

# Modification of Development Consent

Section 4.55(1A) of the *Environmental Planning and Assessment Act 1979*

As delegate of the Minister for Planning under delegation issued on 9 March 2022, I approve the modification of the development consent referred to in Schedule 1, subject to the conditions in Schedule 2.



Aditi Coomar  
**Team Leader**  
**School Infrastructure Assessments**

Sydney

24 March 2022

## SCHEDULE 1

<b>Development consent:</b>	<b>SSD 8812</b> granted by the Executive Director, Infrastructure Assessments on 13 September 2019
<b>For the following:</b>	Alterations and additions to Cranbrook School comprising: <ul style="list-style-type: none"><li>• demolition of the existing War Memorial Hall and Mansfield buildings to facilitate the construction of the New Centenary Building;</li><li>• excavation of Hordern Oval to facilitate the construction of a subsurface car park and new aquatic and fitness centre (including public domain works to New South Head Road);</li><li>• new access driveway to the proposed car park, accessed off Rose Bay Avenue;</li><li>• use of the internal driveway between Victoria Road and Rose Bay Avenue to accommodate on campus 'kiss and ride' facility;</li><li>• construction of a new Hordern Oval Groundsman's facility;</li><li>• reinstatement of the Hordern Oval as a playing field;</li><li>• landscaping and general site improvements.</li></ul>
<b>Applicant:</b>	Cranbrook School
<b>Consent Authority:</b>	Minister for Planning and Public Spaces
<b>The Land:</b>	Lot 1 DP663630, Lot 9 to 18 DP9005, Lot A to C DP186768, 5 Victoria Road, Bellevue Hill
<b>Modification:</b>	<b>SSD-8812-Mod-3:</b> Minor modifications to the design of the loading bay, pram ramp and boundary fence adjacent to Rose Bay Avenue and amendments to Conditions E36 to E40 to remove indemnity requirements.

## SCHEDULE 2

The consent (SSD 8812) is modified as follows:

1. Schedule 2 – Part A – Administrative Conditions – Condition A12 is amended by the deletion of the ~~struckout~~ words/numbers and adding the words/numbers in **bold and underline** as follows:

A2. The development may only be carried out:

- (a) in compliance with the conditions of this consent;
- (b) in accordance with all written documents of the Planning Secretary;
- (c) generally in accordance with the EIS, Response to Submissions, and SSD-8812-Mod-2 and SSD-8812-Mod-3;
- (d) in accordance with the approved plans in the table below:

<b>Architectural plans prepared by Architectus Group Pty Ltd</b>			
<b>Dwg No.</b>	<b>Rev</b>	<b>Name of Plan</b>	<b>Date</b>
CR-DA-0051	1	Site & Context Analysis - Location Plan	20/04/2018
CR-DA-0063	2	Campus Analysis - Demolition Plan	26/04/2018
CR-DA-0064	2	Campus Analysis Demolition Axonometrics	26/04/2018
CR-DA-0065	2	Campus Analysis - Proposed Site Works	26/04/2018
CR-DA-0066	2	Campus Analysis - Proposed Site Works Axonometric	26/04/2018
CR-DA-2500	2	Campus Analysis - Existing and Proposed Sections	26/04/2018
CR-DA-4000	2	Finishes Board	07/08/2018
CB-DA-0002	1	Existing Plans	20/04/2018
CB-DA-0003	2	Demolition Plans	26/04/2018
CB-DA-1002	5	GA Plan – Roof Level	08/09/2020 <b><u>08/10/2021</u></b>
CB-DA-1003	5	GA Plan – Level 05	08/09/2020
CB-DA-1004	4	GA Plan – Level 04	08/09/2020
CB-DA-1005	<b><u>4 5</u></b>	GA Plan – Level 03	07/10/2020 <b><u>08/10/2021</u></b>
CB-DA-1006	4	GA Plan – Level 02	08/09/2020
CB-DA-1007	4	GA Plan – Level 01	08/09/2020
CB-DA-2001	4	GA Elevation – North – South	14/12/2018
CB-DA-2002	4	GA Elevation – East – West	14/12/2018
CB-DA-2501	3	GA Section AA – BB	14/12/2018
CB-DA-2502	3	GA Section CC – DD	14/12/2018
CB-DA-2503	3	GA Section – EE Building Height	14/12/2018
CB-DA-5001	1	Façade Section	07/08/2018
CB-DA-9001	2	Perspective 01	07/08/2018
CB-DA-9002	2	Perspective 02	07/08/2018
CB-DA-9003	2	Perspective 03	07/08/2018

