



Young High School Library and Community Facility Modification 3

State Significant Development Modification Assessment
(SSD 9671 MOD 3)

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Glossary

Abbreviation	Definition
Council	Hilltops Council
Department	Department of Planning, Industry and Environment
EP&A Act	<i>Environmental Planning and Assessment Act 1979</i>
EP&A Regulation	Environmental Planning and Assessment Regulation 2000
Heritage Council	Heritage Council of NSW
Heritage NSW	Heritage NSW, Department of Premier and Cabinet
HIP	Heritage Interpretation Plan
Minister	Minister for Planning
Planning Secretary	Secretary of the Department of Planning, Industry and Environment
SSD	State Significant Development
YLEP	Young Local Environmental Plan 2010

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1 Introduction

This report provides the Department of Planning, Industry and Environment's (the Department's) assessment of an application to modify the State significant development (SSD) consent for Young High School Library and Joint-Use Community Facility (SSD 9671).

The application seeks approval to modify the approved landscape design, specifically the works within Carrington Park and the school courtyard. The proposed landscape modifications include retention of trees and minimised landscape embellishments within Carrington Park and changes to the open space, shade/tree canopy coverage, seating for students and the removal of two additional trees within the schoolyard.

The application was lodged by the Department of Education (the Applicant) pursuant to section 4.55 (1A) of the *Environmental Planning and Assessment Act 1979* (EP&A Act).

1.1 Background

The site is made up of Young High School and Carrington Park and has an area of approximately 4.7 hectares. It is located on Campbell Street, Young within the Hilltops Local Government Area (LGA). Immediately adjacent to the site and to the west is a TAFE NSW campus. To the north of the site on the other side of Carrington Park and Ripon Street are a number of heritage buildings of local significance, including Hennessey Catholic College and St Marys Catholic Church. The Lambing Flat Museum is located across Campbell Street to the north-east of the site. Immediately to the east and south of the site are predominantly single storey dwellings. The site and its context are shown in Figure 1.



Figure 1 | Local Context Map (Source: Nearmaps)

The site includes three locally listed heritage items registered in the Young Local Environmental Plan 2010 (YLEP) (Figure 2):

- Carrington Park and Band Rotunda (I79).
- Assembly Hall (former Court House) (I136), known as Block AA.
- Technical College (former Gaol) (I118), elements of which are largely within the neighbouring NSW TAFE campus, but the listed site encompasses the west part of the school.



Figure 2 | YLEP Heritage Map (Source: Department's SSD 9671 Assessment Report 2020)



Figure 3 | Existing Site Building Context Map (Source: Department's SSD 9671 Assessment Report 2020)

At the time of the original determination, the site was the subject of a nomination for listing on the State Heritage Register. At that time, Heritage NSW advised it had “resolved that the Carrington Park Precinct is potentially of state heritage significance due to its association with the Lambing Flat Anti-Chinese Riots.” The nomination remains under consideration.

1.2 Approval history

On 21 May 2020, development consent was granted by the Executive Director, Infrastructure Assessments, as delegate for the Minister for Planning and Public Spaces for the partial redevelopment of Young High School and Carrington Park (SSD 9671) to accommodate a joint-use community and school library including:

- site preparation works.
- alteration and additions to existing school library to create a staff hub and student amenities.
- construction of a part two-storey and part three-storey new library building.
- extension to the existing Carrington Park carpark.

- construction of the Currawong Walk and pathway connections to Carrington Park.
- landscaping works, including planting various shrubs, ground covers and concrete pattern finishes.
- construction of new pedestrian crossings in the surrounding road network.
- installation of services, stormwater system and signage.

Most relevant to this modification application is the construction of a new library (Block NN) where Block BB previously stood and was demolished under a separate pathway. An annotated excerpt of the approved site plan is provided in Figure 4. The development consent includes the following conditions relevant to the application:

