



Young High School Library and Community Facility Modification 1

State Significant Development Modification Assessment
(SSD 9671 MOD 1)

December 2020

Published by the NSW Department of Planning, Industry and Environment

dpie.nsw.gov.au

Title: Young High School Library and Community Facility Modification 1

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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 and Public Spaces
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 wording of conditions *B33 Heritage Interpretation Plan* and *B34 Design Refinement*. The amended wording is intended to allow for the Heritage Interpretation Plan and design refinements to the library façade to be delivered at a later stage in the design and construction process.

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 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: Nearmap 2020)

The site includes three locally listed heritage items registered in the Young Local Environmental Plan 2010 (YLEP) (**Figure 2** and **Figure 3**):

- 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.

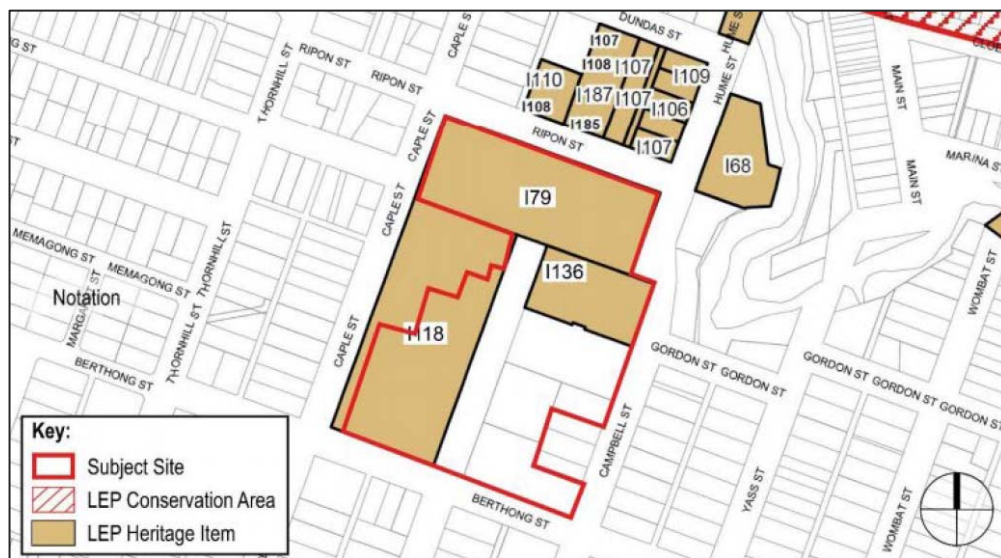


Figure 2 | YLEP Heritage map extract (Source: Department's SSD 9671 Assessment Report 2020)

