



Supplementary Attachments

Local Planning Panel meeting

**Wednesday 29 April 2026
at 4:00 PM**



TABLE OF CONTENTS

SUPPLEMENTARY REPORTS

2	LPP9/26	DA/1/2026 - Construction of a COLA & Covered Walkway - 449C Pennant Hills Road, Pennant Hills	
	Attachment 1:	Clause 4.6 Written Request.....	2
	Attachment 2:	Architectural Plans	16

ATTACHMENT/S

REPORT NO. LPP9/26

ITEM 2

- 1. CLAUSE 4.6 WRITTEN REQUEST**
- 2. ARCHITECTURAL PLANS**

urbis.com.au

Angel Place, Level 8, 123 Pitt Street
Sydney NSW 2000 Australia (Gadigal Country)

Urbis Ltd
ABN 50 105 256 228



Clause 4.6 – Request to vary development standard

Request to vary clause [4.3] in Hornsby Local Environmental Plan 2013

Address: 449C Pennant Hills Road, Pennant Hills 2120

Date: 09/04/2026

Site and proposed development

Site Description

The site is situated within Pennant Hills, 23kilometres north-east of Sydney CBD, and is known as Mount St Benedict College. Mount St Benedict College sits across two lots known as 449C Pennant Hills Road, Pennant Hills which are legally referred to as Lot 11 on DP1209584 and Lot 10 on DP1209584. Importantly, the proposed works subject to this application fall on Lot 11 on DP1209584 (**Figure 2**).

The key features of the site are summarised in the following table.

Table 1 Site Description

Feature	Description
Street Address	449C Pennants Hills Road, Pennant Hills, 2120 NSW
Legal Description	Lot 11 on DP1209584 and Lot 10 on DP1209584
Site Area	~4.10 hectares
Easements and Restrictions	Based on the Survey submitted by LTS there are no encumbrances applicable to the site.
Site Topography	The site is relatively flat along the Pennant Hills Road boundary to the north, a natural ridge point rests in the centre of the site, in which the Hildegard Building (H Block) is set below. The site then undulates down towards the southern boundary line.
Vegetation	The site is identified to contain terrestrial biodiversity and is well serviced by canopy coverage distributed across the site.
Existing Development	The site currently accommodates several education buildings and carparking predominantly situated in the northern corner along Pennant Hills Road. The site also contains local heritage item; Mount St Benedict Convent (St Thomas Syro Malabar Church).



Feature	Description
Adjacent Development North	Directly north of the Site is SP2 major arterial road Pennant Hills Road. Further north is land zoned R2 Low Density Residential characterised by single and double-storey dwellings.
Adjacent Development East	The site adjoins a densely vegetated park, Ludovic Blackwood Memorial Sanctuary. Further east is Pennant Hills commercial centre and St Agatha's Catholic Primary School (approx. 600m).
Adjacent Development South	South of the site is land zoned R2 Low Density Residential, mainly consisting of free-standing dwellings.
Adjacent Development West	Land use is characterised by low-density residential dwellings.
Access Network	The site is accessible via a range of public transport options. These include Pennant Hills train station which is approximately 1.8km northeast of the site. There are several bus stops in proximity to the site, particularly along both sides of Pennant Hills Road.