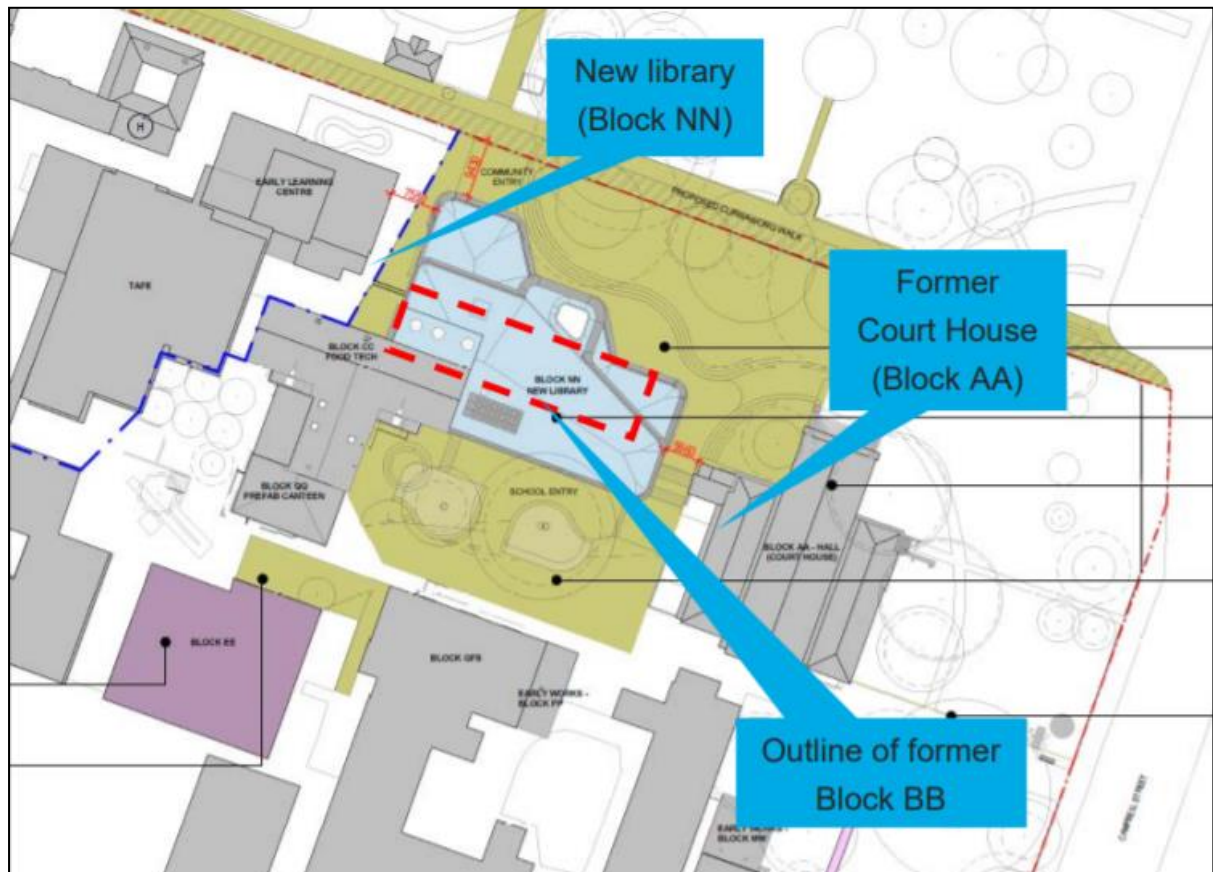


Figure 4 | Approved site plan (Source: SSD 9671 Approved Plans 2020)

The development consent has been modified on one previous occasion and one modification is currently under assessment (see **Table 1**)

Table 1 | Summary of Modifications

Mod No.	Summary of Modifications	Approval Authority	Type	Approval Date
MOD 1	Modification 1 was approved to modify the wording of conditions B33 Heritage Interpretation Plan and B34 Design Refinement.	Department	4.55(1A)	23 December 2020
MOD 2	Modification 2 was approved to correct condition C25	Department	4.55(1)	10 September 2021
MOD 3	Modification 3 – landscaping amendments	Department	4.55(1A)	Under Assessment

2 Proposed modification

On 15 October 2021, the Applicant lodged a third modification application to amend the approved project under section 4.55(1A) of the EP&A Act. The proposed modification seeks to alter the landscape design based on discussions with HeritageNSW, the community and Local Council. The proposed changes are outlined in **Table 2**. Modification is also sought to update architectural plans listed in condition A2 to reflect these changes.

