

Modification of Development Consent

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

As delegate of the Minister for Planning and Public Spaces, I approve the modification of the development consent referred to in Schedule 1, subject to the conditions in Schedule 2.



Karen Harragon
Director
Social and Infrastructure Assessments
as delegate of the Minister for Planning and Public Spaces

Sydney

28 October 2020

SCHEDULE 1

Development consent: **SSD-9772** granted by the Independent Planning Commission on 21 April 2020

For the following: Construction and operation of a new school, named Santa Sophia Catholic College, comprising:

- construction of a new four - six storey school with 15,087.74sqm of gross floor area, accommodating:
 - a centre-based childcare facility for the establishment of a Catholic Early Learning Centre (CELC) for 60 students
 - general learning spaces, creative hub, performance hubs, open space, sporting facilities and out-of-school hours (OOSH) care for a maximum 1860 Kindergarten to Year 12 students.
- 130 full-time equivalent staff.
- associated site landscaping and open space, including fencing and recreation facilities.
- establishment of a bus zone on future Fontana Drive adjoining the western boundary of the site.
- establishment of student drop-off /pick-up zones on future Road B and Fontana Drive (south of Red Gables Road).
- provision of 10 short-term parking for drop-off /pick-up car spaces on the site with access from Red Gables Road.
- landscaping and stormwater management works.
- installation of digital and non-digital school signage.

Applicant: Santa Sophia Catholic College

Consent Authority: Minister for Planning and Public Spaces

The Land: No. 10 Red Gables Road, Box Hill (Lot 1 DP 1237552)

Modification: **SSD-9772-Mod-1:** Amendments to the approved development as follows:

- inclusion of two vehicular crossings and associated pavements;
- amendments to the operational hours for the café/canteen to align, in part, with the operating hours of the school; and
- amendments to the conditions in relation to post-approval compliance reporting and independent audit requirements.

SCHEDULE 2

The consent (SSD 9772) is modified as follows:

- a) ‘**Definitions**’ be amended by the insertion of the bold and underlined words as follows:

Compliance Reporting Post Approval Requirements

Compliance Reporting Post Approval Requirements as available on the Department’s website

Independent Audit Post Approval Requirements

Independent Audit Post Approval Requirements as available on the Department’s website

- b) Schedule 2 Part A (Administrative conditions) is amended by the insertion of the **bold and underlined** words / numbers and deletion of the struckout words/numbers as follows:

Terms of Consent

A2. The development may only be carried out:

- (a) in compliance with the conditions of this consent;
- (b) in accordance with all written directions of the Planning Secretary;
- (c) generally, in accordance with the EIS, Response to Submissions ~~and~~, Supplementary Response to Submissions **and SSD-9772-Mod-1**;
- (d) in accordance with the approved plans in the table below:

Architectural plans prepared by BVN			
Dwg No.	Rev	Name of Plan	Date
AR-SS-A01-00-01	A	SSDA_COVER SHEET	13/02/2020
AR-SS-A10-00-01	B	OVERALL SITE PLAN	11/02/2020
AR-SS-B10-00-01	B	SSDA_OVERALL PLAN - LEVEL 00	11/02/2020
AR-SS-B10-01-01	B	SSDA_OVERALL PLAN - LEVEL 01	11/02/2020
AR-SS-B10-02-01	B	SSDA_OVERALL PLAN - LEVEL 02	11/02/2020
AR-SS-B10-03-01	B	SSDA_OVERALL PLAN - LEVEL 03	11/02/2020
AR-SS-B10-04-01	B	SSDA_OVERALL PLAN - LEVEL 04	11/02/2020
AR-SS-B10-05-01	B	SSDA_OVERALL PLAN - LEVEL 05	11/02/2020
AR-SS-B10-06-01	B	SSDA_OVERALL PLAN - ROOF PLAN	11/02/2020
AR-SS-C10-NL-01	A	SSDA_ELEVATIONS - NORTH AND EAST	11/02/2020
AR-SS-C10-NL-02	A	SSDA_ELEVATIONS - SOUTH AND WEST	11/02/2020
AR-SS-D10-NL-01	A	SSDA_OVERALL SECTIONS - 1	11/02/2020
AR-SS-P43-NL-02	6	SSDA_EXTERNAL MATERIAL FINISHES	20/09/2019
AR-SS-P43-NL-03	6	SSDA_FACADE SECTIONS	20/09/2019
N/A	Issue C	SANTA SOPHIA CATHOLIC COLLEGE SSDA 9772 – RESPONSE TO SUBMISSIONS – SIGNAGE – 12.1 SIGN LOCATIONS, PAGE 126	11/02/2020
N/A	Issue C	SANTA SOPHIA CATHOLIC COLLEGE SSDA 9772 – RESPONSE TO SUBMISSIONS – SIGNAGE – 12.1 SIGN TYPES, PAGE 127	11/02/2020
Landscape Plans prepared by Ground Ink			
Dwg No.	Rev	Name of Plan	Date

