



SECTION 4.55(1A) REPORT – MOD 3

State Significant Development – SSD-9972

Santa Sophia Catholic College
Catholic Schools Parramatta Diocese

planning today, shaping tomorrow

www.epmprojects.com.au

Revision No.: B

Revision Date: 27 March 2025

Project Revision History:

Version	Prepared By	Reviewed By	Issued To	Date
A	A Cropley	S Earp	Client	14 August 2024
B	A Cropley	S Earp	DPHI	27 March 2025

Contents

1	Introduction	5
1.1	Commission	5
1.2	Background and Consent History	5
1.3	Site Information	6
1.4	Summary of Proposed Modifications	8
2	Strategic Context	9
3	Description of Modifications	11
3.1	Proposed Modifications	11
3.2	Proposed Amendments to Conditions of Consent	15
3.3	Section 4.55(1A) Assessment	17
4	Statutory Context	19
4.1	Environmental Planning Instruments	19
4.2	Development Control Plans	20
4.3	Likely Impacts of the development	21
4.4	Suitability of the Site for the Development	26
4.5	The Public Interest	26
5	Justification of Modified Proposal	27
	Glossary and Abbreviations	28
	Appendix A: Statutory Compliance Tables	29
	Appendix B: Architectural Plans	37
	Appendix C: Traffic Technical Note (TN1) – 16 July 2024	38
	Appendix D: Traffic Technical Note (TN2) – 4 March 2025	39
	Appendix E: Acoustic Report	40
	Appendix F: BCA Report	41

Figures

Figure 1	Regional Context showing the site in the context of the Box Hill North (Gables) urban release area (Source: NSW Planning Portal Spatial Viewer)	7
Figure 2	Aerial photograph of the site and its immediate surrounds. Location of the child care centre is identified in red (Source: Nearmap dated 26 June 2024)	7
Figure 3	Extract of approved Overall Plan – Level 01 (Source: BVN Drawings AR-SS-B10-01-01 dated 11 February 2020)	8
Figure 4	Extract of approved Level 1 floor plan of Ambrose CELC (Source: SSD-9772)	13
Figure 5	Extract of proposed Level 1 floor plan of the CELC (Source: Alleanza Architecture)	13
Figure 6	Proposed Floor Plan (Source: Alleanza Architecture)	14
Figure 7	Extract of approved south elevation (Source: SSD-9772)	14
Figure 8	Extract of proposed south elevation (Source: Alleanza Architecture)	14
Figure 9	Traffic Generation Rates (Source: Ason Group)	21
Figure 10	Parking rates under the DCP (Source: Ason Group)	22
Figure 11	Parking Utilisation Survey of existing CELC carpark – 14 May 2024 (Source: Ason Group)	22
Figure 12	Additional parking utilisation survey – November 2024 (Source: Ason Group)	23
Figure 13	Predicted activity noise levels to residential receiver from outdoor play area (Source: PWNA)	24
Figure 14	Predicted activity noise levels to commercial receiver from outdoor play area (Source: PWNA)	24
Figure 15	Predicted activity noise levels to residential and commercial receivers from indoor play area (Source: PWNA)	25

Table

Table 1	Site Approval History	5
Table 2	Site Information	6
Table 3	Strategic Context	9
Table 4	Modified Project Summary Table	11
Table 5	Indoor and outdoor unencumbered space	19
Table 6	Other relevant Environmental Planning Instruments	19
Table 7	State Environmental Planning Policy (Transport and Infrastructure) 2021	29
Table 8	Child Care Planning Guidelines	31
Table 9	Assessment against the National Quality Framework Assessment Checklist	34
Table 10	The Hills Local Environmental Plan 2019	36

1 Introduction

1.1 Commission

EPM Projects have been engaged by Catholic Schools Parramatta Diocese (CSPD) (formerly known as the Catholic Education Diocese of Parramatta) to prepare a Section 4.55(1A) modification application (MOD 3) to State Significant Development Application (SSDA) SSD-9972 for Santa Sophia Catholic College (the College) at Lot 1 Deposited Plan (DP) 1237552, 1 Lakefront Crescent, Gables (formerly 10 Red Gables Road, Box Hill North)

The proposed modification seeks to increase student numbers for the approved Ambrose Catholic Early Learning Centre (CELC) from 60 children to 80 children (an increase in 20 children), increase number of CELC staff by two (2), along with alterations and additions to the CELC to accommodate the additional children and meet the requirements under the *Education and Care Services National Regulations* (the National Regulations). This is in response to the growing need for child care centre placements identified across the Western Sydney region, as discussed further in **Section 5**.

This Modification Report has been prepared with regard to the requirements of the *State Significant Development Guidelines* (the SSD Guidelines) and in particular *Appendix E Preparing a modification report* as required under section 99(2) of the *Environmental Planning and Assessment Regulation 2021* (the EP&A Regulation). The Modification Report addresses the relevant requirements under section 4.55(1A) of the *Environmental Planning and Assessment Act 1979* (the EP&A Act).

1.2 Background and Consent History

Table 1 provides an overview of the previous development consents issued in relation to the site.

Table 1 Site Approval History			
DA Number	Approval Date	Consent Authority	Description
DA/1713/2019/HA	16/08/2019	The Hills Shire Council (Council)	Bulk Earthworks (for the future construction of Santa Sophia Catholic College).
DA/29/2020/HA	21/10/2019	Council	Construction of a temporary 110 space car park to service the Santa Sophia Catholic College (Lot 22 in DP1256674)
SSD-9772	21/04/2020	Independent Planning Commission (IPC)	<p>Construction and operation of a new school, named Santa Sophia Catholic College, comprising:</p> <ul style="list-style-type: none"> construction of a new four - six storey school with 15,087.74sqm of gross floor area, accommodating: <ul style="list-style-type: none"> 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.

Table 1 Site Approval History			
DA Number	Approval Date	Consent Authority	Description
SSD-9772 MOD 1 (Modification 1)	28/10/2020	Department of Planning and Environment	Amendments to the approved development as follows: <ul style="list-style-type: none"> The inclusion of two vehicular crossings and associated pavement. Amendments to the operational hours for the café/canteen to align with the operating hours of the Santa Sophia College (the school). Amendments to the conditions in relation to post-approval compliance reporting requirements to align with the Department's current requirements.
SSD-9772 MOD 2 (Modification 2)	28/09/2021	Department of Planning and Environment	Amendments to conditions to: <ul style="list-style-type: none"> reflect changed land ownership, timing and shared use agreements (Condition E3); modify location of the permanent car parking location (Condition A7, E6, E7 and E8); and remove the requirement for restriction on title of the temporary carpark (Conditions E4, E5 and E6).

1.3 Site Information

Table 2 provides a summary of the site information. **Figure 1** identifies the site in its regional context. **Figure 2** is an aerial photograph of the site and its immediate surrounds.

Table 2 Site Information	
Item	Description
Address	1 Lakefront Crescent, Gables (formerly 10 Red Gables Road, Box Hill North)
Lot and DP	Lot 1 DP 1237552
Local Government Area	The Hills Shire
Site Description	<p>The site comprises existing school buildings for K-12 education, including (but not limited to), administration areas, a library, staff area, parking, general learning areas (GLAs) and outdoor recreation/play space.</p> <p>Vehicular access to the site is provided from Red Gables Road via the site's access handle. A bus zone and student drop-off/pick-up zones are provided on Lakefront Crescent and Fontana Drive. Temporary staff and student car parking is located within the future Gables Town Centre on the adjoining allotment to the west, legally described as Lot 22 in DP1256674.</p>
Surrounding Development	<p>The site is located within an area undergoing rural to urban transformation. The site and surrounding locality were rezoned in 2015 and form part of an urban release area (originally known as the Box Hill North urban release area) within the north-west corner of The Hills local government area (LGA). Land uses surrounding generally comprise greenfield residential development, a future local centre and land for public recreation use.</p> <p>The site is bound by Lakefront Crescent and Fontana Drive to the north-east and north-west respectively, a temporary food and drink premises with associated parking and landscaping adjoins to the south-west of the site with the future Gables Town Centre on the adjoining eastern lot.</p>

The Ambrose CELC is located in the south-west corner of the site on level 1 of 'Building South' (**Figure 3**). Entry to the Ambrose CELC is from the dedicated CELC car park that is accessed via the driveway from Red Gables Road. The existing CELC includes a reception area, staff room, offices, kitchen, laundry, staff and child's amenities, nappy change area, 'gallery' indoor play space and storage room. There are two (2) CELC outdoor play spaces that are accessed directly from the indoor play area.

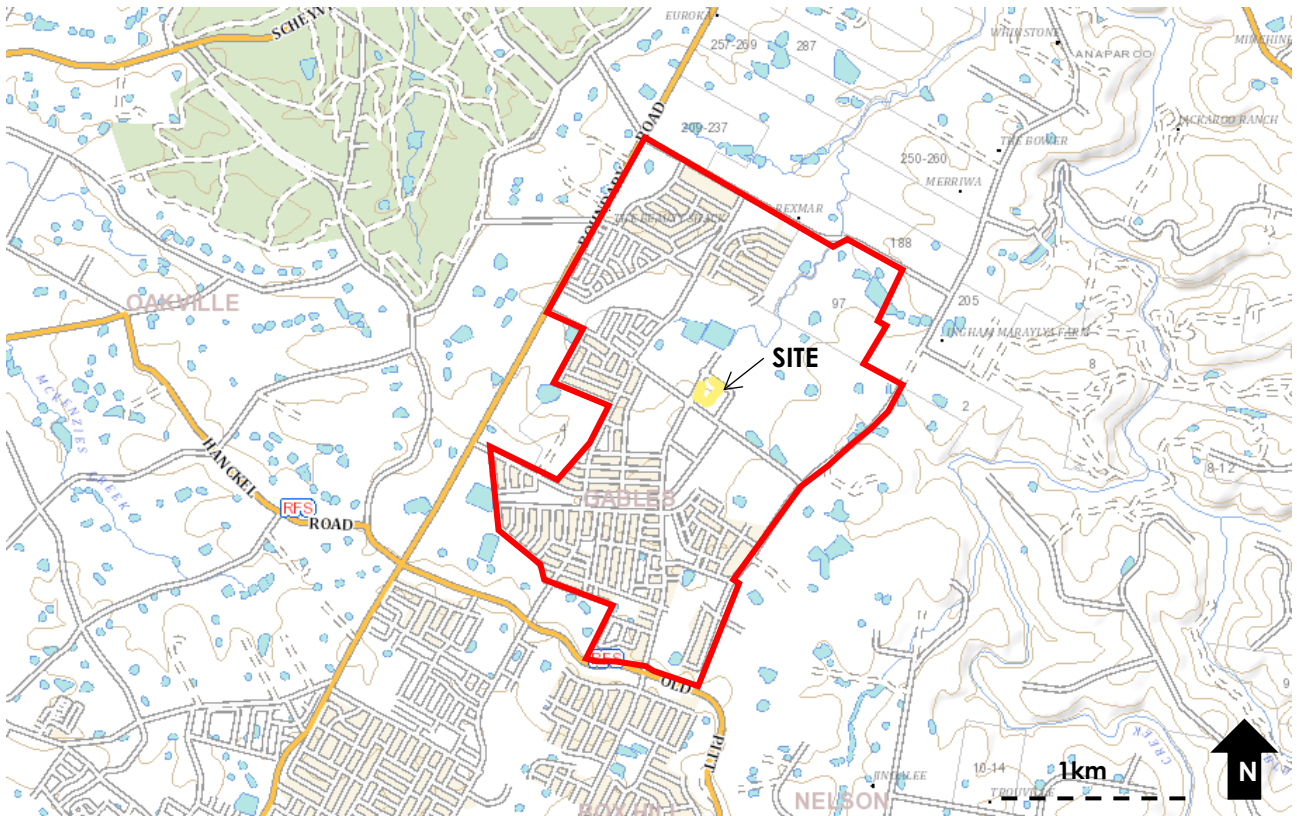


Figure 1 Regional Context showing the site in the context of the Box Hill North (Gables) urban release area (Source: NSW Planning Portal Spatial Viewer)