Table 2 | Summary of Proposed Changes

Location	Proposed Changes
Carrington Park	• Retention of 8 existing trees approved for removal in the original consent; • Amendments to proposed paving and paths; • Removal of seating; • Removal of gravel edging around paths; and • Relocation of lights.
Young Highschool	• Removal of two existing trees (due to unavoidable construction impacts); • Planting of additional garden beds and 10 additional semi-mature trees in lieu of the existing two trees to be removed; • Removal of proposed wooden decking; • Creation of additional open space area for students; and • Installation of additional seating.
Public Library	• Narrowing of proposed pathway; • Minor changes to pavers and stairs; and • Minor landscaping amendments.

2.1.1 Landscape works associated with Carrington Park

Retention of existing trees

The applicant has advised that Hilltops Council requested the retention of additional trees within the council owned Carrington Park.

The trees approved for removal under the SSDA consent now proposed for retention include:

- Tree 12 - *Grevillea robusta* Silky Oak;
- Tree 13 - *Ulmus glabra lutescens* Golden Elm;
- Tree 14 - *Ulmus glabra lutescens* Golden Elm;
- Tree 21 - *Ulmus glabra lutescens* Golden Elm;
- Tree 23 – *Picea pungens* Blue Spruce;
- Tree 26 - *Cedrus deodara* Himalayan cedar;
- Tree 30 - *Eucalyptus cinerea* - Argyle Apple; and

- Tree 31 - *Cedrus deodara* Himalayan cedar.

The applicant submitted a Letter of Support prepared by Hilltops Council.

Amendments to proposed paving and paths

A range of amendments are proposed to the approved paving and paths. Changes include:

- the retention of the path to the TAFE entry;
- the P3 path located in front of Carrington Park width is to be reduced to 2.5m, and
- removal of the P6 Decomposed Granite path located in Carrington Park.

These amendments to the proposed paving and paths have been requested by Hilltops Council, as these additional works are no longer required and will minimise the impact of the development on the park.

In addition, the proposed path (P6) is to be removed surrounding the Reconciliation Tree, as the Project Arborist has advised the originally approved proposed works would likely cause damage to the Reconciliation Tree. Council has also advised no works are to be undertaken near or around the Reconciliation Tree, to prevent damage to the tree roots and minimise the impact to the park.

In addition to the requested changes by Council, the path from the Waterwise garden is to be demolished and the stairs connecting to the existing path near the Waterwise Garden is to be amended, in order to achieve compliant grading of paths as required as per Australian Standard 1428.1.

Removal of seating and lighting

The proposed seating along the path adjoining Carrington Park is to be removed, as the Park already provides adequate seating. A single seat is to be retained in the middle section of the path and has been refined to satisfy *Disability Discrimination Act 1995* (DDA) compliance for seating/resting areas every 60m as required.

The modification also proposes relocation of lighting to the northern side of the path in order to avoid both Tree Protection Zones and the requirement for trenching electrical conduit near the existing heritage fence.

Removal of gravel

The gravel edging located north of the Carrington walk is proposed to be removed as it currently is partially located within Carrington Park. Council has requested the edging be removed to further minimise the development's impact on the park and this additional work is no longer required.

2.1.2 Updates to landscape design of internal school quadrangle

Detailed assessment completed by the consulting arborist concluded that the works as approved will detrimentally impact two large existing trees that were originally approved to be retained.

The consulting arborist identified that two existing trees (T66 – Lemon Scented gum and T65 – Chinese elm) located in the internal school quadrangle are required to be removed due to the approved works imposing detrimental requirements on the trees such as significant pruning.

In lieu of the removal of trees, additional garden beds are proposed, and 10 additional semi mature trees will be planted within the internal courtyard to compensate for the loss of tree canopy and shading.

Young High School has requested the new garden beds be raised, to delineate the gardens from the play area/walkable area to prevent students from walking through the gardens and to prevent mulch in the garden beds from being spread across the playground.

Redesign of playground

The redesign of the playground includes the removal of the proposed wooden deck and increase in the concrete area. An additional asphalt area, bench seating and tables are to be introduced for use by students.

As a result of the softfall and concrete redesigns, the stormwater and grated trench drains are proposed to be amended accordingly. All bench seating and tables will be Educational Facilities Standards and Guidelines (EFSG) compliant.