Figure 1 Location Plan

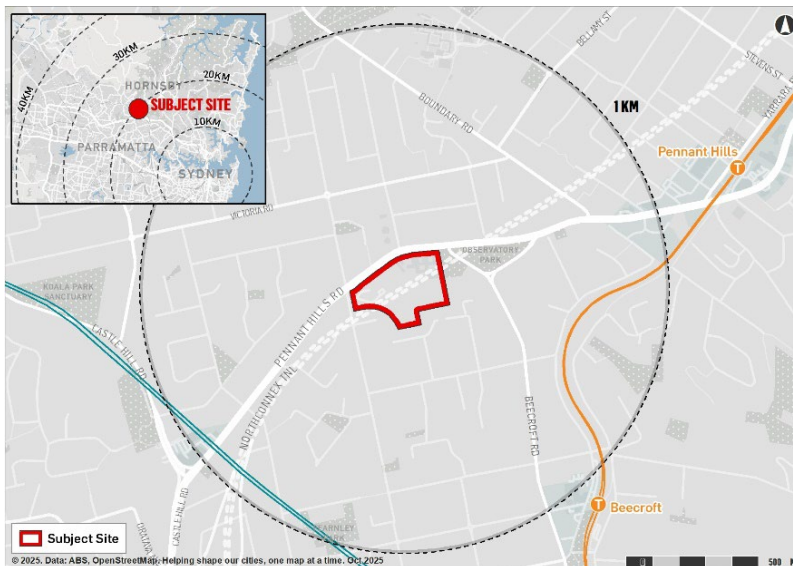




Figure 2 Aerial Photograph



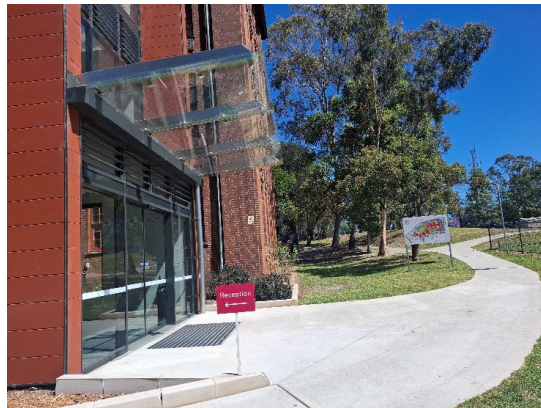
ATTACHMENT 1 - ITEM 2



Figure 3 Site Photos



Picture 1 Hildegard Building set into ridge basin



Picture 2 Existing walkway from Hildegard building to main MSB centre



Picture 3 Mount St Benedict School ground



Picture 4 Existing rooftop open space next to Hildegard Building

Source: Urbis

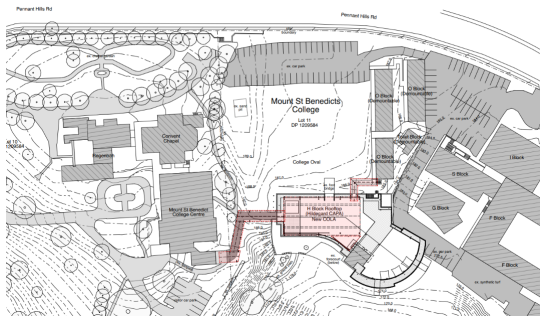
Proposed Development

The proposed development is for alterations and additions to the Mount St Benedict (MSB) College campus. More specifically, the development seeks consent to construct a covered outdoor learning area (COLA) on the rooftop of the existing Hildegard Building (H Block) and covered walkways, linking O Block to the MSB



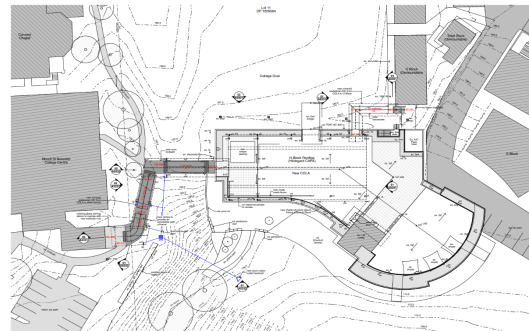
Centre fire stairs through the COLA (**Figure 4**). The proposed works will allow improved all-weather amenity of the site, providing protection from heat or wet weather conditions for staff and students.

Figure 4 Proposed Development



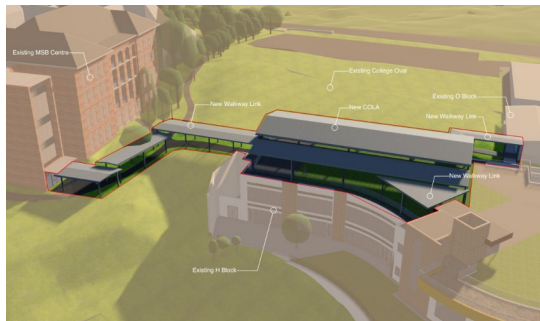
Picture 5 Location of proposed development within MSB site

Source: Stanton Dahl Architects



Picture 6 Proposed Plan

Source: Stanton Dahl Architects



Picture 7 Render of proposed development

Source: Stanton Dahl Architects



Picture 8 Southwest Perspective of COLA and walkways from MSB Centre

Source: Stanton Dahl Architects



A summary of the key features and details of the proposed development (including land use and works) is provided in the table below:

Table 2 Development Description

Key Element	Description
Building Height	<p>The proposed development seeks to vary the HLEP's maximum permissible height of 8.5m. The COLA roof structure is 7.3m in height, on top of the existing H block building height. It is noted that H Block was approved for a height of 17.55m under DA/1234/2015.</p> <p>This DA seeks to achieve a total building height of 16.05m (from the height to the top of the COLA roof: RL194.400, to the base of the existing ground floor slab of the Hildegard Building (H Block) which is RL178.350). Refer to Figure 7.</p> <p>Existing ground level is identified as RL178.550 which is the top of the finished slab however, for the purpose of determining the RL at the underside of the existing ground level base slab, the applicant has adopted 200mm as per the recent LEC decision: <i>Hayek v Randwick City Council</i> [2024] NSWLEC 1631 at [64].</p> <p>This is lower than the previously approved application but still non-compliant with the HLEP's maximum permissible height. This Clause 4.6 application seeks a proposed height variance percentage of 88.8%</p>
Stormwater / Drainage	<p>The site has existing stormwater and drainage infrastructure that service the campus. The proposal seeks to add one additional stormwater pit and supporting piping to ensure MSB can maintain sufficient on-site drainage during storm events.</p>
Built Form, Design and Materials	<p>The proposed development is sympathetic to the contemporary design of existing buildings on campus. The proposed finishes ensure the COLA and walkways will be subordinate to the fabric, design and interpretation of local heritage item, Mount St Benedict's Convent.</p>
Heritage	<p>MSB falls within a heritage conservation area, with the proposed works encroaching on the curtilage of local heritage item, Mount St Benedict's Convent. The HIS supporting this DA and Clause 4.6 Application identifies that the proposed development is visually detached from the heritage item and will not impact the significance of the item.</p>
Tree Removal or Retention	<p>The proposed development seeks to remove 1 <i>Corymbia ficifolia</i> (Figure 5) due to encroachment from the proposed covered walkway. The encroachment</p>



means retention is not viable. 4 trees next to the MSB centre will be protected and retained.

Construction Waste Management	The proposed development's CWMP identifies the possibility of reverting 96% of construction waste from landfill, through a program of recycling and reuse where possible.
Hours of Construction, Program Duration	The construction program has an indicative length of 18 weeks. Construction will occur Monday to Friday between 7:00am-5:00pm.

Figure 5 Tree proposed for removal next to MSB centre entryway

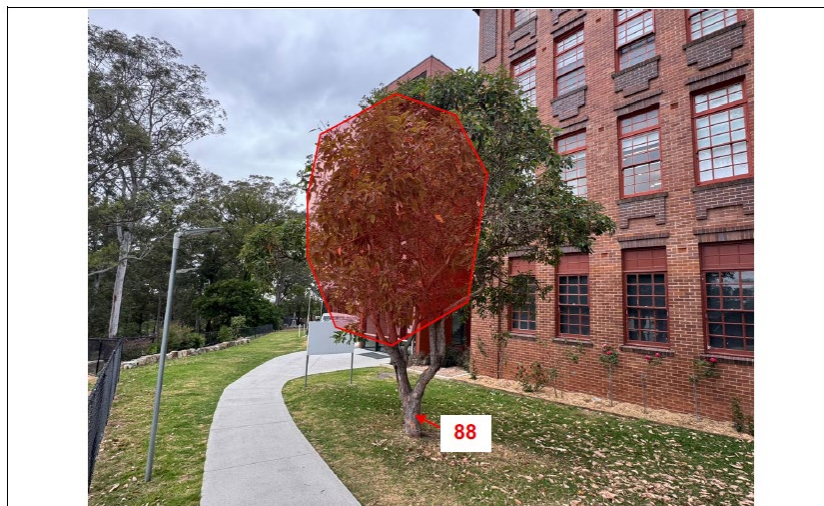


Photo 2: Looking Southwest from within the site toward tree 88. The proposed covered walkway roof will be setback from the trunk by approximately 300mm and significant canopy pruning will be required to accommodate the works. Approximately 35% of the live foliage area will require removal (red hatched area), and the tree will not be viable for retention.

Source: Urban Arbor 2025



Planning instrument, development standard and proposed variation

1. What is the planning instrument you are seeking to vary?

Hornsby Local Environmental Plan 2013 (HLEP)

2. What is the site's zoning?

R2 Low Density Residential

3. What is the development standard to be varied?

Clause 4.3 Height of Buildings in the HLEP.

(1) The objectives of this clause are as follows—

(a) to permit a height of buildings that is appropriate for the site constraints, development potential and infrastructure capacity of the locality.

(2) The height of a building on any land is not to exceed the maximum height shown for the land on the [Height of Buildings Map](#).

4. Type of development standard?

Part 4 Principal Development Standard, s4.3 of the HLEP 2013.

5. What is the numeric value of the development standard in the environmental planning instrument?

Numeric standard of 8.5m maximum building height applies to site.

Development Application No. DA/1234/2015 for the Hildegard Building was approved for a maximum height of 17.55 metres from existing ground level.

Due to the tiered design of the COLA the height varies, however at its tallest point the COLA roof structure is 7.3m in height. The proposed development seeks to vary the HLEP's maximum permissible height of 8.5m. The COLA roof structure is 7.3m in height, on top of the existing H block, equalling a total building height of **16.05m**.