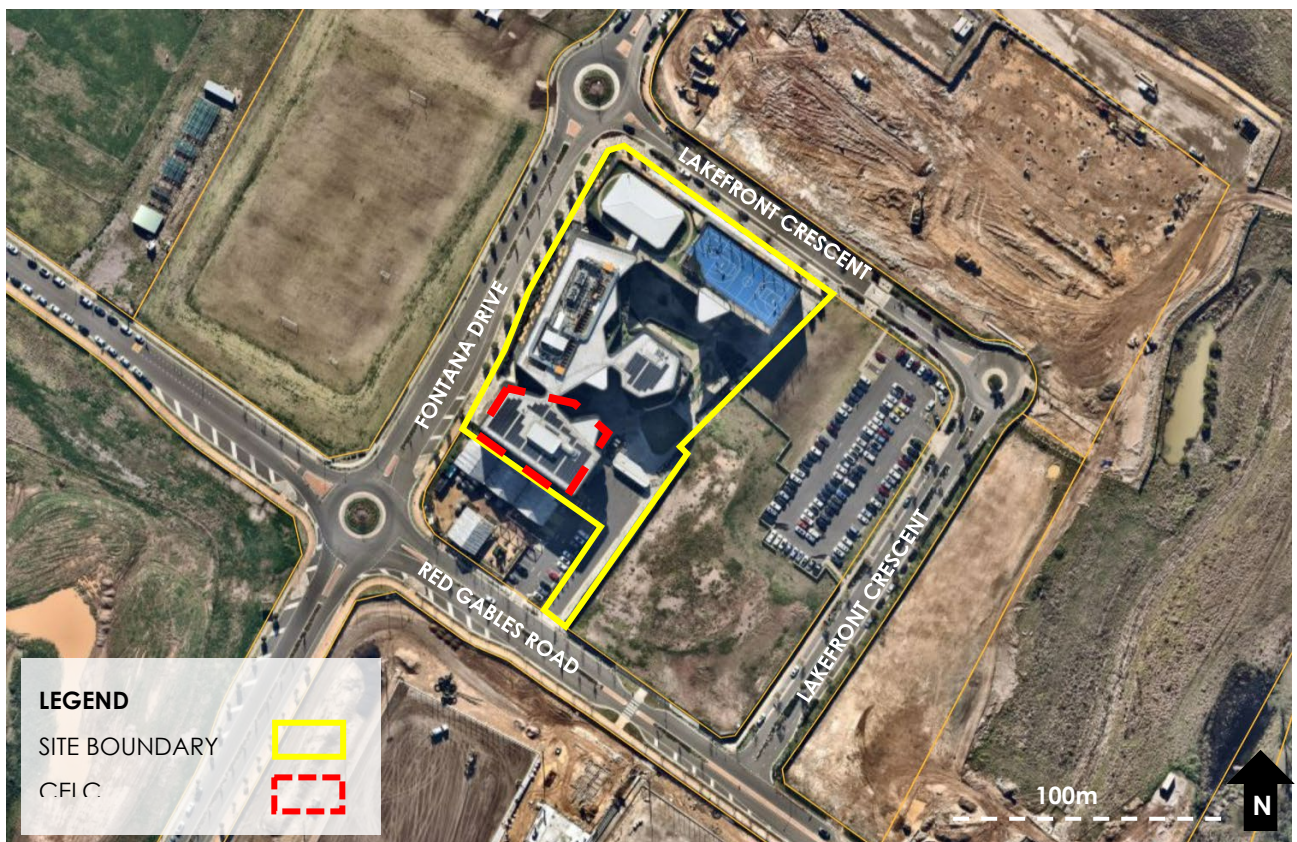


Figure 2 Aerial photograph of the site and its immediate surrounds. Location of the child care centre is identified in red (Source: Nearmap dated 26 June 2024)

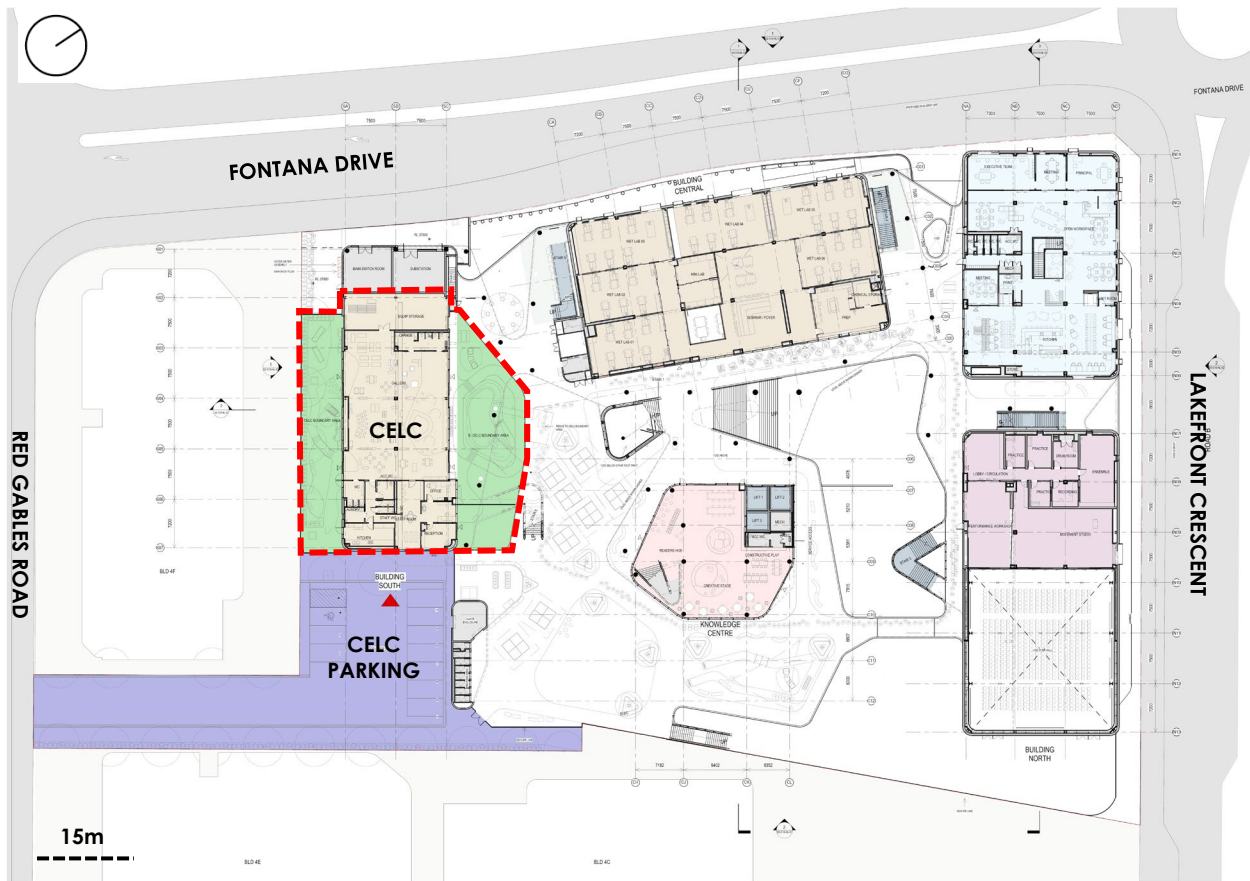


Figure 3 Extract of approved Overall Plan – Level 01 (Source: BVN Drawings AR-SS-B10-01-01 dated 11 February 2020)

1.4 Summary of Proposed Modifications

The proposed modifications to the SSD comprise:

- Increase in student numbers for the Ambrose CELC from 60 children to 80 children (increase in 20 children)
- Increase in staff numbers for the ELC by two (2) staff increasing the total number of full time equivalent (FTE) staff within the approved development to 132.
- Alterations and additions to the ELC to meet the requirements under the *Education and Care Services National Regulation, State Environmental Planning Policy (Transport & Infrastructure) 2021 (T&I SEPP)*, and *Child Care Planning Guidelines (2021)*.

2 Strategic Context

The following table (**Table 3**) provide an overview of the strategic context and consideration of the modifications accordingly. This includes an assessment of strategic documents that have been released since the submission of the original SSDA application in 2019 (identified in yellow fill).

Table 3 Strategic Context	
Document	Comment
NSW Premier's Priorities Key policy priorities are: <ul style="list-style-type: none"> • A strong economy • Highest quality education • Well-connected communities with quality local environments • Putting customer at the centre of everything we do • Breaking the cycle of disadvantage. 	Generally, the modifications to the approved Ambrose CELC at Santa Sophic Catholic College are consistent with key policy priorities "highest quality education" and "well connected communities with quality local environments", as it will provide additional capacity with an existing child care facility to support the growing population and provides a safe, inclusive and accessible learning environment.
State Infrastructure Strategy 2022 – 2042: Staying Ahead Infrastructure NSW (2022)	The <i>State Infrastructure Strategy</i> (SIS) is Infrastructure NSW's 20-year vision for infrastructure investment priorities across NSW. The SIS recommends a mix of small, medium and large-scale projects across the State's metropolitan and regional areas. The proposed modification is consistent with the strategic direction to coordinate infrastructure, land use and service planning to meet future housing, employment, industry and community needs, as it provides additional child care places to cater the growing population within an urban release area.
Future Transport Strategy: Our vision for transport in NSW Transport for NSW (2022) High level outcomes: <ul style="list-style-type: none"> • Connecting our customer's whole lives • Successful places for communities • Enabling economic activity 	The <i>Future Transport Strategy</i> (2022) sets Transport for NSW's (TfNSW) vision for safe, healthy, sustainable, accessible, and integrated passenger and freight journeys in NSW. The aim of the Future Transport Strategy is to connect customers and communities with safe, reliable, sustainable and integrated transport systems. It is one of a suite of NSW Government policies that seek to integrate and guide land use and transport planning across the state. The proposed modification is generally consistent with the high-level outcomes of the Future Transport Strategy.
Better Placed: An integrated design policy for the built environment of NSW Government Architect NSW (2017)	The proposed modifications to the child care centre have been designed with regard to the design quality principles as set out in the Government Architect NSW's Better Placed design policy.
Healthy Urban Development Checklist NSW Health (2009)	The proposed development remains consistent with the relevant aspects of the Healthy Urban Development Checklist including: <ul style="list-style-type: none"> • Development provides opportunities for local children to access usable and quality outdoor spaces and facilities. • The proposed development provides additional child care places within an established child care centre improving the range of social infrastructure available existing and future residents of The Gables.
Crime Prevention Through Environmental Design	The proposed modifications are consistent with the four (4) universal design principles of Crime Prevention Through Environmental Design (CPTED), which are aimed at assessing crime risk and reducing preventable risk.
Greater Sydney Region Plan (2018)	The proposed modifications are consistent with the vision, directions and objectives of the <i>Greater Sydney Region Plan – A Metropolis of Three Cities</i> by providing for additional child care places within the proposed Gables Town Centre.
Central City District Plan (2018)	The site is located within the Central City District. The proposed development remains consistent with the following planning priorities identified in the Central City District Plan including: <ul style="list-style-type: none"> • Planning Priority C1 Planning for a city supported by infrastructure