2.1.3 Amendments to proposed paving, paths and stairs surrounding the library

Multiple paths finished material are proposed to be modified. P1 paving is now Educational Facilities Standards and Guidelines (EFSG) insitu concrete and was updated to the Educational Facilities Standards and Guidelines (EFSG) for school pavements. Similarly, the P3 paving has been changed to insitu concrete with a sawcut pattern from a brick paving.

The P5 Wiradjuri Line has been removed on the stairs, the applicant advised this is for both maintenance and overall visual impacts.

2.1.4 Other landscape design changes

There are a number of miscellaneous and minor modifications as a result of the amended landscape design surrounding the library and broader area of Young High School. The minor landscaping design changes including reducing the proposed new steps adjacent to the courthouse west wing wall, minor retaining wall changes, and the installation of new fence, egress gate and ramp.

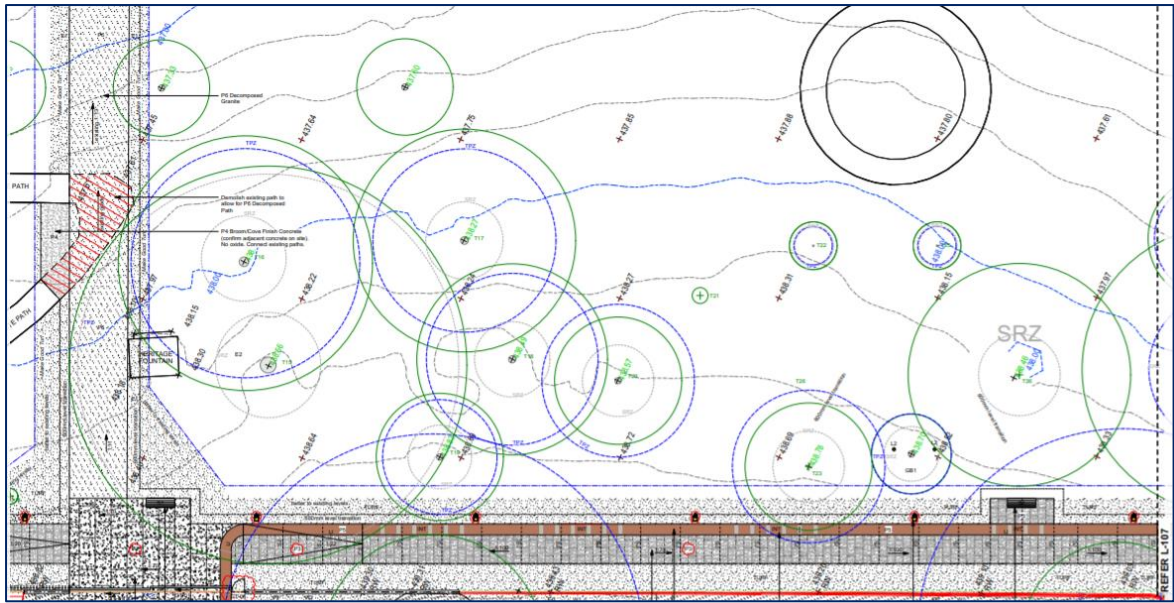


Figure 5 | Proposed Changes to Carrington Park (Source: Mod 2 Plans 2021)