CB-DA-9004	2	Perspective 04	07/08/2018
CB-DA-9005	1	Perspective 05	07/08/2018
AF-DA-0502	2	Demolition Oval GA Plan	16/04/2018
AF-DA-1001	<del>6</del> <b><u>7</u></b>	GA Plan 01 Oval	<del>07/10/2020</del> <b><u>08/10/2021</u></b>
AF-DA-1002	7	GA Plan B1 Concourse	07/10/2020
AF-DA-1003	4	GA Plan B2 Pool	07/10/2020
AF-DA-1004	2	GA plan B3 Subfloor	07/10/2020
AF-DA-2001	6	Elevations	29/01/2019
AF-DA-2501	5	Sections AA – CC	29/01/2019
AF-DA-2502	6	Sections DD – FF	07/10/2020
AF-DA-5001	1	Façade Section	07/08/2018
AF-DA-9001	2	Perspective 01	07/08/2018
AF-DA-9002	3	Perspective 02	07/08/2018
<b>Landscape Plans prepared by Arcadia Landscape Architecture</b>			
<b>Dwg No.</b>	<b>Rev</b>	<b>Name of Plan</b>	<b>Date</b>
100	9	Landscape Masterplan	September 2018
101	9	WMH Roof level – Landscape Plan	September 2018
102	9	WMH Level 03 – Landscape Plan	September 2018
103	9	WMH 02-00 – Landscape Plan	September 2018
104	9	ARC – Street Level Landscape Plan	September 2018
105	9	ARC – Oval Landscape Plan	September 2018

2. Schedule 2 – Part E – Prior to Issue of an Occupation Certificate – Condition E36 is amended by the deletion of the ~~struckout~~ words/numbers and adding the words/numbers in **bold and underline** as follows:

E36. Prior to the issue of the final Occupation Certificate and to ensure that all private structures on Council public road reserve are in accordance with Council’s “Policy for Managing Encroachments on Council Road Reserves” **(except to the extent it requires an indemnity)**, the person with the benefit of this consent, being the owner of Cranbrook School, must enter into a legal agreement with Council for the associated landscaping and placement of private structures on Council’s property.

3. Schedule 2 – Part E – Prior to Issue of an Occupation Certificate – Condition E37 is amended by the deletion of the ~~struckout~~ words/numbers and adding the words/numbers in **bold and underline** as follows:

E37. ~~The owner must enter into a legal agreement as follows:~~

- (a) ~~the registration on the title to the subject property to which this Public Positive Covenant pursuant to S88E of the Conveyancing Act 1919 burdening the subject~~

~~property and benefitting the Council providing for the indemnification of Council from any claims or actions, and the ongoing maintenance of any private structures encroaching on the public road reserve for which consent has been given, such as steps, retaining walls, sitting furniture, access ways, overhang balconies, awnings, signs and the like. This process has an estimated timeframe of 2 months.~~

- ~~(b) the wording of the Public Positive Covenant must be in accordance with Council's standard format and the Instrument must be registered at the Land Property Information office prior to the issue of the relevant Occupation Certificate.~~
- ~~(c) the property owner must pay Council monetary compensation for the Public Positive Covenant, as determined by the Council, and must also pay all of Council's associated costs.~~

~~*Note: The required wording of the Instrument can be downloaded from Council's website [www.woollahra.nsw.gov.au](http://www.woollahra.nsw.gov.au). The Principal Certifying Authority must supply a copy of the works as executed plans to Council together with the final Occupation Certificate.*~~

**E37. The legal agreement the owner must enter into and other requirements (referred to in Condition E36) must include provisions for the creation of a Public Positive Covenant pursuant to the Conveyancing Act 1919 burdening the subject property and benefitting the Council and providing for the ongoing maintenance of any private structures encroaching on the public road reserve for which consent has been given, such as steps, retaining walls, sitting furniture, access ways, overhang balconies, awnings, signs and the like.**

**E37A. The Public Positive Covenant instrument (referred to in condition E37) must be submitted to Council for approval prior to registration.**