This Clause 4.6 application seeks a proposed height variance percentage of **88.8%**

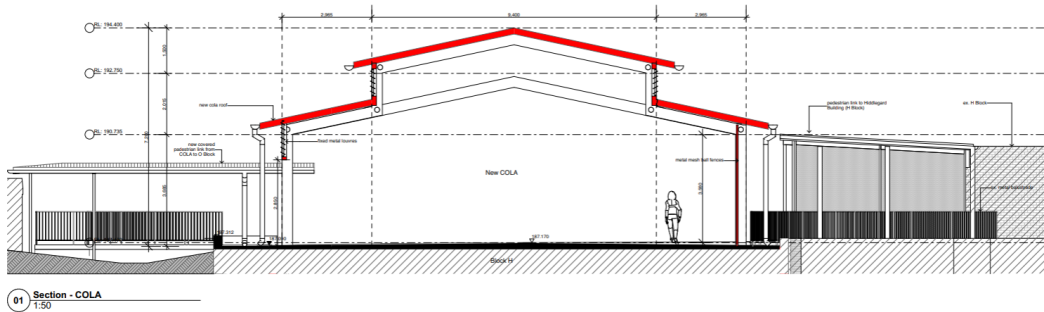
Refer to **Figure 6** for elevations.

6. What is the difference between the existing and proposed numeric values? What is the percentage variation (between the proposal and the environmental planning instrument)?

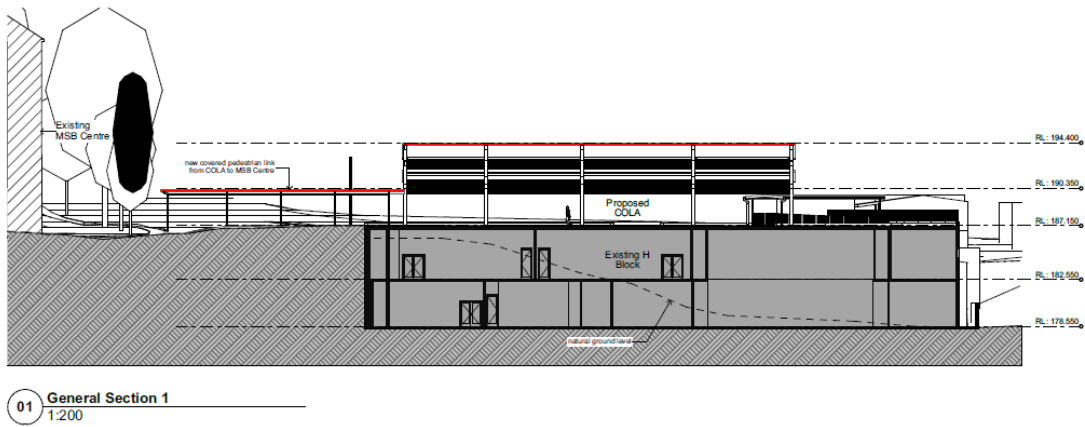
The proposal exceeds the maximum 8.5m development standard by 7.55m, which is a percentage variation of **88.8%**



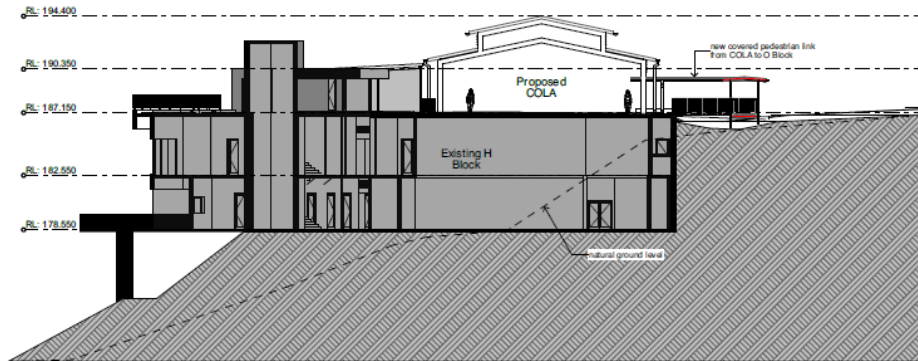
Figure 6 Architectural Plans Highlighting RL for COLA Height