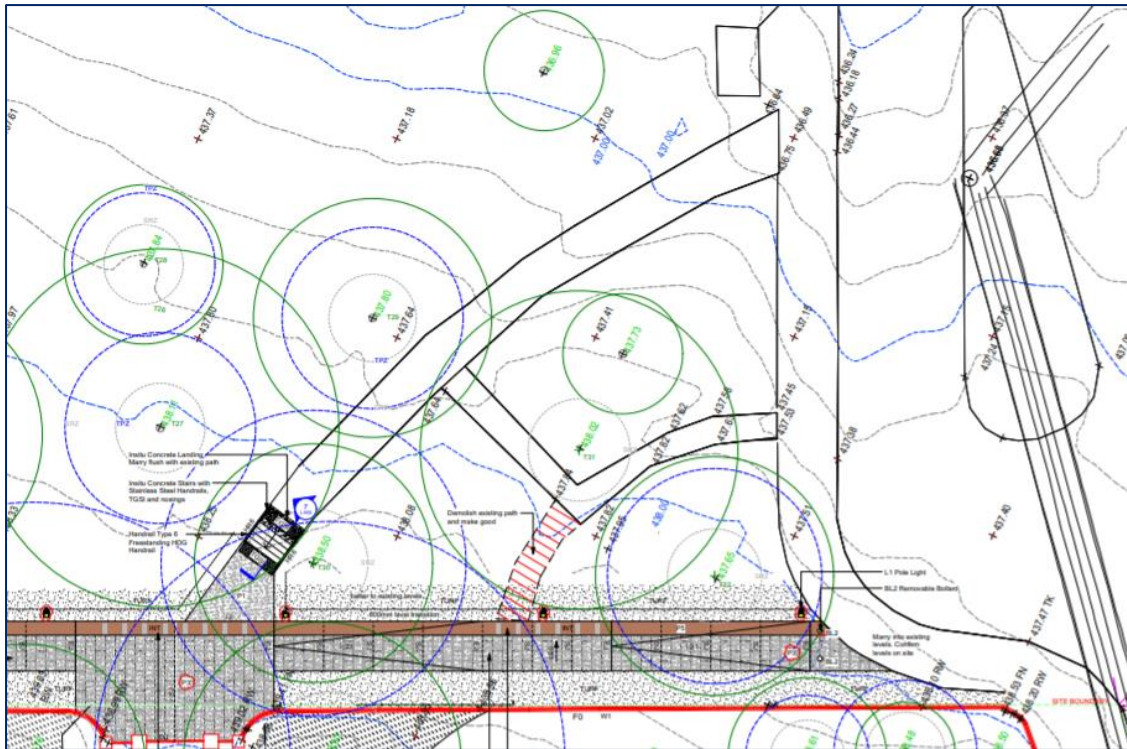


Figure 6 | Proposed Changes to Carrington Park (Source: Mod 2 Plans 2021)