Table 3 Strategic Context	
Document	Comment
	<ul style="list-style-type: none"> Planning Priority C3 Providing services and infrastructure to meet people's changing needs
Sydney's Cycling Future Transport for NSW (2013)	<i>Sydney's Cycling Future 2013</i> aims to make cycling a safe, convenient, and enjoyable option for short trips. The proposed modifications do not impact the development's consistency with the three pillars of <i>Sydney's Cycling Future</i> .
Sydney's Walking Future Transport for NSW (2013)	<i>Sydney's Walking Future 2013</i> aims to promote walking as a viable and attractive transport option and supports the integration of walking as part of the city's transport systems. The proposed modifications do not impact the development's consistency with the three pillars of <i>Sydney's Walking Future</i> .
Sydney's Bus Future 2013	<i>Sydney's Bus Future 2013</i> identifies that buses are a key element of Sydney's public transport network. The policy identifies step-by-step actions to deliver fast and reliable bus services. The proposed modifications do not impact the development's consistency with <i>Sydney's Bus Future</i> .
Hills Future 2036 Local Strategic Planning Statement (2020)	<p>The Hills Future 2023 Local Strategic Planning Statement (LSPS) sets out a land use framework for The Hills Shire Council over the next 20 years and identifies key planning priorities and corresponding actions. The LSPS provides a bridge between strategic land use planning at a regional and district level and local statutory planning.</p> <p>Under the LSPS, Box Hill North (now Gables) is identified as a town centre, with the precinct set to provide for up to 1,300 new dwellings. The proposed modification will support the development of the Gables town centre by providing for additional child care places in a location that is close to jobs and services.</p>

3 Description of Modifications

3.1 Proposed Modifications

The following table provides a summary of the project modifications in red text and yellow fill.

Table 4 Modified Project Summary Table		
Element	Approved Project	Modified Project
Project Summary	Construction and operation of a new school known as Santa Sophia Catholic College, comprising: a new four - six storey building for 1860 students (K – 12) and 130 full-time staff; a centre based childcare centre for 60 children; associated landscaping, open spaces, recreational areas, signage and fencing; and establishment of bus zones and student drop-off and pick-up zones on adjoining roads.	Construction and operation of a new school known as Santa Sophia Catholic College, comprising: a new four - six storey building for 1860 students (K – 12) and 132 full-time staff; a centre based childcare centre for 80 children; associated landscaping, open spaces, recreational areas, signage and fencing; and establishment of bus zones and student drop-off and pick-up zones on adjoining roads.
Site Area	11,413m ²	No change
Development components	<p>A four – six storey building comprising three main building components as detailed below:</p> <ul style="list-style-type: none"> • Building Central: a six - storey building (25.4 metres (m) height to top level parapet and 29.9m including plant and chimney flute) building fronting Fontana Drive, accommodating: <ul style="list-style-type: none"> ○ visual arts areas and workshop at the ground level. ○ wet laboratory areas on Level 1. ○ learning spaces for Years 1 and 2 (Level 2), Years 6 and 7 (Level 3), Year 9 (Level 4) and Year 11 (Level 5). ○ a covered outdoor learning area (COLA). • Building North: a four - five storey (17 – 21m high) building, accommodating: <ul style="list-style-type: none"> ○ school administration areas and a multipurpose hall / theatre space at the ground level. ○ learning spaces for Years 1, 3 – 4 and 7 and 8 (Levels 1 to 3). ○ fitness and multi-sports court space on the rooftop with a double storey metal wire mesh screen for safety of the users. • Building South: a five storey (25m high) building along the southern boundary, accommodating: <ul style="list-style-type: none"> ○ the CELC at the ground level. ○ learning areas for K - 1 (Level 1), Years 5 and 6 (Level 2), Year 10 (Level 3) and Year 12 (Level 4). • Knowledge Centre: a six storey (25.4m high) building, centrally located within the site accommodating: <ul style="list-style-type: none"> ○ food technology, hospitality and general learning spaces at ground level. ○ integrated ground level open spaces. ○ a five storey building with a library on Levels 1 - 4. ○ a central lift core with three lifts. 	No change

Table 4 Modified Project Summary Table

Element	Approved Project	Modified Project
	<ul style="list-style-type: none"> Walkway decks connecting each building at every level. Integrated (age / school year appropriate) play spaces on the decks. Staircases connecting each level. Rooftop mounted solar photovoltaic (PV) cells and plant rooms. Single storey waste enclosure and amenities building on Level 1. 	
Gross floor area (GFA)	<ul style="list-style-type: none"> Total GFA of 15,090m², comprising: <ul style="list-style-type: none"> general learning spaces: 7005m². CELC: 547m². performance hub (theatre / hall): 1349m². staff and administration space: 1370m². creative hub (science and art): 2177m². research hub: 1030m². the Knowledge Centre: 1246m². building facilities and maintenance: 366m². 	No change
Access	<ul style="list-style-type: none"> Pedestrian access from future Fontana Drive, future Road B as well as a pedestrian easement along the access handle off Red Gables Road. Vehicular access from Red Gables Road via the access handle including drop-off / pick-up for CELC and on-site waste services. 	<ul style="list-style-type: none"> Pedestrian access from Fontana Drive, Lakefront Crescent as well as a pedestrian easement along the access handle off Red Gables Road. Vehicular access from Red Gables Road via the access handle including drop-off / pick-up for CELC and on-site waste services.
Parking	<ul style="list-style-type: none"> 252 bicycle parking spaces. 10 short-term drop-off / pick-up spaces for CELC. 	No change
Public domain and landscaping	<ul style="list-style-type: none"> Extensive ground level open play plaza space. Large playground on Level 1 comprising structured play elements and equipment with integrated play space and equipment on each walkway deck above. Total landscaped and play area comprising: <ul style="list-style-type: none"> 13,683m² of play space (i.e. 7.1m² play space per student). 832.97m² of deep soil landscape area. 	No change
Signage	<ul style="list-style-type: none"> Seven business and building identification signs, comprising: <ul style="list-style-type: none"> Type 1: digital signage board (1.8m x 2.25m) with school logo mounted directly to the building façade. Type 2: backlit school logo (2m x 2m) mounted directly to the building façade. Type 3: backlit school logo (0.5m x 2m) and associated text mounted directly to the building façade. Type 4: backlit school logo and business identification sign (0.5m x 1.5m) mounted directly to the building façade. 	No change
Capacity	<ul style="list-style-type: none"> 1860 (K – 12 students). 60 children at the childcare centre. 130 full-time equivalent (FTE) staff members. 	<ul style="list-style-type: none"> 1860 (K – 12 students). 80 children at the childcare centre. 132 full-time equivalent (FTE) staff members.

3.1.1 Student and Staff Numbers

The proposed modification seeks to increase student numbers at the Ambrose CELC from 60 children to 80 children, an increase in 20 students. The modification also seeks to increase full time equivalent (FTE) staff numbers by two (2). This will increase the total number of FTE staff for both the College and CELC from 130 FTE staff to 132 FTE staff.

3.1.2 Alterations and Additions

The proposed alterations and additions comprise minor internal and external alterations and additions to the CELC to accommodate the additional children and meet the requirements for unencumbered indoor space and unencumbered outdoor space under the *Education and Care Services National Regulation, Part 3.3 of State Environmental Planning Policy (Transport and Infrastructure) 2021 (T&I SEPP)* and the *Child Care Planning Guidelines (2021)* (refer to **Section 4.3.1** and **Appendix A**).

The proposed alterations and additions to the CELC do not modify the building envelope, including changes to either the building height or gross floor area (GFA). All modifications required to meet the requirements of the *Child Care Planning Guidelines (2021)* are achieved within the existing approved built form.

Architectural plans of the proposed modifications have been prepared by Alleanza Architecture (**Appendix B**).

Figure 4 is an extract of the approved Level 1 plan of the CELC (Drawing AR-SS-B10-0101 Rev 01 dated 11 February 2020). **Figure 5** is an extract of the proposed Level 1 plan prepared by Alleanza Architecture identifying the proposed alterations and additions.

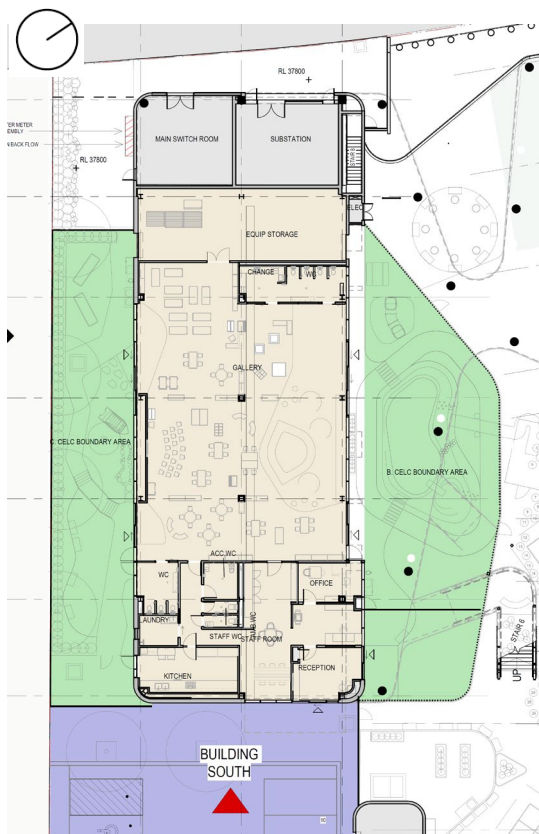


Figure 4 Extract of approved Level 1 floor plan of Ambrose CELC (Source: SSD-9772)