LAN-GI-SC-XX-NL-002	I	OVERALL SITE PLAN	12/02/2020
LAN-GI-SC-XX-00-001	I	LEVEL 00	12/02/2020
LAN-GI-SC-XX-01-001	I	LEVEL 01	12/02/2020
LAN-GI-SC-XX-02-001	I	LEVEL 02	12/02/2020
LAN-GI-SC-XX-02-003	I	LEVEL 02 ELEVATIONS	12/02/2020
LAN-GI-SC-XX-03-001	I	LEVEL 03	12/02/2020
LAN-GI-SC-XX-04-001	I	LEVEL 04	12/02/2020
LAN-GI-SC-XX-05-001	I	LEVEL 05	12/02/2020
Civil Works prepared by Taylor Thomson Whitting			
Dwg No.	Rev	Name of Plan	Date
SKC01	P4	COVER SHEET AND DRAWING LIST	15/05/2019
SKC02	P4	GENERAL NOTES	15/05/2019
SKC104	P5	SITWORKS AND STORMWATER PLAN – LEVEL 0	15/05/2019
SKC105	P5	SITWORKS AND STORMWATER PLAN – LEVEL 1	15/05/2019
SKC03	P3	STORMWATER DETAILS	15/05/2019
<u>C400</u>	<u>P1</u>	<u>COVER SHEET AND GENERAL NOTES</u>	<u>11/08/2020</u>
<u>C401</u>	<u>P3</u>	<u>LOCALITY PLAN</u>	<u>09/09/2020</u>
<u>C410</u>	<u>P3</u>	<u>FONTANA DRIVE DRIVEWAY PLAN AND SECTIONS</u>	<u>09/09/2020</u>
<u>C411</u>	<u>P2</u>	<u>FUTURE ROAD B DRIVEWAY PLAN AND SECTIONS</u>	<u>09/09/2020</u>
<u>C420</u>	<u>P1</u>	<u>DETAILS SHEET</u>	<u>11/08/2020</u>

Revision of Strategies, Plans and Programs

A31. Within three months of:

- (e) the submission of a compliance report under condition C18 **A34**;
- (f) the submission of an incident report under condition A26;
- (g) the submission of an Independent Audit under condition D4;
- (h) the approval of any modification of the conditions of this consent; or
- (i) the issue of a direction of the Planning Secretary under condition A1 which requires a review,

the strategies, plans and programs required under this consent must be reviewed, and the Planning Secretary and the Certifier must be notified in writing that a review is being carried out.

Compliance Reporting

A33. Compliance Reports of the project must be carried out in accordance with the Compliance Reporting Post Approval Requirements (2020).

A34. Compliance Reports must be submitted to the Department in accordance with the timeframes set out in the Compliance Reporting Post Approval Requirements (2020), unless otherwise agreed by the Planning Secretary.

A35. The Applicant must make each Compliance Report publicly available 60 days after submitting it to the Planning Secretary.

A36. Notwithstanding the requirements of the Compliance Reporting Post Approval Requirements (2020), the Planning Secretary may approve a request for ongoing annual operational compliance reports to be ceased, where it has been demonstrated to the Planning Secretary's satisfaction that an operational compliance report has demonstrated operational compliance.