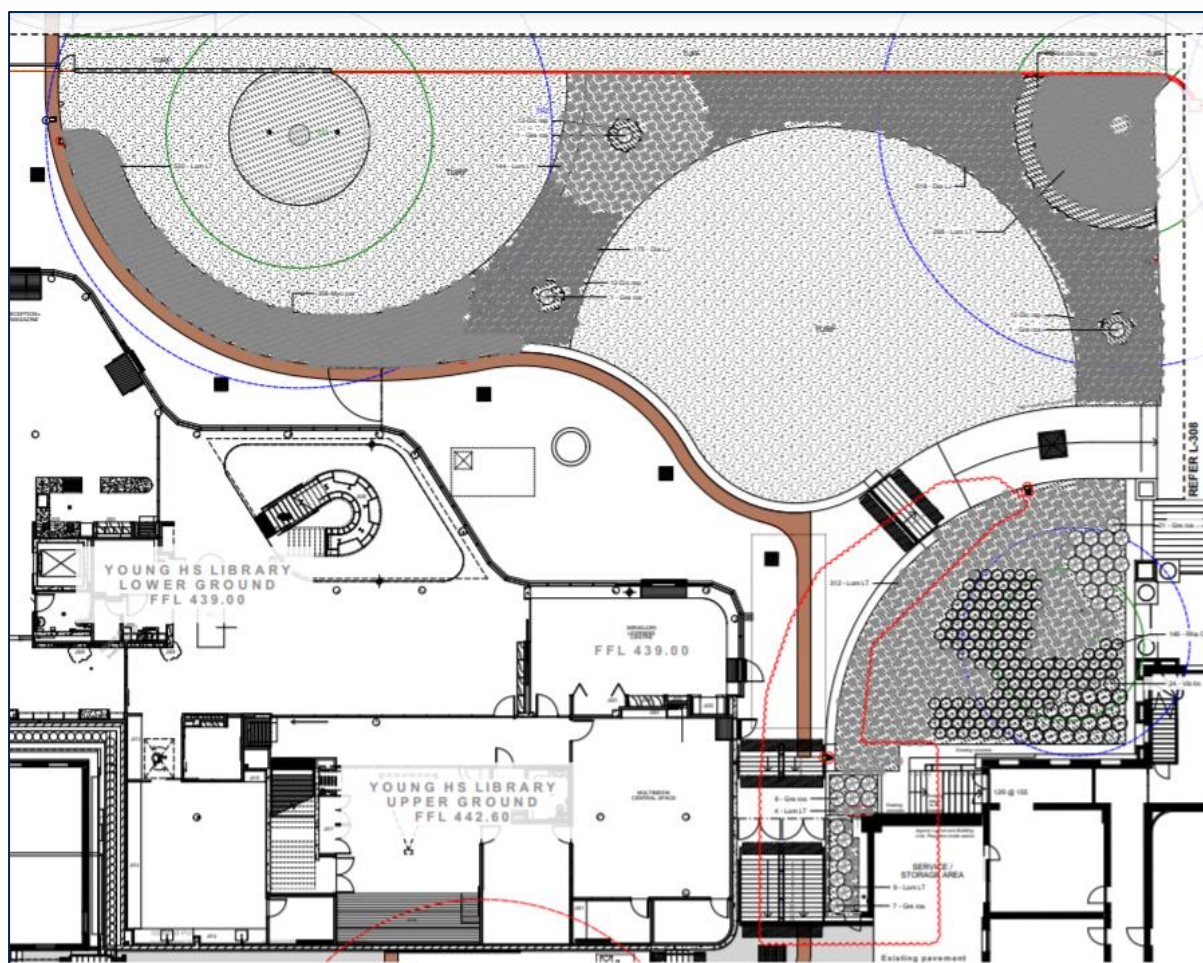


Figure 7 | Proposed Changes to Young Library (Source: Mod 2 Plans 2021)

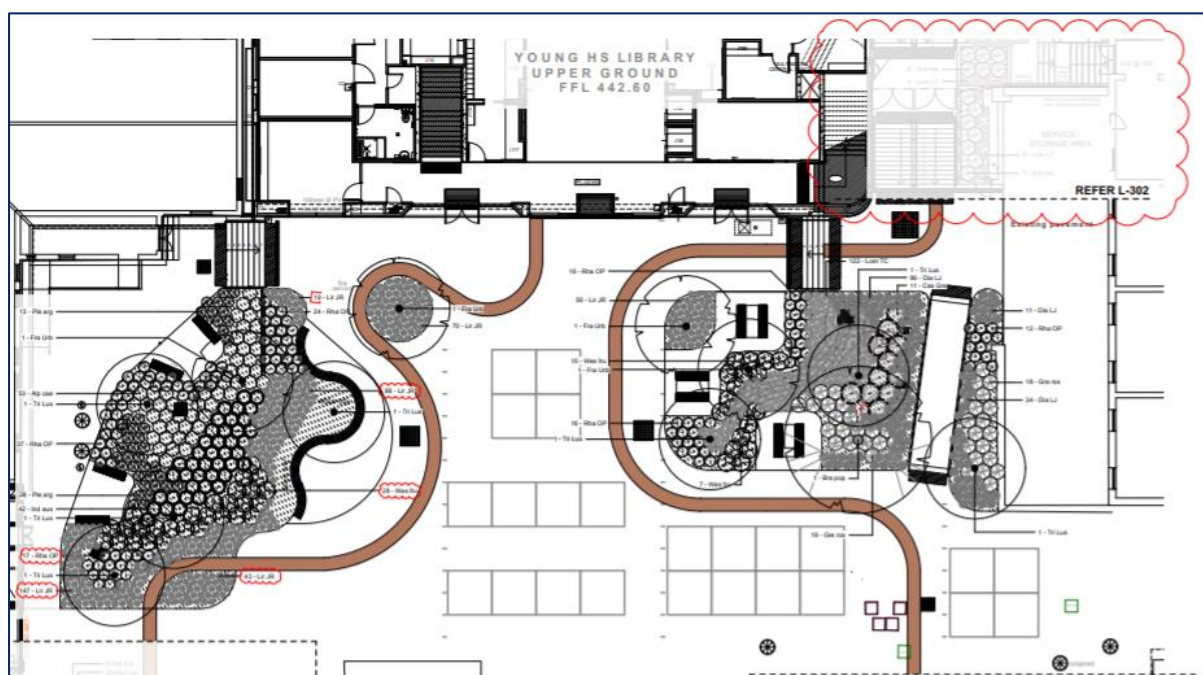


Figure 8 | Proposed Changes to Young Highschool Area (Source: Mod 2 Plans 2021)

3 Statutory context

3.1 Scope of modifications

The Department has reviewed the scope of the modification application and considers that the application can be characterised as a modification involving minimal environmental impacts as the proposal:

- would not increase the environmental impacts of the project as approved
- is substantially the same development as originally approved; and
- would not involve any further disturbance outside the already approved disturbance areas for the project.