Picture 9 Section 01 - COLA



Picture 10 General Section 1

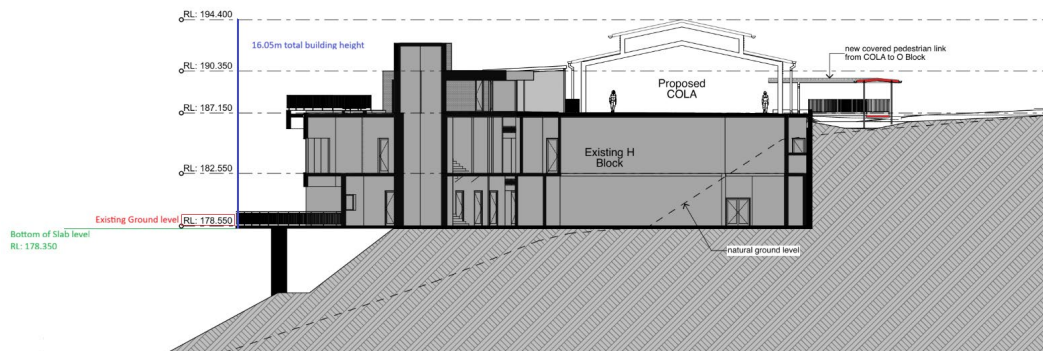


02 General Section 2
1:200

Picture 11 General Section 2

Source: Stanton Dahl Architects

Figure 7 Mark-up demonstrating total building height



02 General Section 2
1:200

Picture 12 Building Height using underside of EGL base slab

Source: Stanton Dahl Architects drawing, mark-up by Urbis



Justification for the proposed variation

1. How is compliance with the development standard unreasonable or unnecessary in the circumstances of the particular case?

Key Questions	Response
a) Are the objectives of the development standard achieved notwithstanding the non-compliance?	<p>Clause 4.3 Height of Buildings in the HLEP outlines the following objective:</p> <p>(i) <i>The objectives of this clause are as follows—</i></p> <p>(a) <i>to permit a height of buildings that is appropriate for the site constraints, development potential and infrastructure capacity of the locality.</i></p> <p>The proposed COLA height will not result in unreasonable bulk or scale and is sympathetic to the existing scale of other buildings on the MSB campus. The height variation will follow the existing development pattern onsite, will not result in intensity of land-use.</p>
b) Are the underlying objectives or purpose of the development standard not relevant to the development? (Give details if applicable)	N/A
c) Would the underlying objective or purpose be defeated or thwarted if compliance was required? (Give details if applicable)	<p>The objective speaks to permitting building heights that are appropriate to a site's constraints. The current maximum building height of 8.5m is not responsive to variances in topography on sites. As such, complying with 8.5m specific to MSB campus' undulating topography would hinder developing buildings that feasible and responsive to the site's constraints.</p>
(d) Has the development standard been virtually abandoned or destroyed by the council's own actions in granting consents departing from the standard?	<p>Previously, development Consent was provided to Mount St Benedict College to vary the height control under DA/1234/2015. This consent allowed the construction of Hildegard Building to a non-compliant height of 17.55m. A precedence has been set to depart from the HLEP's maximum building height control. The proposed development, inclusive of an additional 7.3m height to support the COLA roof structure, will not result in visual or acoustic impacts for neighbouring residential properties to the south due to the Hildegard building being set within a ridgeline basin, and located</p>



Key Questions	Response
	centrally within the site. Site lines will not be disrupted despite this additional height.
e) Is the zoning of the land unreasonable or inappropriate so that the development standard is also unreasonable or unnecessary?	N/A

2. Are there sufficient environmental planning grounds to justify contravening the development standard?

The proposed building height variation is supported by sufficient environmental planning grounds that relate directly to the aspect of the development which contravenes the height standard. These grounds are consistent with the subject matter, scope and purpose of the Environmental Planning and Assessment Act 1979 (EP&A Act), particularly the objects relating to:

- (c) to promote the orderly and economic use and development of land,
- (e) to protect the environment, including the conservation of threatened and other species of native animals and plants, ecological communities and their habitats,
- (g) to promote good design and amenity of the built environment,

1. Response to Site Context and Topography

The site’s physical characteristics, including its slope and surrounding built form, necessitate a taller building envelope to achieve a coherent and functional design. The increased height allows the building to step with the terrain and align with the scale of nearby structures, avoiding abrupt changes in height that could detract from the streetscape. Additionally, the shaded but open design of the COLA and walkways do not result in reduction of open space access or cross-ventilation for the site (**Figure 4**).

2. No Unacceptable Adverse Impacts

Technical reports supporting the DA outline that the proposed height will not result in unreasonable overshadowing, loss of privacy, or obstruction of key view corridors for low density residential dwellings to the north or south (**Figure 9** and **Figure 10**). Furthermore, the proposed height will not exceed that of other buildings across the MSB campus, with the Mount St Benedict College Centre to the west resting taller, the proposed height is appropriate to the development pattern onsite. The building’s articulation, siting, and materiality ensure that the perceived bulk and scale are moderated when viewed from public spaces, refer to **Figure 8**.