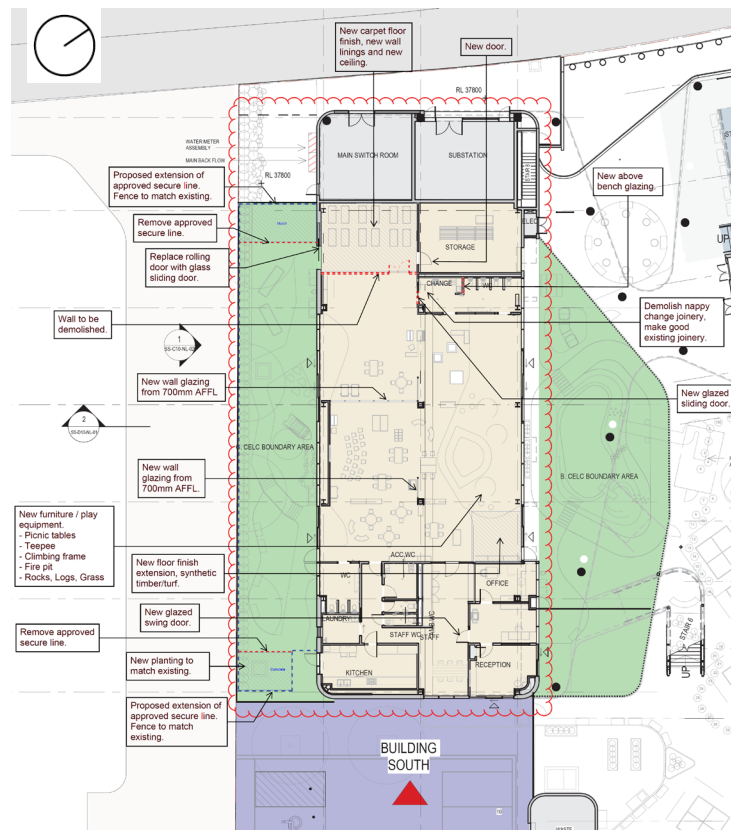


Figure 5 Extract of proposed Level 1 floor plan of the CELC (Source: Alleanza Architecture)

The floor plan of the proposed Ambrose CELC is shown in **Figure 6**

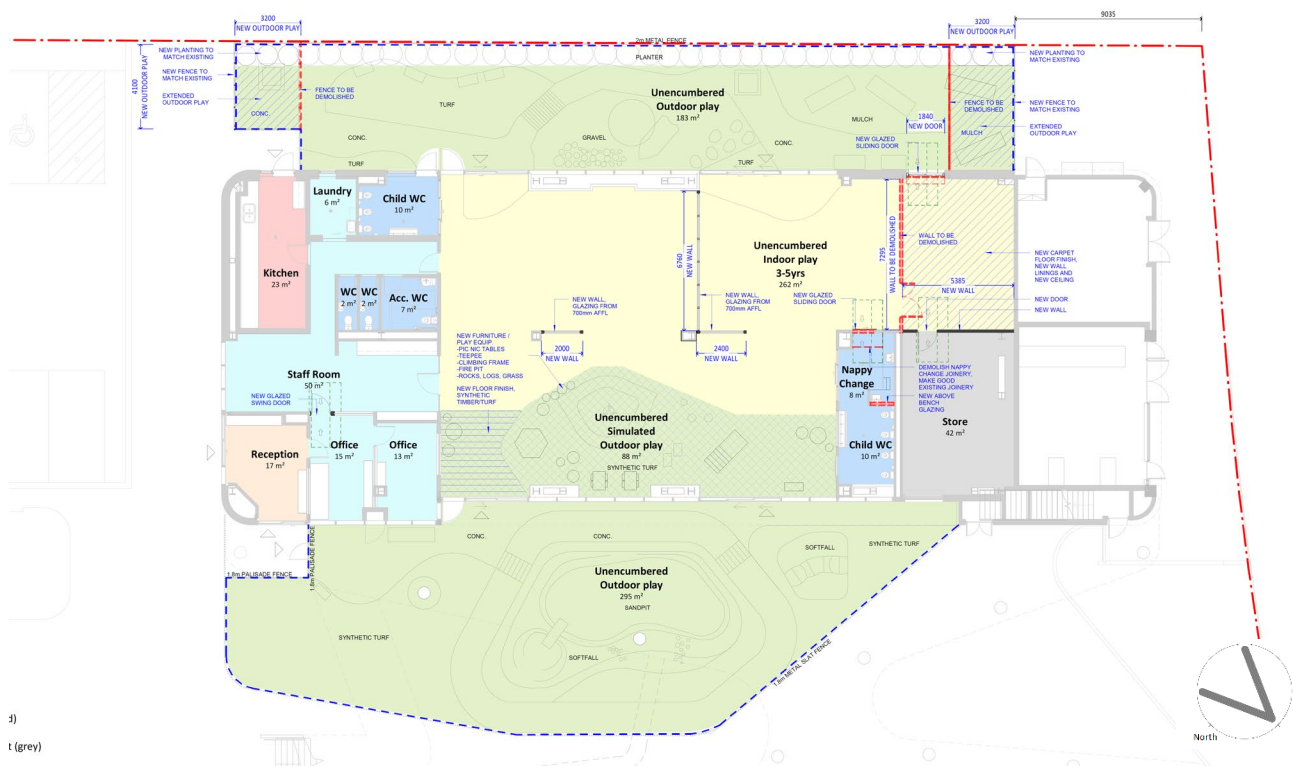


Figure 6 Proposed Floor Plan (Source: Alleanza Architecture)

The proposed alterations and additions to the Ambrose CELC comprise the following external and internal works:

- External works:
 - Extend the southern outdoor play space to the west (approximately 19m²) by locally raising the existing ground level to match the ground level southern outdoor play space and relocating the fence towards Fontana Drive (**Figure 8**).



Figure 7 Extract of approved south elevation (Source: SSD-9772)

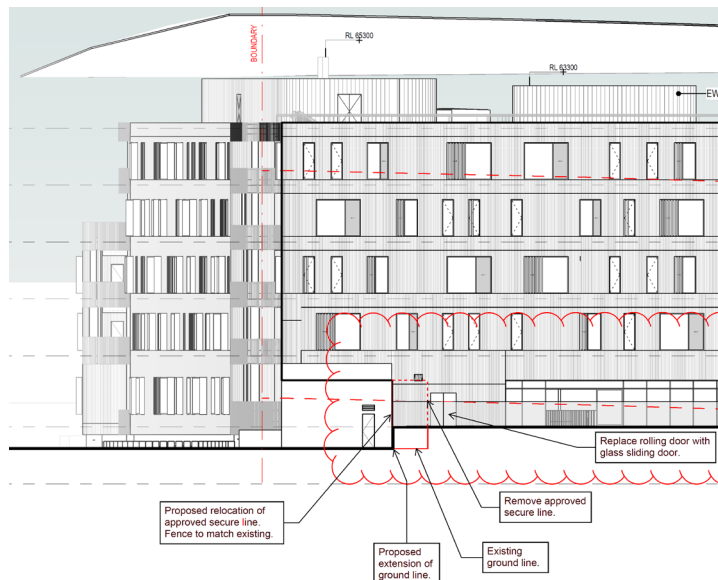


Figure 8 Extract of proposed south elevation (Source: Alleanza Architecture)

- Extend of the southern outdoor play space to the east (approximately 13m²) by relocating the fence line towards the CELC carpark

- New landscaping to match existing including extending planter along the southern boundary
- Replace the existing roller door on the southern elevation with a new glazed sliding door.
- Internal works:
 - Demolish existing wall to storeroom and extend existing indoor play space with new carpet, wall linings and ceiling.
 - Construct new internal wall with door to create new internal store (42m²).
 - Refurbishment of nappy change including new removal of part of the existing joinery to provide new glazed sliding door and new glazing between nappy change and child amenities.
 - New glazed swing door between office and staff room.
 - New internal light-weight walls with glazing from 700mm above the finished floor level.
 - Conversion of 88.5m² of indoor play space to simulated outdoor play space including new floor finishes (synthetic timber and turf) and new furniture and play equipment (picnic tables, tee pee, climbing frame, fire pit, rocks and logs).

3.1.3 Administrative Amendments

In addition to the changes to the Ambrose CELC as discussed above, this modification application will also see to the minor administrative amendments required to update the address of the site as it is now identified, following subdivision and development of the land and surrounds. The site address of the approved development at the time of approval for the original SSD and subsequent modifications (Mod 1 and Mod 2) was "No. 10 Red Gables Road, Box Hill". The current address is now "No. 1 Lakefront Crescent, Gables". This reflects the fact that the one of the two (2) main pedestrian entries to the College is from Lakefront Crescent (previously identified as future Road B). There are no amendments to the legal property description.

3.2 Proposed Amendments to Conditions of Consent

The proposed modifications described above require amendments to Schedule 1 and Conditions A2 and A6 of the consent as set out below (add or delete).

Schedule 1

The following modifications to Schedule 1 are required

Site:	No. 10 Red Gables Road, Box Hill No. 1 Lakefront Crescent, Gables (Lot 1 DP 1237552)
Development:	<p>Construction and operation of a new school, named Santa Sophia Catholic College, comprising:</p> <ul style="list-style-type: none"> • construction of a new four - six storey school with 15,087.74sqm of gross floor area, accommodating: <ul style="list-style-type: none"> ○ a centre-based childcare facility for the establishment of a Catholic Early Learning Centre (CELC) for 60 80 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. • 130 132 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 Lakefront Crescent 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.

Condition A2(d)

The following modifications to Condition A2(d) approved plans are required:

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
Architectural plan prepared by Alleanza Architecture			
SS-A10-00-01	C	SSDA_OVERALL SITE PLAN	15/07/2024
SS-B10-01-01	C	SSDA_OVERALL PLAN – LEVEL 01	15/07/2024
SS-B10-02-01	C	SSDA_OVERALL PLAN – LEVEL 02	15/07/2024
SS-B10-06-01	C	SSDA_OVERALL PLAN - ROOF PLAN	15/07/2024
SS-C10-NL-01	B	SSDA_ELEVATIONS - NORTH AND EAST	15/07/2024
SS-C10-NL-02	B	SSDA_ELEVATIONS - SOUTH AND WEST	15/07/2024
A101	C	PROPOSED GROUND FLOOR PLAN - ECS	15/07/2024

Condition A6 Student and Staff Numbers

The following modifications to condition A6 (Student and Staff Numbers) are required:

- A6. The student population across the school and associated full time equivalent staff numbers must not exceed:
- (a) 1860 Kindergarten to Year 12 students in the school;
 - (b) ~~60~~ 80 children ~~and~~ for the Catholic Early Learning Centre;
 - (c) a maximum of ~~130~~ 132 full time equivalent staff on any given day; and
 - (d) up to 400 students in the OOSH.

Condition E29 CELC Operational Plan

The following modifications to condition E29 (CELC Operational Plan) are proposed:

- E29. Prior to the commencement of operation of the CELC, an operational plan for the use of the CELC must be submitted to the Certifier for approval and a copy submitted to the Planning Secretary for information. The operational plan must include:
- (a) details confirming that the operating hours of the premises would be between 6.00am and 6:30pm, Monday to Friday;
 - (b) outdoor play times for the CELC children are restricted between 7am and 6pm;
 - (c) a playtime programme with specific reference to management measures during the use of the outdoor play space that would be integrated with the Level 1 play space of the school;
 - (d) details confirming that the windows on the south-western elevation must not be open prior to 7am and later than 6pm; and
 - (e) access control measures for the CELC child and separation from the school use.
 - (f) details of the CELC parking plan of management

3.3 Section 4.55(1A) Assessment

Section 4.55(1A) of the Act states that following an application by the applicant, the consent authority may modify the consent if the following conditions are met.