Therefore, the Department is satisfied the proposed modification is within the scope of section 4.55(1A) of the EP&A Act and does not constitute a new development application. Accordingly, the Department considers that the application should be assessed and determined under section 4.55(1A) of the EP&A Act rather than requiring a new development application to be lodged.

3.2 Consent authority

The Minister for Planning and Public Spaces is the consent authority for the application under section 4.5(a) of the EP&A Act.

In accordance with the Minister's delegation to determine SSD applications, signed on 26 April 2021, the Team Leader, State Significant Acceleration may determine this modification application as:

- the application had not already been referred by the Planning Secretary to the Independent Planning Commission at the time the delegation was issued.
- the application has not been made by a person who has disclosed a reportable donation in connection with the application.
- there are no public submissions in the nature of objection.
- Council has not made a submission by way of objection under the mandatory requirements for community consultation in schedule 1 of the Act.

3.3 Mandatory matters for consideration

The Department conducted a comprehensive assessment of the project against the mandatory matters for consideration as part of the original assessment. The Department considers that this modification would not result in significant changes that would alter the mandatory matters for consideration under section 4.15 of the EP&A Act and conclusions made as part of the original assessment.

The Department has considered the findings and recommendations in the Department's Assessment Report for SSD-9671, including the key reasons for granting consent outlined in the Notice of Decision. The Department is satisfied that the key reasons for the granting of consent continue to be applicable to the development, as modified.

4 Engagement

4.1 Department's engagement

Clause 117(3B) of the Environmental Planning and Assessment Regulation 2000 (EP&A Regulation) specifies that the notification requirements of the EP&A Regulation do not apply to section 4.55(1A) modifications with minimal environmental impact applications. Accordingly, the application was not notified or advertised. However, the application was made publicly available on the Department's website on 21 October 2021 and was referred to Heritage NSW and Hilltops Council to provide comments within 14 days.

NSW Heritage Council responded to the referral with the request of further consideration by way of a Statement of Heritage Impact (SoHI). NSW Heritage advised that without further assessment, the modification application does not enable Heritage NSW to assess what impacts, if any, the proposed landscaping changes may have to the assessed State significant values and archaeological resources (Aboriginal and historical) of this site. The proposed landscaping changes were not assessed within the 2018 Environment Impact Statement (EIS) submitted for the SSD application and as amended upon the discovery of unexpected finds.

Hilltop Council did not provide a response to the Notification Letter.

The applicant provided an addendum Statement of Heritage Impact, the addendum report addressed all modifications proposed. The report considered any positive outcomes for heritage significance, and potential impact on heritage significance, any design conversations (inquiries) and justification before providing an expected outcome of the proposed modification. The department considers that the submitted report is satisfactory and adequately addresses the concerns raised by Heritage NSW when read in conjunction with the originally SSD heritage impact report.

5 Assessment

In assessing the merits of the proposal, the Department has considered:

- the modification application and associated documents.
- the environmental assessment and conditions of approval for the original project and subsequent modifications.
- relevant environmental planning instruments, policies and guidelines.
- the requirements of the EP&A Act.

The modification application proposes to amend the approved landscaping layout as detailed in table 2 above. The key issue associated with the proposal is considered to be heritage and the landscape design as discussed in detail below.

5.1 Heritage

The proposal seeks to retain the abovementioned trees, remove an additional two trees within the quadrangle area, remove the stairs connecting to the Court House and change paving, paths, and the landscape design. It is noted that the subject site includes three locally listed heritage items identified in the Young Local Environmental Plan 2010 as shown in **Figure 2**. The site is also the subject of a nomination for listing on the State Heritage Register due to the Carrington House Precinct's past association with the Lambing Flat Anti-Chinese Riots.

The application was referred to Council and Heritage NSW. No response was received from Council. Heritage NSW requested additional information in the form of a Statement of Heritage Impact (SOHI). Heritage NSW raised the concern that the proposed modifications may result in potential disturbance to state significant relics and impact upon archaeological resources associated with the Lambing Flat Riot Site. The SOHI, prepared by Dr Rebecca Parkes (dated 20 November 2021), was referred to Heritage NSW for comment on 29 November 2021 however, no response was received within the requested timeframe.