- c) Schedule 2 Part B (Prior to the issue of Construction Certificate) by the addition of the following condition:

Design Amendments

B1A. Prior to the issue of any relevant construction certificate, all relevant plans (including site plan, stormwater plan and landscape plans), listed in condition A2, must be updated to the satisfaction of the Certifier to include the proposed vehicular crossings and pavements approved in SSD-9772-Mod-1.

B1B. The amended landscape plans required by condition B1A must include the relocation of the street tree proposed to be removed due to the vehicular crossing on future Fontana Drive.

- d) Schedule 2 Part C (Prior to Commencement of Construction) by the deletion of the struckout words/numbers as follows:

Compliance Reporting

~~**C18.** No later than two weeks before the date notified for the commencement of construction, a Compliance Monitoring and Reporting Program prepared in accordance with the Compliance Reporting Post Approval Requirements (Department 2018) must be submitted to the Planning Secretary and the Certifier.~~

~~**C19.** Compliance Reports of the project must be carried out in accordance with the Compliance Reporting Post Approval Requirements (Department 2018).~~

~~**C20.** Compliance Reports of the development must be submitted to the Planning Secretary in accordance with timing outlined in the Compliance Monitoring and Reporting Program.~~

~~**C21.** The Applicant must make each Compliance Report publicly available 60 days after submitting it to the Planning Secretary and notify the Planning Secretary and the Certifier in writing at least seven days before this is done.~~

~~**C22.** Notwithstanding the requirements of the Compliance Reporting Post Approval Requirements (Department 2018), the Planning Secretary may approve a request for ongoing annual operational compliance reports to be ceased, where it has been demonstrated to the Planning Secretary's satisfaction that an operational compliance report has demonstrated operational compliance.~~

- e) Schedule 2 Part D (During Construction) by the insertion of the **bold and underlined** words / numbers and deletion of the struckout words/numbers as follows:

Independent Environmental Audit

~~D4. Prior to the commencement of construction, an Independent Audit Program prepared in accordance with the Independent Audit Post Approval Requirements (Department 2018) must be submitted to the Planning Secretary and the Certifier.~~

D4. Independent Audits of the development must be conducted and carried out in accordance with the Independent Audit Post Approval Requirements (2020).

~~D5. Table 1 of the Independent Audit Post Approval Requirements (Department 2018) is amended so that the frequency of audits required in the construction phase is:~~

~~(a) An initial construction Independent Audit must be undertaken within eight weeks of the notified commencement date of construction; and~~

~~(b) A subsequent Independent Audit of construction must be undertaken no later than six months from the date of the initial construction Independent Audit.~~

~~D6. The Planning Secretary may require the initial and subsequent Independent Audits to be undertaken at different times to those specified above, upon giving at least four weeks' notice to the applicant of the date upon which the audit must be commenced.~~

D5. The Planning Secretary may require the initial and subsequent Independent Audits to be undertaken at different times to those specified above, upon giving at least 4 weeks' notice to the applicant of the date or timing upon which the audit must be commenced.

- ~~D7. Independent Audits of the development must be carried out in accordance with:~~
- ~~(a) the Independent Audit Program submitted to the Planning Secretary and the Certifier under condition D4 of this consent; and~~
 - ~~(b) the requirements for an Independent Audit Methodology and Independent Audit Report in the Independent Audit Post Approval Requirements (Department 2018).~~
- D8. In accordance with the specific requirements in the Independent Audit Post Approval Requirements (Department 2018-**2020**), the Applicant must:
- (a) review and respond to each Independent Audit Report prepared under condition D4 of this consent;
 - (b) submit the response to the Planning Secretary and the Certifier; and
 - (c) make each Independent Audit Report and response to it publicly available 60 days after submission to the Planning Secretary and notify the Planning Secretary and the Certifier in writing at least seven days before this is done.
- ~~D9. Independent Audit Reports and the Applicant's response to audit findings must be submitted to the Department within 21 days of the date referenced in the Independent Audit Program, unless otherwise agreed by the Planning Secretary.~~
- D9. Independent Audit Reports and the Applicant's response to audit findings must be submitted to the Planning Secretary within 2 months of undertaking the independent audit site inspection as outlined in the Independent Audit Post Approval Requirements (2020), unless otherwise agreed by the Planning Secretary.**
- D10. Notwithstanding the requirements of the Independent Audit Post Approval Requirements (Department 2018-**2020**), the Planning Secretary may approve a request for ongoing annual operational audits to be ceased, where it has been demonstrated to the Planning Secretary's satisfaction that an audit has demonstrated operational compliance.
- f) Schedule 2 Part F (Post Occupation) by the insertion of the **bold and underlined words / numbers** and deletion of the struckout words/numbers as follows:

Roadworks, Access and car parking provisions

- E16.** Within 3 months of issue of the Occupation Certificate and prior to the attendance of students (including CELC students), the Applicant must submit information to the Planning Secretary, demonstrating that the following works have been completed and are operational:
- (a) including construction of future Fontana Drive extension on the western frontage of the site,
 - (b) future Road B on the northern frontage of the site;
 - (c) drop-off / pick-up zone with 12 cars on future Road B and a bus zone (for five buses) on future Fontana Drive (adjoining the site); ~~and~~
 - (d) temporary car park on the eastern side of the site as approved by DA 29-2020 HA;
 - (e) provision of the required vehicular crossings on future Fontana Drive and future Road B; and**
 - (f) evidence of necessary approvals from Council and / or relevant roads authorities (if applicable).**

Operational Transport and Access Management Plan (OTAMP)

- E23. Prior to the commencement of operation, an OTAMP is to be prepared by a suitably qualified person, in consultation with Council, TfNSW and TfNSW (RMS), and submitted to the satisfaction of the Planning Secretary. The OTAMP must address the following:
- (a) detailed pedestrian analysis including the identification of safe route options – to identify the need for management measures such as staggered school start and finish times to ensure students

and staff are able to access and leave the site in a safe and efficient manner during school start and finish;

- (b) the location of and access to all car parking spaces on the school campuses and off-site and their allocation (i.e. staff, visitor, accessible, emergency, etc.);
- (c) the location and operational management procedures of the drop-off /pick-up zones located within future Road B and future Fontana Drive, including access procedures (for the Fontana Drive zone) and staff management / traffic controller arrangements, generally in accordance with the recommendations contained in the Technical Note prepared by Ason Group and dated 19 December 2019, which accompanied the Applicant's Response to Submissions Addendum;
- (d) the location and operational management procedures for the Fontana Drive bus zone for daily school drop-off /pick-up operations, for excursions and sporting activities, including staff management/traffic controller arrangements;
- (e) details of a private school bus service required by condition E19, including bus routes and service times; and
- (f) details of parking arrangements for drop-off / pick-up of children using the OOSH;
- (g) delivery and services vehicle and bus access and management arrangements;
- (h) management of approved access arrangements;
- (i) potential traffic impacts on surrounding road networks and mitigation measures to minimise impacts, including measures to mitigate queuing impacts associated with vehicles accessing the drop-off / pick-up zones;
- (j) car parking arrangements and management associated with the proposed use of school facilities by community members and events; ~~and~~
- (k) a monitoring and review program; **and**
- (l) a plan to ensure safe reversing movements by trucks accessing the substation on future Fontana Drive (including delivery / loading times restricted outside of school hours).**

- g) Schedule 2 Part F (Post Occupation) by the insertion of the **bold and underlined** words / numbers and deletion of the struckout words/numbers as follows:

Operating hours

F5. The operating hours of the premises are restricted to the following:

- (m) School: 6am to 6pm, Monday to Friday;
- (n) CELC: 6am to 6:30pm, Monday to Friday (with outdoor play times restricted between 7am – 6pm);
- (o) OOSH: 6am to 9am and 4pm to 7pm, Monday to Friday; and
- (p) Use of multipurpose hall for community use: 3pm and 10pm, Monday to Friday.
8am to 10pm Saturday and Sunday.
- (q) Café / canteen: ~~3pm~~ **7am** to 10pm, Monday to Friday and 8am to 10pm Saturday and Sunday.

**End of modification
(SSD 9772 MOD 1)**