- a) *It is satisfied that the proposed modification is of minimal environmental impact*

The proposed modifications seek to increase the number of child care places available at the CELC by 20 places and increase staff numbers by two (2) staff and these modifications are not anticipated to result in any adverse environmental impacts including traffic and noise (refer to **Section 4.4**). In addition, the minor alterations and additions to the CELC do not change the building envelope including building height or gross floor area. The increase in outdoor play space for the CELC does not reduce the outdoor play space available for the Santa Sophia Catholic College students. It is therefore considered that the proposed modification is of minimal environmental impact.

- b) *It is satisfied that the development to which the consent as modified relates is substantially the same development as the development for which consent was originally granted before that consent, as originally granted, was modified (if at all)*

The proposed development as modified meets the 'substantially the same development' test under section 4.55(1A)(b) for the following reasons:

- The proposed development comprised a new co-educational Catholic school for Kindergarten to Year 12 students, with an associated Catholic Early Learning Centre. The proposed development as modified comprises a co-educational Catholic school for Kindergarten to Year 12, with an associated CELC.
- The proposed modifications do not seek to modify the approved building envelope including maximum building height and GFA.
- The proposed modifications do not result in any significant additional environmental impacts.
- The proposed modification seeks a minor increase in the maximum number of students located on the site from 1920 students (1860 K – 12 students and 60 CELC) to 1940 students (1860 K – 12 students and 80 CELC) and increase in full-time equivalent staff from 130 to 132.

An updated project description is provided in **Table 4**, which notes that the proposal as modified maintains all the essential characteristics of the approved proposal and consistency with the key development parameters.

- c) *It has notified the application in accordance with –*

- i) *The regulations, if the regulations so require, or*
- ii) *A development control plan, if the consent authority is a council that has made a development control plan that requires the notification or advertising of applications for modification of a development consent*

Notification of the section 4.55(1A) modification of a State significant development is not required under the *Environmental Planning and Assessment Regulation 2021* (EP&A Regulation)

- d) *It has considered any submissions made concerning the proposed modification within the period prescribed by the regulations or provided by the development control plan, as the case may be.*

Should DPHI decide to notify the modification application, they must consider any submissions that are made.

3.3.1 Reasons for Approval

Section 4.55(3) of the EP&A Act requires the consent authority to take into consideration the reasons for the granting of consent, which is sought to be modified. Therefore, the *Statement of Reasons for Decision* (SSDA-9972) prepared by the Independent Planning Commission (IPC) dated 21 April 2020 has been considered. The proposed modifications are generally consistent with the findings and determination of the IPC, in particular the Commission's findings in paragraph 108 that:

108. *The Commission agrees with the Department's Assessment in paragraphs 106-107 and is of the view that the Project is in accordance with the objects of the EP&A Act. Furthermore, the provision of additional school infrastructure facilities is in the broader public interest.*

The proposed modifications seek to increase the number of childcare places available within the emerging Gable town centre and is therefore consistent with the reasons for approval dated 21 April 2021.

4 Statutory Context

4.1 Environmental Planning Instruments

The following sections provide an assessment of the relevant matters set out under Section 4.15(1) of the Act, which must be considered by the consent authority in accordance with Section 4.55(3) of the Act. Statutory compliance tables are provided in **Appendix A**.

4.1.1 State Environmental Planning Policy (Transport and Infrastructure) 2021

Chapter 2 Infrastructure

The proposed modifications do not trigger the requirements for traffic generating development under section 2.122 and Schedule 3 of the T&I SEPP.

Chapter 3 Educational Establishments and child care facilities

Under section 3.3 of the T&I SEPP, the Ambrose CELC is defined as a 'centre-based child care facility'. Part 3.3 of the T&I SEPP outlines the specific development controls for early education and care facilities, which includes centre-based child care facilities.

As set out in , the proposed modifications to the development comply with the minimum requirements for indoor unencumbered space and outdoor unencumbered space for 80 children under regulations 107 and 108 of the *Education and Care Services National Regulations* and therefore, the concurrence of the Regulatory Authority is not required.

Table 5 Indoor and outdoor unencumbered space				
	Requirement	Children	Required Area	Provided Area
Indoor unencumbered space (Regulation 107)	3.25m ² /child	80	260m ²	261.5m ²
Outdoor unencumbered space (Regulation 108)	7m ² /child	80	560m ²	566m ² (including 88.5m ² of simulated outdoor play)

An assessment against Part 3.3 of the T&I SEPP, the *Child Care Planning Guidelines* (2021) and the *Education and Child Care Services National Regulations* are provided in **Appendix A**. The assessment concludes that the proposed modifications are generally consistent with the relevant provisions.

No additional assessment is required in relation to Part 3.4 Schools of the T&I SEPP.

4.1.2 The Hills Local Environmental Plan 2019

The site is zoned E1 Local Centre (the E1 zone) under *The Hills Local Environmental Plan 2019* (the LEP)¹. 'Centre-based child care facilities' are permissible with consent in the E1 zone under the LEP. The proposed modifications have been assessed against the relevant provisions of the LEP and are generally consistent with the applicable development standards.

4.1.3 Other Environmental Planning Instruments

provides a high-level assessment against other relevant environmental planning instruments (EPI).

Table 6 Other relevant Environmental Planning Instruments	
EPI	Assessment
State Environmental Planning Policy (Planning Systems) 2021 (PS SEPP)	The proposed development was identified as State Significant Development under Schedule 1 of the former <i>State Environmental Planning Policy (State and Regional Development) 2011</i> (SRD SEPP). On 1 March 2022, the provisions of the SRD SEPP were repealed and the relevant provisions transferred into Chapter 2 of the PS SEPP. This section 4.55(1A) modification application seeks to modify the SSD consent.

¹ Prior to 26 April 2023, the site was zoned B2 Local Centre under the LEP.

Table 6 Other relevant Environmental Planning Instruments

EPI	Assessment
State Environmental Planning Policy (Resilience and Hazards) 2021 (R&H SEPP)	The original SSDA provided an assessment against the relevant provisions of <i>State Environmental Planning Policy No. 55 Remediation of Land</i> (SEPP 55) and concluded that the site is not contaminated and is suitable for use as an educational establishment and child care centre. On 1 March 2022, the provisions of SEPP 55 were repealed and the relevant provisions transferred into Chapter 3 of the R&H SEPP. The proposed modifications do not require further assessment under the R&H SEPP and do not affect the suitability of the site for the proposed development.
State Environmental Planning Policy (Biodiversity and Conservation) 2021 (B&C SEPP)	The site is located within the Hawkesbury-Nepean Catchment, which is a regulated catchment under Chapter 6 of the B&C SEPP. The proposed modifications do not warrant any further assessment against Part 6.2 of the B&C SEPP as the proposed modifications will not have any impacts on water quality or quantity, aquatic ecology or public access to any waterbodies. The site is not identified as flood liable land.
State Environmental Planning Policy (Industry and Employment) 2021 (I&E SEPP)	No modifications to any signage are proposed that would require an assessment against Chapter 3 and Schedule 5 of <i>State Environmental Planning Policy (Industry and Employment) 2021</i> .
State Environmental Planning Policy (Sustainable Buildings) 2022 (SB SEPP)	Pursuant to section 4.2(1)(f) of the SB SEPP, the provisions of the SB SEPP do not apply to a modification application, if the development application for development consent was submitted before the 1 October 2023. The development consent for SSD-9722 was issued on 21 April 2020.

4.1.4 Draft Environmental Planning Instruments

On 6 March 2024, the NSW Government put on exhibition proposed amendments to the T&I SEPP. The Explanation of Intended Effects (EIE) identifies a number of changes to the T&I SEPP, with the following objectives:

- *Make it easier to deliver infrastructure at the right time, including speeding up projects that benefit the community, create jobs and support economic growth.*
- *Do so in a way that protects residential amenity, the environment and heritage items from any impacts of this delivery.*
- *Help ensure a consistent approach between different infrastructure activities with similar characteristics and impacts.*
- *Improve the usability of the SEPP.*

Section 1 of the EIE identifies the proposed changes to Chapter 3 of the T&I SEPP. Section 17 of the EIE identifies other proposed changes including the proposed restructure of the SEPP T&I that will merge Chapters 2, 3 and 4. Exhibition of the amendments to the T&I SEPP closed on 16 April 2024.

A review of the proposed amendments has concluded that the assessment of the proposed development within this SEE and against the T&I SEPP in **Section 4.1.1** satisfactorily considers the relevant matters and the proposal is acceptable in this regard.

4.2 Development Control Plans

Pursuant to section 2.10 of the PS SEPP, Development Control Plans (DCPs) do not apply to State significant development. Despite this provision, the following parts of The Hills Development Control Plan 2012 (the DCP) have been considered as part of this section 4.55(1A) modification application:

- Part A – Introduction
- Part B Section 6 – Business
- Part C Section 1 - Parking
- Part D Section 17 – Box Hill North

The proposed modification is generally consistent with the relevant provisions of the DCP.

4.3 Likely Impacts of the development

4.3.1 Amenity and Built Form

In regard to potential impacts on amenity and built form, the proposed modifications comprise only minor external changes, with the main change comprising the minor extension of the ground line on the south-western side of "Building South". Other changes generally relate to the fencing and secure line, as well as the replacement of a roller door with a sliding glass door.

In regard to the extension of the ground line, this is occurring in an area adjacent to the main switch room at the western-most corner of the building, which is at RL 37.800. This is being raised 1.5m to match Level 01 at RL 39.300. This area of the site is not readily visible from the public domain due to the restaurant (Bobby Bakehouse, future mixed-use development) which operates from the adjoining site.

The extent of fill being proposed to create the additional outdoor play space is being carried out at ground level, contained entirely within the existing school site and does not alter the floor height at which the Ambrose CELC would operate, or alter the overall height of "Building South". The height of the existing boundary fencing would be retained and extended.

Having regard to the above, this assessment finds that there is little to no potential for impacts of the proposal on amenity or built form, due to the minor nature of the changes proposed.

4.3.2 Traffic

A Technical Note (TN1) has been prepared by Ason Group to review the traffic and transport implications of the proposed modification to the CELC (**Appendix C**). Following feedback from DPHI, a second Technical Note (TN2) was prepared by Ason Group to address parking matters (**Appendix D**). Ason Group prepared the Traffic Assessment that formed part of the Environmental Impact Statement (EIS) to support the original SSDA and the Technical Note has due regard to the assessment undertaken within the Traffic Assessment.

Traffic

TN1 provides an assessment of the impacts of the proposed modification to the CELC on the existing road network. The following traffic generation rates for the CELC were adopted as part of the SSDA (**Figure 9**)

Land Use	Peak Vehicle Trips / Child		
	7:00am – 9:00am	2:30am – 4:00pm	4:00pm – 6:00pm
Early Learning Centre (ELC)	0.8	0.3	0.7

Figure 9 Traffic Generation Rates (Source: Ason Group)

Using the above traffic generating rates, an additional 20 children are anticipated to generate an additional 16 vehicle trips (inbound and outbound) during the AM peak hour and an additional 14 vehicle trips (inbound and outbound) during the PM peak hour. However, based on current student enrolments (2024), approximately 50% of children enrolled at the CELC have older siblings that attend the College. Therefore, it is considered that the additional 20 children would only result in an additional 8 vehicle trips during the AM peak hour and an additional 7 vehicle trips in the PM peak hour.