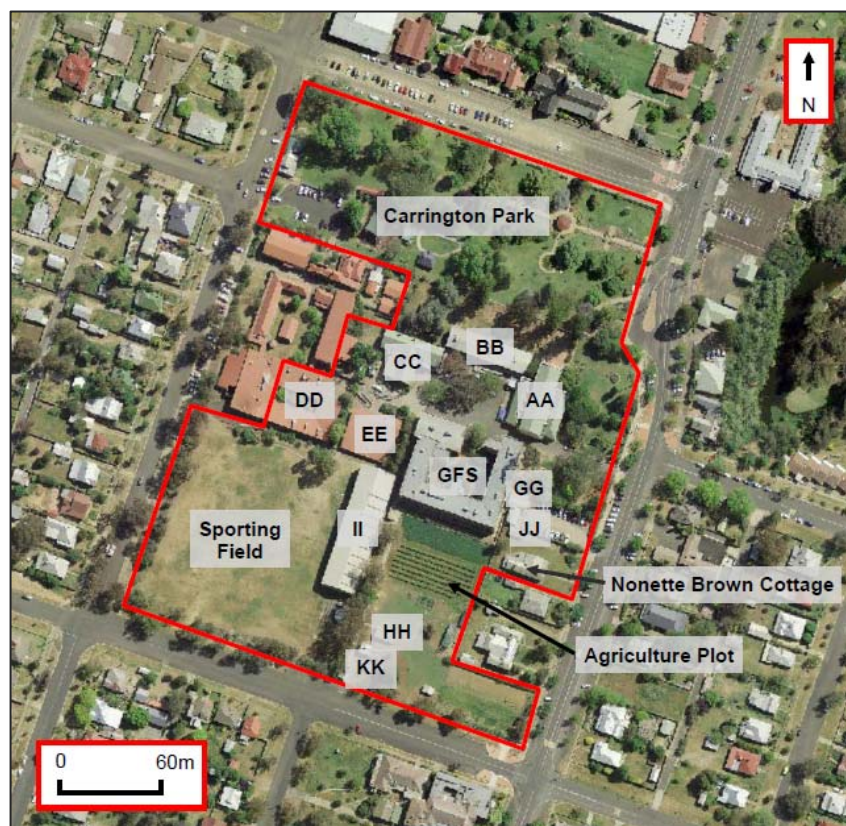


Figure 3 | Existing building and grounds (Source: Department's SSD 9671 Assessment Report 2020)

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.

- (a) be prepared by a suitably qualified and experienced expert in consultation with the Heritage Council and Council;*
- (b) be prepared in accordance with the relevant Heritage Council of NSW Guidelines;*
- (c) outline key results from the historical and Aboriginal archaeological investigations;*
- (d) include provision for naming elements within the development that acknowledges the site's heritage; and*
- (e) incorporates interpretive information into the site.*

- **Design Refinement**

B34. Prior to the commencement of construction of the new Library, the design of the façade of the new Library building must be refined to reduce the visual impact of the historic Court House through a review of materials selections and colours in consultation with the Heritage Council. The final design plans for the development must incorporate any comments received from the Heritage Council and be submitted to the Planning Secretary for information.

The development consent has not been previously modified.

2 Proposed modification

The proposed modification application seeks amendments to conditions *B33 Heritage Interpretation Plan* and *B34 Design Refinement* to alter the timing for satisfaction of the requirements of the conditions. The proposed changes and their rationale are detailed below.

B33 Heritage Interpretation Plan

The modification seeks to amend condition B33 to require the Heritage Interpretation Plan (HIP) to be submitted prior to the commencement of operation instead of the commencement of construction (excluding demolition and earthworks) as currently required.

The modification application included a copy of minutes of a meeting between the Applicant and Heritage NSW discussing the condition, along with an email from Heritage NSW, Department of Premier and Cabinet (Heritage NSW) confirming the advice provided at the meeting. These documents confirm Heritage NSW's advice that:

- Heritage NSW's original recommended conditions issued in May 2020 required that the HIP be submitted after commencement of construction but prior to operation.
- the HIP cannot be completed until any required archaeological salvage and reporting is complete.

The Applicant advises that archaeological salvage and reporting is not expected to be completed before construction activities are scheduled to commence. This means that, under the current wording, construction activities would need to be put on hold while archaeological salvage reporting was undertaken. The proposed amended wording would be consistent with Heritage NSW advice and allow construction works to continue while archaeological salvage and reporting is completed.

B34 Design Refinement

The modification seeks to amend condition B34 to require design refinements to be submitted 'prior to the commencement of construction of the façade elements' instead of the 'prior to the commencement of construction' as currently required.

Condition B34 requires the design of the façade of the new library building to be refined to reduce the visual impact of the historic courthouse through a review of materials selections and colours in consultation with the Heritage Council of NSW (Heritage Council).

To complete the design refinements, further investigation of the former courthouse building façade has been requested by Heritage NSW. These further investigations involve paint scrapings to be taken from the courthouse building façade. The Applicant has identified a suitable consultant to undertake these works, however, the lead time for completion of the works would delay the commencement of library's construction.

The proposed amendment is intended to avoid this delay by requiring the design refinements be finalised prior to construction of the library façade elements only. This would enable construction works relating to other components of the library to be undertaken while the façade design is refined and finalised.

3 Strategic context

The Department considers the development, to which the modification relates, remains consistent with its applicable strategic context. Specifically, it is remains consistent with:

- the South East and Tablelands Regional Plan 2036, as it would contribute to Young as a strategic centre with a high-quality community and school education facility.
- the NSW Future Transport Strategy 2056, as it would provide a redeveloped educational facility, with a new education and community facility near the civic core of Young.
- the State Infrastructure Strategy 2018 – 2038, as it provides direct investment to address increased enrolment demands, would provide access to modern digitally-enabled learning environments for all students and would enable facilities to be co-shared with the local community.