**E37B. The Public Positive Covenant must be registered under the Real Property Act 1900 in the relevant folios of the Land prior to the issue of the relevant Occupation Certificate.**

~~***Note: The required wording of the Instrument can be downloaded from Council's website [www.woollahra.nsw.gov.au](http://www.woollahra.nsw.gov.au).***~~

**E37C. The property owner must reimburse Council's reasonable expenses incurred in the drafting, negotiation and registration of the legal agreement and Public Positive Covenant.**

4. Schedule 2 – Part E – Prior to Issue of an Occupation Certificate – Condition E38 is amended by the deletion of the ~~struckout~~ words/numbers and adding the words/numbers in **bold and underline** as follows:

~~E38. Prior to the issue of the final Occupation Certificate for the Aquatic and Fitness Centre, an easement for access must be created on the Cranbrook School Certificate of Title for any portion of the proposed footpath adjacent to New South Head Road and located within the School's property boundary.~~

**E38A. Prior to the issue of the final Occupation Certificate for the Aquatic and Fitness Centre:**

- (a) the owner must enter into a legal agreement for the procuring of an easement for access in favour of Woollahra Council from Cranbrook School in terms satisfactory to the Council under the Conveyancing Act**

**1919 permitting the public footpath structures to remain on Cranbrook School Property; and**

- (b) **the owner must create an easement for access on the Cranbrook School Certificate of Title for any portion of the proposed public footpath adjacent to New South Head Road and located within the School's property boundary.**

5. Schedule 2 – Part E – Prior to Issue of an Occupation Certificate – Condition E39 is deleted by the deletion of the ~~struckout~~ words/numbers and adding the words/numbers in **bold and underline** as follows:

E39. The owner must enter into a legal agreement as follows:

- (a) ~~the procuring of an easement for access in favour of Woollahra Council from Cranbrook School in terms satisfactory to the Council under the Conveyancing Act 1919 permitting the public footpath structures to remain on Cranbrook School Property; and~~
- (b) ~~the property owner must pay of all Council's associated costs with the legal agreement.~~

**E39A. The easement for access in favour of Woollahra Council from Cranbrook School (referred to in condition E38) must be submitted to Council for approval prior to registration.**

**E39B. The easement for access must be registered under the Real Property Act 1900 in the relevant folios of the Land prior to the issue of the relevant Occupation Certificate.**

**E39C. Cranbrook School must pay Council's reasonable associated costs with the drafting, negotiation and registration of the legal agreement and easement for access.**

6. Schedule 2 – Part E – Prior to Issue of an Occupation Certificate – Condition E40 is amended by the deletion of the ~~struckout~~ words/numbers and adding the words/numbers in **bold and underline** as follows:

- E40. On completion of construction work, stormwater drainage works must be certified by a professional engineer with Works-As-Executed drawings submitted to the Principal Certifying Authority detailing:
- (c) compliance with conditions of development consent relating to stormwater;
- (d) the structural adequacy of the on-site detention system (OSD);
- (e) that the works have been constructed in accordance with the approved design and will provide the detention storage volume and attenuation in accordance with the submitted calculations;
- (f) pipe invert levels and surface levels to Australian Height Datum; **and**
- (g) contours indicating the direction in which water will flow over land should the capacity of the pit be exceeded in a storm event exceeding design limits; ~~and~~
- (h) ~~prior to the issue of a final Occupation Certificate, a positive Covenant pursuant to Section 88E of the Conveyancing Act 1919 must be created on the title of the subject property, providing for the indemnification of Council from any claims or actions and for the on-going maintenance of the on-site detention system and/or absorption trenches, including any pumps and sumps incorporated in the development. The wording of the Instrument must be in accordance with Council's standard format and the Instrument must be registered at the Lands Title Office.~~

**E40A. Prior to the issue of a final Occupation Certificate, a positive Covenant pursuant to Section 88E of the Conveyancing Act 1919, must be created on the title of the property, providing for the ongoing maintenance of the on-site detention system and/or absorption trenches, including any pumps and sumps incorporated in the development.**

**E40B. The positive covenant (referred to in condition E40A) must be submitted to Council for approval prior to registration.**

**E40C. Following the approval of Council, as required by condition E40B, the positive covenant must then be registered under the Real Property Act 1900 in the relevant folios of the Land prior to the issue of the Occupation Certificate.**

End of modification  
(SSD-8812-Mod-3)