TN1 concluded that an increase in 8 vehicles trips an hour would not result in any impacts on the surrounding road network and therefore, no additional traffic modelling is required.

Parking

The approved car parking strategy under SSD-9772 (as modified) comprises:

- 110 spaces for staff to be provided within a temporary car park located directly to the east of the site (approved by DA 29-2020 HA). Long term, a 110 space permanent staff carpark will be established within the Gables Town Centre or within the playing fields site located on the southern side of Red Gables Road.
- 10 on-site short-term drop-off / pick-up spaces for the CELC. There is one (1) accessible parking space. Parking with the CELC carpark is limited to a maximum of 10 minutes between 7:30am – 9:00pm and 2:00pm – 5:00pm.

Under Part C Section 1 of the DCP, the following parking rates apply to the CELC (**Figure 10**).

Land Use	Parking Rate (Minimum)	Yield	Parking Requirement
Early Learning Centre (ELC)	1 space per 1 Employee (assumed 1 employee per 10 children)	2	2
	1 space per 6 Children	20	4

Figure 10 Parking rates under the DCP (Source: Ason Group)

Therefore, the increase in 20 children requires an additional four (4) spaces and the increase in two (2) staff requires an additional two (2) spaces.

With regard to staff parking, it is noted that under the approved Green Travel Plan (GTP), a short-term mode share target of 75% has been established (Condition E18). Accordingly, 130 staff would require a total of 98 spaces and increasing staff numbers to 132 will increase the parking demand to 100 spaces. These 100 spaces can be accommodated within the existing 110 space temporary staff car park. Therefore, no additional parking is required in relation to the increase in staff numbers.

With regard to parking requirements for the increase in children, an on-site parking utilisation survey was undertaken of the existing CELC car park between 6:00am and 6:30pm on 14 May 2024 as set out in TN1. The parking utilisation survey found that the maximum demand for parking spaces is at 7:45am, when six (6) spaces are in use (**Figure 11**).

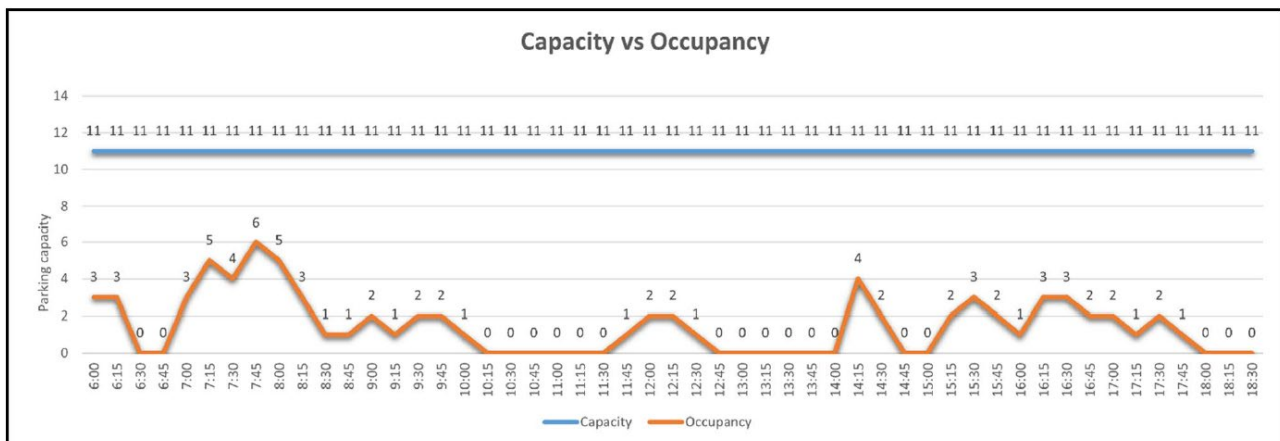


Figure 11 Parking Utilisation Survey of existing CELC carpark – 14 May 2024 (Source: Ason Group)

Following feedback from DPHI, additional parking utilisation surveys were undertaken over the following periods between 6:00am and 6:30pm:

- Monday 18 to Friday 22 November 2024
- Monday 25 to Friday 29 November 2024.

The survey results are provided in TN2.

Figure 12 provides a summary of the results of the additional parking utilisation survey. The following is noted:

- Generally, the demand for parking within the existing CELC car park does not exceed its current capacity of 11 spaces (including one (1) accessible space).
- During the AM peak period, there were six (6) instances when the parking demand met or exceeded the exiting car park capacity, with demand reaching up to 13 spaces between 7:45am and 8:00am.
- During the PM peak period there were six (6) instances when the parking demand exceeded the existing car park capacity, with demand reaching up to 15 spaces at 2:15pm.

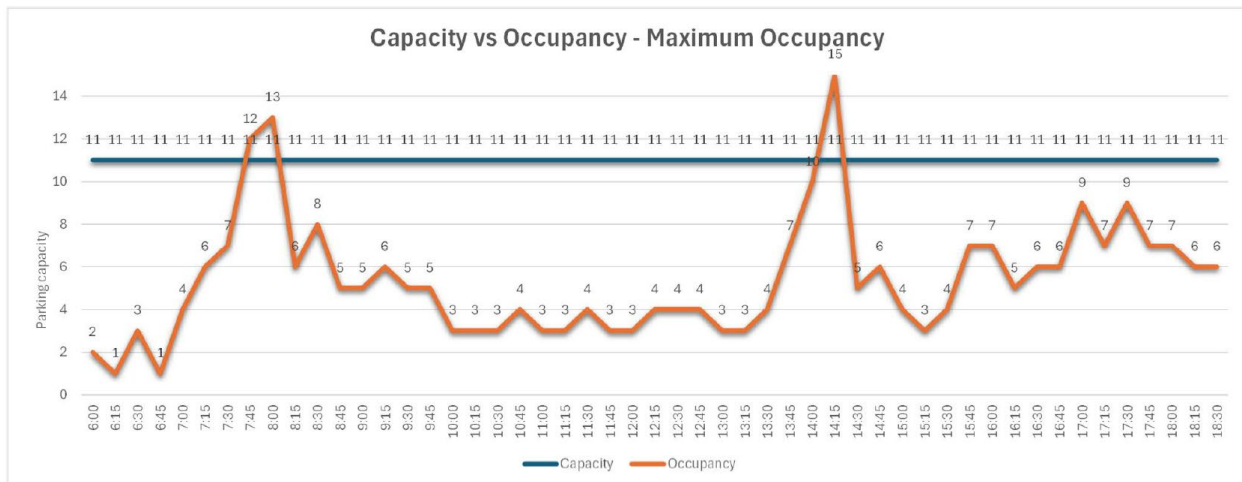


Figure 12 Additional parking utilisation survey – November 2024 (Source: Ason Group)

Based on consultation with the College, it has been observed that the CELC car park is being utilised by College parents, along with customers of the nearby food and drink premises.

The following mitigation and management measures are proposed to be implemented to ensure that the demand for parking does not exceed the existing CELC car park capacity:

- Adjustment of parking duration: It is proposed to reduce the maximum parking duration from 10 minutes to 5 minutes. This adjustment could double the efficiency of the car park and allow it to accommodate up to 30 vehicles every 15 minutes. In the short term, to implement this management measure, it is recommended that a CELC staff member manages the car park during the AM and PM periods.
- Education of College parents: As set out in the approved Santa Sophia College Operational Transport and Access Management Plan (OTAMP) (Condition E23), existing pick-up and drop-off facilities for the College students are provided for as follows:
 - Primary school students (K – 6) on Lakefront Drive
 - Secondary school students (7 – 12) on Fontana Drive adjacent to the hockey fields.

The CELC car park is to be exclusively used for the pick-up and drop-off of children attending the CELC. The College has confirmed that they will actively discourage College parents from using the CELC car park. These measures including reminders in newsletters and inclusion in orientation packs for new parents.

- Installation of a service control device (boom gate): It is proposed to install a boom gate to prevent unauthorised cars from accessing the CELC car park.
- Installation of a car park monitoring system: The use of car park monitoring system by the CELC to ensure that the maximum parking durations are met.

It is proposed to modify Condition E29 (CELC Operational plan) to require the preparation of a CELC Parking Management Plan. The CELC Parking Management Plan will incorporate the management measures identified above. Subject to the implementation of the mitigation measures as set out in TN2, it is considered that demand for CELC parking can be appropriately managed and no additional parking spaces are required.

4.3.3 Noise

A Noise Impact Assessment has been prepared by Pulse White Noise Acoustics (**Appendix E**) to assess the potential for acoustic impacts as a result of the increased number of children and any additional noise emissions associated with the use of the expanded outdoor play area.

Under SSD-9722 (as modified), there are several conditions that relate to the operation of the CELC including:

- Condition E29 CELC Operational plan
- Condition E43 Fence
- Condition F11 Operational Noise Limits.

No modifications to the CELC hours of operation or any of the other requirements are proposed as part of this modification application.

Condition F11 of the development consent requires that all operational noise generated by the College, CELC, Out-of-school hours care (OOSH) and community uses must not exceed the noise limits established in the *Noise and Vibration Impact Assessment* prepared by JHA Acoustics dated 12 September 2019. Accordingly, these operational noise limits have been used as the basis for the acoustic impact assessment.

The Noise Impact Assessment identifies the nearest sensitive noise receivers as:

- R1: Future residential receivers on the western side of Fontana Drive
- C1: Commercial receiver "Bobby Bakehouse" (future mixed use development)

Operational Noise

The Noise Impact Assessment considers the following scenarios:

- Outdoor play area with the current capacity of 60 children and with the proposed capacity of 80 children. The worst-case scenario is based on the maximum occupancy of the southern play space with all children engaged in 'active' play.
- Indoor play area with the current capacity of 60 children and with the proposed capacity of 80 children. The assessment has modelled with both windows open and closed, with all children engaged in 'passive play' as the worst case scenario.

The results for noise emission from the outdoor play area to the two (2) receivers are provided in **Figure 13** and **14**.

Assessment Scenario	Predicted noise level at nearest residential receiver, dB $L_{Aeq, 15mins}$	Compliance with	
		More than 4 hours (total) per day 60 dBA	Up to 4 hours (total) per day 65 dBA
Current capacity of 60 children	56	Yes	Yes
Proposed capacity of 80 children	57	Yes	Yes

Figure 13 Predicted activity noise levels to residential receiver from outdoor play area (Source: PWNA)

Assessment Scenario	Predicted noise level at nearest residential receiver, dB $L_{Aeq, 15mins}$	Compliance with Commercial Receiver Criteria 65 dBA
Current capacity of 60 children	51	Yes (with inclusion of 1.8m barrier on southern boundary in accordance with current Condition E43 of Development Consent)
Proposed capacity of 80 children	52	Yes (with inclusion of 1.8m barrier on southern boundary in accordance with current Condition E43 of Development Consent and extending to include the proposed extension to the southern outdoor play area.)

Figure 14 Predicted activity noise levels to commercial receiver from outdoor play area (Source: PWNA)

The results for noise emission from the indoor play area to both the residential and commercial receivers is provided in **Figure 15**.