In addition, it would provide direct investment in the region of approximately \$21 million, which would support up to 90 construction jobs and 20 new operational jobs.

4 Statutory context

4.1 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 significantly increase the environmental impacts of the project as approved.
- is substantially the same development as originally approved.
- 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.

4.2 Consent authority

The Minister for Planning and Public Spaces (the Minister) is the consent authority under section 4.5 of the Act.

In accordance with the Minister's delegation to determine SSD applications, signed on 9 March 2020, the Director, Social and Infrastructure Assessments 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 fewer than 10 public submissions in the nature of objection.

5 Engagement

The Department did not give notification of the application due to the minor nature of the proposed modifications. However, the application was made publicly available on the Department's website. No submissions were received.

6 Assessment

The Department has considered the modification application in the context of the original approved development. The Department's assessment of the requested changes is set out below.

Condition B33

Condition B33 requires a HIP be submitted to the satisfaction of the Planning Secretary prior to the commencement of construction (excluding demolition and earthworks). It was included in the consent on the advice of the Heritage NSW which, among other things, recommended the:

- undertaking of an archaeological investigation, including a final report, to be submitted to the Department and the Heritage Council.
- preparation of a HIP in consultation with Heritage Council which reflects the findings of the archaeological investigation.

The Department has considered the advice provided by Heritage NSW during the assessment of the original application as well as the more recent advice provided with this modification application. This advice confirms that Heritage NSW considers it appropriate for the HIP to be submitted after commencement of construction, but prior to occupation. This timing would enable the incorporation of the findings of the archaeological excavations in the HIP.

On this basis, the Department considers that modification of the consent is reasonable to prevent unnecessary delays to the project while still ensuring consistency with the advice of the Heritage NSW. In addition, it is considered that a change in timing for the requirement would have no impact on the heritage significance of the site or surrounds.

Accordingly, the Department has recommended that condition B33 be deleted and a new condition be inserted in Part D (Prior to the Commencement of Operation) of the consent that requires the HIP to be submitted prior to the commencement of operation.

Condition B34

Condition B34 requires the design of the façade of the new library to be refined through a review of materials selections and colours in consultation with the Heritage Council to reduce its visual impact to the adjacent historic courthouse.

The Department acknowledges that the Applicant has been consulting with the Heritage NSW in accordance with the condition. As part of this consultation, Heritage NSW has requested the Applicant undertake further heritage investigations to inform the final façade treatment (paint scrapings to be taken from the courthouse building façade). Under the existing condition, these further investigations are likely to delay construction commencement.

It is acknowledged that the required refinements relate to the review of materials selection and colours for the façade only. Therefore, the Department considers it acceptable for construction to commence while the requested heritage investigations are undertaken and subsequent design refinements are made. It is considered that the proposed modification is acceptable as it would prevent unnecessary delays while ensuring the objective of the condition is still met. The modification is anticipated to have no impact on the heritage significance of the site or surrounds.

7 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:

- the wording of the existing conditions is likely to result in delays, given the recent advice and requests of Heritage NSW.
- no impacts on European heritage are anticipated.

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

8 Recommendation

It is recommended that the Director, Social and Infrastructure Assessments, as delegate of the Minister for Planning and Public Spaces:

- **considers** the findings and recommendations of this report.
- **determines** that the application Young High School Library and Community Facility SSD 9671 MOD 1 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.
- **modify** the consent SSD 9671.
- **signs** the attached approval of the modification (**Appendix B**).

Prepared by:

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Planning Officer

Social and Infrastructure Assessments

Recommended by:



Jason Maslen

Team Leader

School Infrastructure Assessments

9 Determination

The recommendation is **adopted** by:



23 December 2020

David Gibson

A/Director

Social and Infrastructure Assessments

as delegate of the Minister for Planning and Public Spaces

Appendices

Appendix A – List of referenced documents

Modification report and attachments

<https://www.planningportal.nsw.gov.au/major-projects/project/40741>

Appendix B – Notice of modification