The SOHI addresses the initial concerns raised by Heritage NSW and concludes that the proposal will not result in increased impacts to the heritage significance of the subject site in addition to those already considered and addressed in the parent consent SSD 9671.

The Department has reviewed the SOHI and is satisfied that the impacts of the proposed modifications have been adequately addressed. The Department is satisfied that the proposed retention of the trees will reduce ground disturbance and thus avoid potential impacts to archaeological deposits associated with the Lambing Flat Riots. The proposed tree removal within the quadrangle area is also unlikely to disturb archaeological deposits as the tree root systems are to be left in situ. Further, the reduction of the concrete seating walls will reduce the extent of subsurface impacts by removing the requirement for footings and will be visually sympathetic to the aesthetics of the Court House.

The removal of the stairs connecting to the Court House and its replacement with walls and planters is proposed to address the potential for structural instability of the Court House Building. It is not envisioned that this will result in a detrimental impact to the heritage significance of the subject site. Finally, the removal of the decomposed granite path (P6) and reduction of the P3 path width is

unlikely to result in any inadvertent impacts to archaeological deposits, this is also captured within existing conditions of consent, specifically B22 which requires historical archaeological investigations to be undertaken by a suitably qualified and experienced historical archaeologist prior to construction.

On balance, the Department considers that the proposed modifications will not have any unreasonable impacts on the heritage significance of the subject site and adjoining sites in addition to those already considered under SSD 9671. It is not envisioned that the proposed changes will result in unacceptable disturbance to state significant relics associated with the Lambing Flat Riot Site. Therefore, the Department considers the proposed modifications acceptable.

5.2 Landscape Design

The Department has reviewed the modification report and landscape plans detailing the justification for the proposed design amendments, the Department is satisfied that the proposed Landscape design changes associated with Carrington Park provide a better design outcome for the public domain, noting the local Council's endorsement of the proposed changes. The proposed design changes would not change the bulk and scale of the development, whilst allowing additional mature and healthy trees to be retained within the park.

The proposed landscaping changes within Young Highschool are considered to be sympathetic of the future use as a school quadrangle and are designed accordingly. The proposed removal of trees is supported on the basis that construction impacts are likely to detrimentally impact the identified (2) trees for removal and suitable replacement planting is proposed.

6 Evaluation

The Department has assessed the modification application and supporting information in accordance with the relevant requirements of the EP&A Act. The Department's assessment concludes that the proposed modification is appropriate on the basis that:

- No impacts on European heritage are anticipated from the proposed modifications.
- Existing conditions of consent will require archaeological considerations.
- The landscaping design is sympathetic to the desire of the local community and the local Council.
- The landscaping will allow the retention of existing mature trees.
- The amendments within the school area are sympathetic to the proposed use of the area.

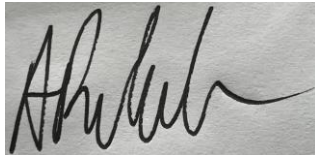
Consequently, the proposal is in the public interest and it is recommended that the modification be approved.

7 Recommendation

It is recommended that the Team Leader State Significant Acceleration, as delegate of the Minister for Planning:

- **considers** the findings and recommendations of this report
- **determines** that the application SSD-9671 Mod-3 falls within the scope of section 4.55(1A) of the EP&A Act.
- **accepts and adopts** all of the findings and recommendations in this report as the reasons for making the decision to approve the modification
- **agrees** with the key reasons for approval listed in the draft notice of decision;
- **modify** the consent SSD-9671 Mod-3.
- **signs** the attached approval of the modification (**Appendix C**).

Recommended by:

A handwritten signature in black ink, appearing to read 'Anthony Richardson', on a light-colored background.

Anthony Richardson

Planning Officer

State Significant Acceleration

8 Determination

The recommendation is **Adopted** by:

A handwritten signature in black ink, appearing to read "G. Wardenburg". The signature is written in a cursive, flowing style.

Gabriel Wardenburg

Team Leader

State Significant Acceleration

as delegate of the Minister for Planning

Appendices

Appendix A – List of referenced documents

<https://www.planningportal.nsw.gov.au/major-projects/project/43066>

Appendix B – Modification report

<https://www.planningportal.nsw.gov.au/major-projects/project/43066>

Appendix C – Notice of modification

<https://www.planningportal.nsw.gov.au/major-projects/project/43066>