Indoor play area scenarios	Predicted noise level at nearest receivers, dB L _{Aeq} , 15mins	Compliance with Various Criteria, dBA
Windows opened	52 dBA at assessed residential receiver	Day 55 dBA - Yes Evening 50 dBA - No Night 40 dBA - No
	63 dBA at assessed commercial receiver	Commercial 65 dBA - Yes
Windows closed	25 dBA at assessed residential receiver	Day 55 dBA - Yes Evening 50 dBA - Yes Night 40 dBA - Yes
	36 dBA at assessed commercial receiver	Commercial 65 dBA - Yes

Figure 15 Predicted activity noise levels to residential and commercial receivers from indoor play area (Source: PWNA)

Based on the result of the noise impact assessment, the following mitigation measures are proposed:

- Inclusion of 1.8m barrier on southern boundary in accordance with current Condition E43 of Development Consent and extending to include the proposed extension to the southern outdoor play area. It is recommended that the barrier should be constructed from a solid material and can include masonry, 9mm FC sheet, Hebel, sheet metal, 10.38mm glass or 10mm Perspex, or lapped and capped timber fence or the like.
- In-line with current Condition E29(c) of the Development Consent (as modified), outdoor play times are restricted between 7am and 6pm. In addition, the management of the use of outdoor play areas to ensure compliance is such that:
 - The proposed maximum number of children at the ELC of 80 should be maintained.
 - All outdoor play areas are to include supervision when used by children by a childcare operator. Staff should monitor and minimise loud noisy events such as distressed crying children by managing or moving crying children inside the building.
 - Children are to be encouraged to play away from the acoustic barrier.
 - Toys or the like are not to be attached to the acoustic barrier.
 - No music is permitted in the outdoor play area.
- In-line with current Condition E29(d) of Development Consent, the façade on the south-western elevation of the indoor play area, including the proposed new section of the indoor play area, must not be opened prior to 7am and after 6pm
- Contact details of a suitable site contact should be provided at a street frontage of the centre such that the public have the information should complaints regarding the operation of the centre be required.

Subject to the implementation of these recommendations and ongoing compliance with the development consent, it is considered that the proposed modification will comply with the relevant noise emission criteria and will result in a suitable acoustic amenity to the surrounding receivers.

Vehicle Noise

In relation to any potential noise impacts as a result of the additional traffic generated by the proposed modification, the Noise Impact Assessment notes that in order to generate an increase of 2 dB on local road traffic noise, existing traffic volumes would need to increase by approximately 60% as a result of changes to the development's operations. As discussed in **Section 4.3.2**, the proposed increase in student numbers is anticipated to result in an additional 8 vehicle trips in the peak period and therefore, this will have a negligible impact on existing road traffic noise levels.

4.3.4 BCA

A National Construction Code – Building Code of Australia (BCA) Report has been prepared by Benchmark Building Certifiers (**Appendix F**) in relation to the proposed alterations and additions to the CELC. The BCA Report notes that subject to the compliance with the recommendations of the report that the proposed development is capable of complying with the relevant provisions of the BCA.

4.4 Suitability of the Site for the Development

The site was assessed as being suitable for use as an educational establishment and centre-based child care facility during the original assessment of SSD-9722. The proposed modifications do not impact the suitability of the site for the proposal.

4.5 The Public Interest

The proposed development as modified is considered to be in the public interest for the following reasons:

- The development is consistent with the relevant State and local strategic plans.
- The proposed modifications provide for additional child care places within the emerging Gables Town Centre, where an increase in demand and shortfall of available spaces has been identified.
- The proposed modifications result in substantially the same development as that originally approved.
- No substantial modifications to the building envelope are proposed including building height or gross floor area.
- The proposed modifications will not result in any adverse traffic or parking impacts.
- The proposed modifications will not result in any adverse acoustic impacts upon adjoining properties, or upon the learning environments of the adjoining school facilities.

5 Justification of Modified Proposal

EPM Projects has carried out an assessment of the proposed modifications to SSD-9722 against the provisions of Section 4.55(1A) of the EP&A Act. The proposed modifications seek to increase student numbers at the CELC from 60 children to 80 children, increase FTE staff numbers by two (2) and undertake minor alterations and additions to the CELC to meet the relevant requirements under the National Regulations, T&I SEPP and Child Care Planning Guidelines.

In regard to the demand for additional child care centre spaces, the speed of delivery of housing (and associated population growth) in the north west and south west growth precincts has been well documented as outstripping the supply of child care spaces, as well as the supply of school spaces. In 2022, the Mitchell Institute (under Victoria University) published a study titled "[Childcare deserts & oases: How accessible is childcare in Australia](#)" which identified that 35% of the population lives in what the study classified as a "childcare desert", being an area where there are less than 0.333 places per child aged four and under.

The study identified that deserts are more likely to be in regional areas, that areas of lower socioeconomic status have less access to childcare, that there is greater access where there are higher fees, and that there are links between access to childcare and female workforce participation that warrants investment.

From a planning perspective, the data available through the study also identifies that many of the areas with lower availability are in the growth areas of Sydney, where rural land is transforming into new urban centres. Providing sufficient child care spaces within these areas of transformation is a critical part of the 'orderly and economic use and development of land'. Therefore, the proposed modifications are considered to be justified where optimum child care spaces can be provided without adverse environmental or amenity impacts.

In this regard, the physical works are minor in nature and will not result in any unacceptable streetscape or amenity impacts. The proposal is considered to result in substantially the same development for which consent was originally granted. Furthermore, an assessment of the proposal against the relevant provisions of Section 4.15(1) of the Act concludes that the proposed modifications are consistent with the relevant provisions of the National Regulations, T&I SEPP, The Hills LEP and Child Care Planning Guidelines. The proposed works do not contravene any of the consent authority's reasons for granting of the original proposal approval and the site remains suitable for the development. Accordingly, the modification is worthy of approval.

Glossary and Abbreviations

Abbreviation	Described Term
AHD	Australian Height Datum
AS	Australian Standards
BCA	Building Code of Australia
CELC	Catholic Early Learning Centre
College	Santa Sophia Catholic College
Council	The Hills Shire Council
CPTED	Crime Prevention through Environmental Design
CSPD	Catholic Schools Parramatta Diocese / the proponent
DA	Development Application
DCP	Development Control Plan
DP	Deposited Plan
DPE	Former Department of Planning and Environment
DPHI	Department of Planning, Housing and Infrastructure
EIS	Environmental Impact Statement
EPM	EPM Projects
EP&A Act	<i>Environmental Planning and Assessment Act 1979</i>
EP&A Regulation	<i>Environmental Planning and Assessment Regulation 2021</i>
EPI	Environmental Planning Instrument
ESD	Ecologically Sustainable Design
FSR	Floor Space Ratio
FTE	Full time equivalent
GFA	Gross Floor Area
IPC	Independent Planning Commission
LEP	Local Environmental Plan
LGA	Local Government Area
LSPS	Local Strategic Planning Statement
MOD	Modification
National Regulations	<i>Education and Care Services National Regulations</i>
NSW	New South Wales
POM	Plan of Management
REAP	Registered environmental assessment practitioner
RL	Reduced Level
SEPP	State Environmental Planning Policy
Site	1 Lakefront Crescent, Gables (Lot 1 DP)
SSD	State Significant Development
SSDA	State Significant Development Application
TfNSW	Transport for NSW

Appendix A: Statutory Compliance Tables

Table 7 State Environmental Planning Policy (Transport and Infrastructure) 2021		
Statutory Reference	Relevant Consideration	Assessment
Chapter 3 Educational establishments and child care facilities		
Part 3.3 Early education and care facilities – specific development controls		
3.22 Centre-based child care facility – concurrence of Regulatory Authority required for certain development.	(1) <i>This section applies to development for the purpose of a centre-based child care facility if—</i> <i>(a) the floor area of the building or place does not comply with regulation 107 (indoor unencumbered space requirements) of the Education and Care Services National Regulations, or</i>	Under regulation 107 of the National Regulations, a minimum of 3.25m ² of unencumbered indoor space is required per child. Therefore, for 80 children, a minimum of 260m ² is required. The proposed modification provides a 261.5m ² of unencumbered indoor space, which complies with regulation 107 of the National Regulations.
	<i>(b) the outdoor space requirements for the building or place do not comply with regulation 108 (outdoor unencumbered space requirements) of those Regulations.</i>	Under regulation 108 of the National Regulations, a minimum of 7m ² of unencumbered outdoor space is required per child. Therefore, for 80 children, a minimum of 560m ² is required. The proposed modification provides 566m ² of unencumbered outdoor space, which complies with regulation 108 of the National Regulations. The concurrent of the Regulatory Authority is not required.
3.23 Centre-based child care facility—matters for consideration by consent authorities	<i>Before determining a development application for development for the purpose of a centre-based child care facility, the consent authority must take into consideration any applicable provisions of the Child Care Planning Guideline, in relation to the proposed development.</i>	An assessment against the applicable provisions of the Child Care Planning Guideline is provided in Table 8 .
3.24 Centre-based child care facility in certain zones—additional matters for consideration by consent authorities	(2) <i>The consent authority must consider the following matters before determining a development application for development for the purpose of a centre-based child care facility on land in a prescribed zone—</i> <i>(a) whether the proposed development is compatible with neighbouring land uses, including its proximity to restricted premises, sex services premises or hazardous land uses,</i> <i>(b) whether the proposed development has the potential to restrict the operation of existing industrial land uses,</i> <i>(c) whether the location of the proposed development will pose a health or safety risk to children, visitors or staff.</i>	Not applicable as the proposed development is not located within a prescribed zone.
3.25 Centre-based child care facility—floor space ratio	(1) <i>Development consent must not be granted for the purposes of a centre-based child care facility in Zone R2 Low Density Residential if the floor space ratio for the building on the site of the facility exceeds 0.5:1.</i>	Not applicable as the site is zoned E1 Local Centre under the LEP.
3.26 Centre-based child care facility—non-discretionary development standards	(2) <i>The following are non-discretionary development standards for the purposes of section 4.15(2) and (3) of the Act in relation to the carrying out of development for the purposes of a centre-based child care facility—</i>	The proposal as modified complies with these non-discretionary development standards.