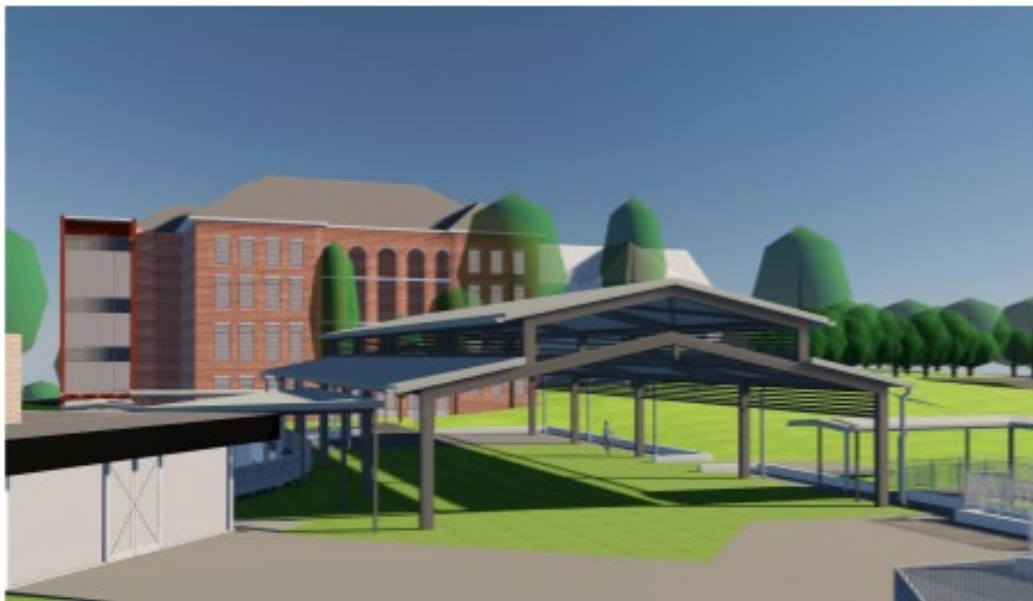
The height variation is justified on environmental planning grounds because it enables a design that is responsive to the site’s constraints, improves environmental performance, and delivers positive urban design outcomes without causing adverse impacts. The proposal is consistent with the objects of the EP&A Act and represents an appropriate and sustainable form of development for the locality.



3. Is there any other relevant information relating to justifying a variation of the development standard? (If required)

The proposed development seeks to continue supporting the operation of the site as an education facility. The proposed works allow for increased student and staff amenity by offering infrastructure that is useable in all-weather conditions. The proposed works, through design, support accessibility and are part of a masterplan to upgrade and improve the wider campus to the benefit of staff and students. The COLA, which will vary the height standard if approved, will not result in any negative social, economic or environmental impacts onsite or to surrounding development.

Figure 8 Render of COLA and walkways



Picture 13 Sightlines retained with sense of bulk reduced due to open air structure

Source: Stanton Dahl Architects



Figure 9 Topography of land



Figure 10 Distance of proposed works from neighbouring residences

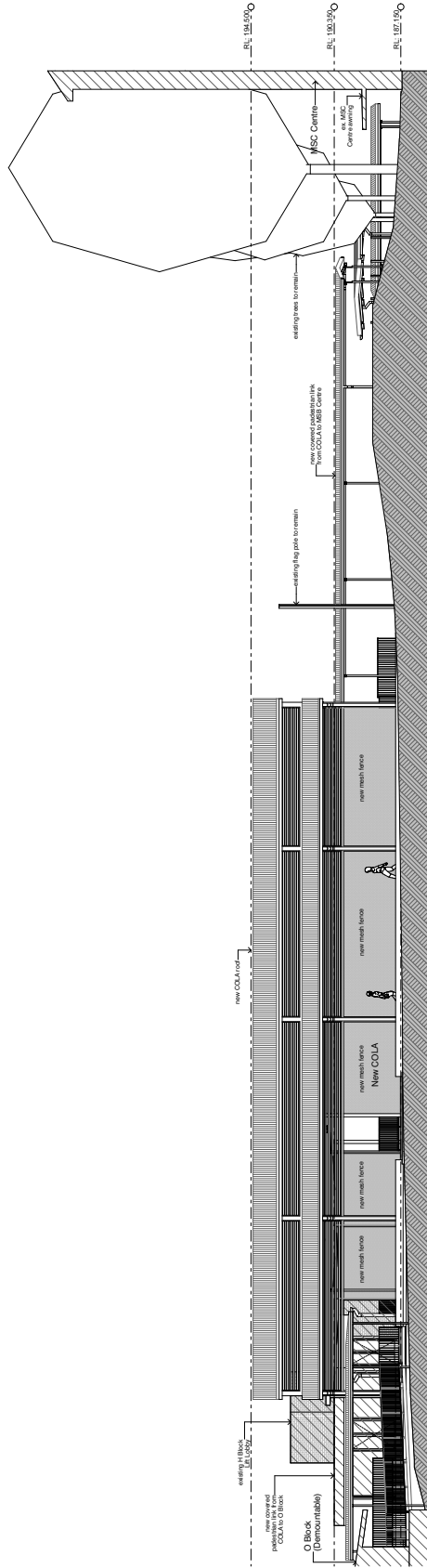
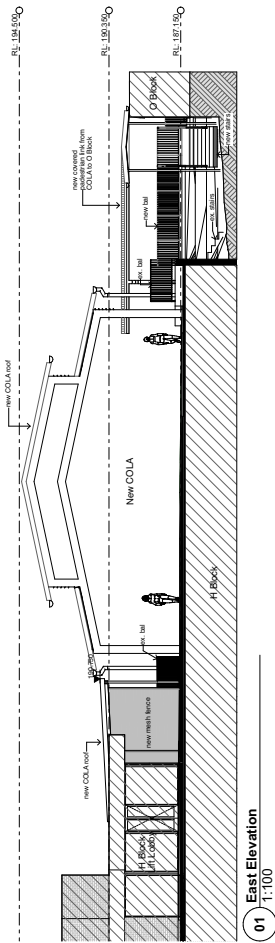


