal Design** - The site and building design is satisfactory in that it complies with the relevant environmental planning instrument, development standards and planning provisions as discussed throughout this report.
- **Cumulative Impacts** - The proposal is unlikely to give rise to cumulative impacts in the locality. There are no other significant developments in the locality under construction and the potential cumulative impacts from the proposal are short-term relating to traffic and noise during the construction phase. It is considered these impacts can be adequately managed by a construction management plan.

Section 4.15(1)(c) - The suitability of the site for the development

- *Does the proposal fit in the locality?*
The site is zoned R1 General Residential and schools are permitted with consent in this zone by the Hilltops Local Environmental Plan 2022. The site and lands to the south are used for educational purposes. The proposal responds to and enhances the environment of the area with improved views of heritage items. The development is of a scale and design that is suitable for the site and locality.
- *Are the site attributes conducive to development?*
The site is not prone to natural hazards such as subsidence, slip, mass movement or bushfire. The proposal has been located on land outside of the flood planning area identified by the Young Flood Study. In addition, the site is not groundwater vulnerable and there are no threatened species, populations, ecological communities or critical habitats that may be impacted by the development. Accordingly, the site is suitable for the development.

Section 4.15(1)(d) - Any submissions made

Nil.

Section 4.15(1)(e) - The public interest

The application is not considered to be prejudicial to the public interest.

Conclusion

In accordance with the *Environmental Planning and Assessment Act, 1979*, the application is referred to the Southern Regional Planning Panel for determination. The development is not considered likely to have a significant and detrimental impact on the natural or built environment and is suitable for the site, having regard to its compatibility with surrounding development and compliance with relevant environmental planning instruments. Therefore, it is recommended that the application be approved subject to the conditions in this report.

RECOMMENDATION

That consent be granted to Development Application No. DA2024/0026 subject to the conditions listed in Attachment A of this report for the following reasons:

- The development is permissible within the R1 General Residential zone by the Hilltops Local Environmental Plan 2022 and is consistent with the aims, objectives and heritage provisions of the Plan.
- The development complies with all relevant environmental planning instruments that apply.
- The development conserves the heritage significance of the former St Mary's Presentation Convent.
- The development, subject to the recommended conditions, is unlikely to have an unreasonable impact on the environment, surrounding uses or heritage items.
- The development does not raise any matter contrary to the public interest.