Picture 14 Site boundary shown in yellow, neighbouring low density residential properties between 125-170m away from proposed works. Southern properties shielded by mature canopy coverage indicating negligible acoustic or visual disturbance from proposed works. Properties to the North

Source: Near Maps, 2025

Prepared by: Stanton Dahl Architects
 Project No: 3228.25
 Drawing No: A0321
 Date: 10/12/2025

Scale: 1:100 as noted @ A1



Project No: 3228.25
 Drawing No: A0321
 Date: 10/12/2025

Mount St Benedict College
 Development Application
 449C Pennant Hills Road,
 Pennant Hills, NSW
 Stanton Dahl Architects
 PO Box 523, Sydney, NSW 1570, Australia
 stanton Dahl architects.com.au

Revision History
 No. Description
 01 Initial Development Application
 02 Update Development Application
 03 Update Development Application
 04 Update Development Application
 05 Update Development Application

Stanton Dahl Architects
 Architects

Scale: 1:100 as noted @ A1

Project No: 3228.25
 Drawing No: A0321
 Date: 10/12/2025

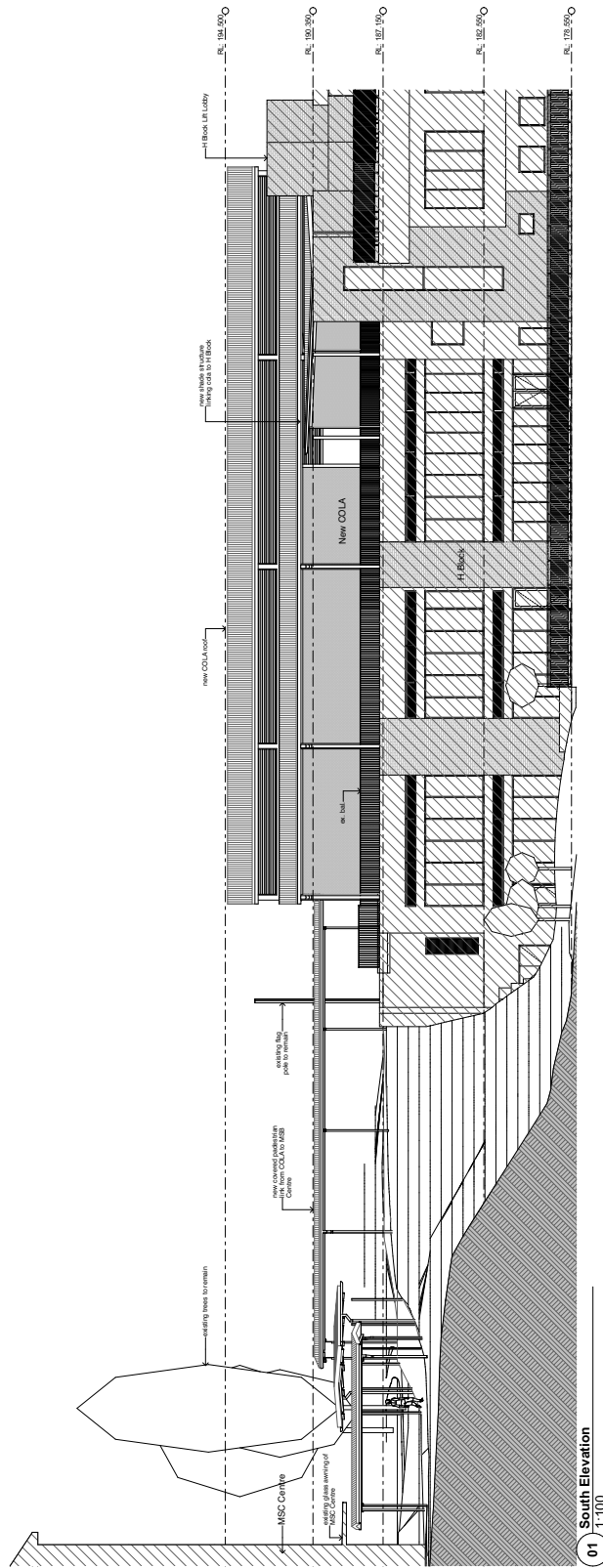
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Project No: 3228.25
 Drawing No: A0321
 Date: 10/12/2025

ATTACHMENT 2 - ITEM 2

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01 South Elevation
 1:100

Project No: 3228.25
 Drawing No: A0322
 Revision: P06
 Elevations 2

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Stanton Dahl Architects

Rev	Date	Description
001	10/12/2025	Development Application
002	27/10/2025	Final Development Application
003	01/12/2025	Final Development Application
004	05/12/2025	Final Development Application
005	05/12/2025	Final Development Application

All dimensions to be verified on site.
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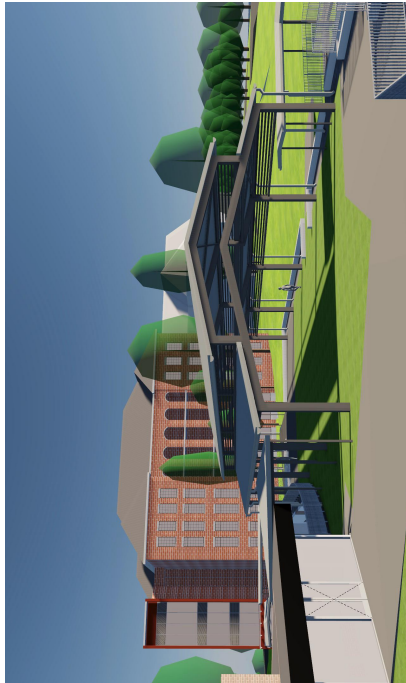
NOTE:
 1. All dimensions to be verified on site.
 2. All dimensions to be verified on site.
 3. All dimensions to be verified on site.
 4. All dimensions to be verified on site.
 5. All dimensions to be verified on site.

Legend
 existing building
 new building
 existing structure
 proposed structure
 existing structure
 proposed structure
 existing structure
 proposed structure
 existing structure
 proposed structure

Local Planning Panel meeting 29 April 2026

ATTACHMENT 2 - ITEM 2

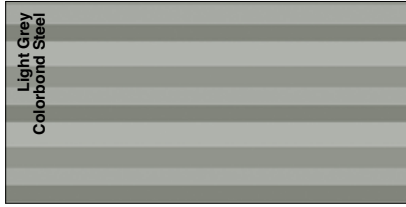
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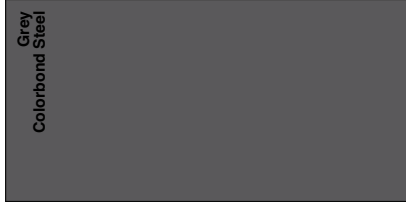
01 Perspective from East



02 Perspective from South East



Roofing



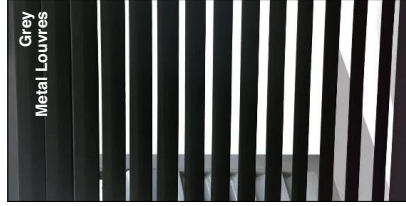
Gutters/Downpipes



Metal Mesh (Ball Fence)



Columns/Beams



Louvres/Screens



Balustrades/Handrails



All dimensions to be verified on site
 architect for determination, signed
 and stamped by the architect over
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Rev	Issue	Description	Application
001	05/12/2025	Issue for Development Application	
002	06/12/2025	Issue for Development Application	
003	06/12/2025	Issue for Development Application	

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Project No: 3228.25
 Drawing No: A07/01
 Revision: P03
 Materials & Finishes

Date: 06/12/2025
 Checked: AD/PR
 Plot date: 16/12/2025
 Scale: as noted @ A1

ATTACHMENT 2 - ITEM 2