Table 7 State Environmental Planning Policy (Transport and Infrastructure) 2021

Statutory Reference	Relevant Consideration	Assessment
	<p>(a) location—the development may be located at any distance from an existing or proposed early education and care facility,</p> <p>(b) indoor or outdoor space</p> <p>(i) for development to which regulation 107 (indoor unencumbered space requirements) or 108 (outdoor unencumbered space requirements) of the Education and Care Services National Regulations applies—the unencumbered area of indoor space and the unencumbered area of outdoor space for the development complies with the requirements of those regulations, or</p> <p>(ii) for development to which clause 28 (unencumbered indoor space and useable outdoor play space) of the Children (Education and Care Services) Supplementary Provisions Regulation 2012 applies—the development complies with the indoor space requirements or the useable outdoor play space requirements in that clause,</p> <p>(c) site area and site dimensions—the development may be located on a site of any size and have any length of street frontage or any allotment depth,</p> <p>(d) colour of building materials or shade structures—the development may be of any colour or colour scheme unless it is a State or local heritage item or in a heritage conservation area</p>	
3.27 Centre-based child care facility—development control plans	<p>(1) A provision of a development control plan that specifies a requirement, standard or control in relation to any of the following matters (including by reference to ages, age ratios, groupings, numbers or the like, of children) does not apply to development for the purpose of a centre-based child care facility—</p> <p>(a) operational or management plans or arrangements (including hours of operation),</p> <p>(b) demonstrated need or demand for child care services,</p> <p>(c) proximity of facility to other early education and care facilities,</p> <p>(d) any matter relating to development for the purpose of a centre-based child care facility contained in—</p> <p>(i) the design principles set out in Part 2 of the Child Care Planning Guideline, or</p> <p>(ii) the matters for consideration set out in Part 3 or the regulatory requirements set out in Part 4 of that Guideline (other than those concerning building height, side and rear setbacks or car parking rates).</p>	Pursuant to section 2.10 of the PS SEPP, development control plans do not apply to State significant development.
Part 3.7 General Development Controls		
3.58 Traffic-generating development	<p>(1) This section applies to development for the purpose of an educational establishment—</p>	The proposed modification do not result in the educational establishment being able to accommodate 50 or more additional

Table 7 State Environmental Planning Policy (Transport and Infrastructure) 2021

Statutory Reference	Relevant Consideration	Assessment
	<p>(a) that will result in the educational establishment being able to accommodate 50 or more additional students, and</p> <p>(b) that involves—</p> <p>(i) an enlargement or extension of existing premises, or</p> <p>(ii) new premises,</p> <p>on a site that has direct vehicular or pedestrian access to any road.</p>	<p>students. Therefore, written notice of the modification application to Transport for NSW is not required.</p>

Table 8 Child Care Planning Guidelines

Statutory Reference	Relevant Consideration	Assessment
2 Design quality principles		
Principle 1 - Context	<p>Good design responds and contributes to its context, including the key natural and built features of an area, their relationship and the character they create when combined. It also includes social, economic, health and environmental conditions.</p> <p>Well-designed child care facilities respond to and enhance the qualities and identity of the area including adjacent sites, streetscapes and neighbourhood.</p> <p>Well-designed child care facilities take advantage of its context by optimising access by walking and public transport, public facilities and centres, respecting local heritage, and being responsive to the demographic, cultural and socio-economic makeup of the facility users and surrounding communities.</p>	<p>The CELC is co-located within Santa Sophia Catholic College to take advantage of its location within the Gables town centre and to build upon its relationship between early learning and primary and secondary education.</p>
Principle 2 – Built form	<p>Good design achieves a scale, bulk and height appropriate to the existing or desired future character of the surrounding area.</p> <p>Good design achieves an appropriate built form for a site and the building's purpose in terms of building alignments, proportions, building type, articulation and the manipulation of building elements. Good design also uses a variety of materials, colours and textures.</p> <p>Appropriate built form defines the public domain, contributes to the character of streetscapes and parks, including their views and vistas, and provides internal amenity and outlook.</p> <p>Contemporary facility design can be distinctive and unique to support innovative approaches to teaching and learning, while still achieving a visual appearance that is aesthetically pleasing, complements the surrounding areas, and contributes positively to the public realm.</p>	<p>The design of the CELC is integrated with the overall design of the development. The proposed modifications do not change the approved building envelope and therefore do not impact upon the bulk and scale of the development.</p>
Principle 3 – Adaptive learning spaces	<p>Good facility design delivers high quality learning spaces and achieves a high level of amenity for children and staff, resulting in buildings and associated infrastructure that are fit-for-purpose, enjoyable and easy to use. This is achieved through site layout, building design, and learning spaces' fit-out.</p> <p>Good design achieves a mix of inclusive learning spaces to cater for all children and different modes</p>	<p>The proposed modification retains a large centrally located indoor play space including simulated outdoor play space that provides direct access to the two (2) outdoor play spaces. The indoor and outdoor play spaces provide a mix of inclusive and adaptable learning spaces.</p>

Table 8 Child Care Planning Guidelines

Statutory Reference	Relevant Consideration	Assessment
	<i>of learning. This includes appropriately designed physical spaces offering a variety of settings, technology and opportunities for interaction.</i>	
Principle 4 - Sustainability	<p><i>Sustainable design combines positive environmental, social and economic outcomes.</i></p> <p><i>This includes use of natural cross ventilation, sunlight and passive thermal design for ventilation, heating and cooling reducing reliance on technology and operation costs. Other elements include recycling and re-use of materials and waste, use of sustainable materials and deep soil zones for groundwater recharge and vegetation.</i></p> <p><i>Well-designed facilities are durable and embed resource efficiency into building and site design, resulting in less energy and water consumption, less generation of waste and air emissions and reduced operational costs.</i></p>	<p>Natural ventilation of the indoor play space is provided by being able to open the indoor space to the north and south outdoor play areas.</p> <p>As part of the SSD assessment, the outdoor play spaces were assessed as having access to satisfactory levels of natural levels of natural daylight, whilst also providing areas for shade and weather protection.</p> <p>The overall development has been designed with regard to the principles of ecologically sustainable development and incorporates a range of sustainability measures including prefabricated construction, highly efficient façade system, natural ventilation, photovoltaic panels and energy efficient lighting and water efficient fixtures and fittings.</p>
Principle 5 - Landscape	<p><i>Landscape and buildings should operate as an integrated and sustainable system, resulting in attractive developments with good amenity. A contextual fit of well-designed developments is achieved by contributing to the landscape character of the streetscape and neighbourhood.</i></p> <p><i>Well-designed landscapes make outdoor spaces assets for learning. This includes designing for diversity in function and use, age-appropriateness and amenity.</i></p> <p><i>Good landscape design enhances the development's environmental performance by retaining positive natural features which contribute to the local context, co-ordinating water and soil management, solar access, micro-climate, tree canopy, habitat values and preserving green networks.</i></p>	<p>The existing landscape design of the CELC has been integrated into the proposed layout of the facility to create a diverse and functional environment.</p> <p>It is proposed to extend the existing landscape design within the southern outdoor play space including the extension of the existing planter along the boundary fence.</p>
Principle 6 - Amenity	<p><i>Good design positively influences internal and external amenity for children, staff and neighbours. Achieving good amenity contributes to positive learning environments and the well-being of children and staff.</i></p> <p><i>Good amenity combines appropriate and efficient indoor and outdoor learning spaces, access to sunlight, natural ventilation, outlook, visual and acoustic privacy, storage, service areas and ease of access for all age groups and degrees of mobility.</i></p> <p><i>Well-designed child care facilities provide comfortable, diverse and attractive spaces to learn, play and socialise.</i></p>	<p>The CELC provides a high level of internal and external amenity with the indoor and outdoor learning spaces having suitable access to sunlight, natural ventilation and outlook. The proposed increase in staff and student numbers is not anticipated to give rise to any additional acoustic impacts or result in privacy impacts.</p> <p>The CELC as modified provides a mix of comfortable, diverse and attractive spaces.</p>
Principle 7 - Safety	<p><i>Well-designed child care facilities optimise the use of the built and natural environment for learning and play, while utilising equipment, vegetation and landscaping that has a low health and safety risk, and can be checked and maintained efficiently and appropriately.</i></p> <p><i>Good child care facility design balances safety and security with the need to create a welcoming and accessible environment. It provides for quality public and private spaces that are inviting, clearly defined</i></p>	<p>Access to the CELC is via a secure single-entry point adjacent to the CELC carpark. This is separate to the main entries to the College.</p> <p>The CELC design incorporates opportunities for passive surveillance throughout the CELC and is consistent with the principles of Crime Prevention Through Environmental Design (CPTED).</p>

Table 8 Child Care Planning Guidelines

Statutory Reference	Relevant Consideration	Assessment
	<p>and allow controlled access for members of the community. Well-designed child care facilities incorporate passive surveillance and Crime Prevention Through Environmental Design (CPTED).</p> <p>Well designed vehicular parking and access minimise traffic safety risks on children and staff.</p>	<p>Fencing around the outdoor play space clearly distinguishes the extent of the CELC from other outdoor spaces located throughout the development.</p>
3 Matters for consideration		
3.1 Site selection and location	<p>Objective: To ensure that appropriate zone considerations are assessed when selecting a site</p> <p>Objective: To ensure that the site selected for a proposed child care facility is suitable for the use.</p> <p>Objective: To ensure that sites for child care facilities are appropriately located.</p> <p>Objective: To ensure that sites for child care facilities do not incur risks from environmental, health or safety hazards.</p>	<p>Centre-based child care facilities are permitted with consent in the E1 zone under the LEP. The development (as modified) is consistent with the objectives of the E1 zone, as it provides for educational opportunities within an emerging town centre.</p> <p>The CELC is co-located with Santa Sophia Catholic College providing an integrated educational facility for the Catholic community.</p> <p>A safe and separate pick-up/drop-off carpark is provided for the CELC with a single-entry point to the facility.</p> <p>The site has been assessed as being suitable for the proposed development and will not result in any risks from environmental, health or safety hazards.</p>
3.2 Local character, streetscape and the public domain interface	<p>Objective: To ensure that the child care facility is compatible with the local character and surrounding streetscape.</p> <p>Objective: To ensure clear delineation between the child care facility and public spaces</p> <p>Objective: To ensure that front fences and retaining walls respond to and complement the context and character of the area and do not dominate the public domain.</p>	<p>The CELC is integrated within the design of the school. The design of the overall development responds to the desired future character of the Gables Town Centre.</p> <p>The CELC is appropriately fenced to separate the child care facility from the school and public spaces. Opportunities for passive surveillance are provided throughout the CELC.</p> <p>Secure fencing provides appropriate security for students whilst being visibly permeable.</p>
3.3 Building orientation, envelope, building design and accessibility	<p>Objective: To respond to the streetscape and site, mitigate impacts on neighbours, while optimising solar access and opportunities for shade.</p> <p>Objective: To ensure that the scale of the child care facility is compatible with adjoining development and the impact on adjoining buildings is minimised.</p> <p>Objective: To ensure that setbacks from the boundary of a child care facility are consistent with the predominant development within the immediate context.</p> <p>Objective: To ensure that buildings are designed to create safe environments for all users.</p> <p>Objective: To ensure that child care facilities are designed to be accessible by all potential users.</p>	<p>The CELC is integrated with the design of the overall development. The design of the CELC, as modified, provides a safe environment for children, staff and visitors, including appropriate fencing and clear sight lines to all play spaces.</p> <p>The CELC as modified has been designed to be accessible to all users and is compliant with the relevant DDA requirements.</p>
3.4 Landscaping	<p>Objective: To provide landscape design that contributes to the streetscape and amenity.</p>	<p>The existing landscape design will be extended within the southern outdoor play space. This includes extending the existing planter along the southern boundary that provides a landscape interface to the development to the south.</p>

Table 8 Child Care Planning Guidelines

Statutory Reference	Relevant Consideration	Assessment
3.5 Visual and acoustic privacy	<p>Objective: To protect the privacy and security of children attending the facility.</p> <p>Objective: To minimise impacts on privacy of adjoining properties.</p> <p>Objective: To minimise the impact of child care facilities on the acoustic privacy of neighbouring residential developments.</p>	<p>The CELC is located away from public view with the outdoor play spaces located so that they will not be overlooked by adjoining future development.</p> <p>The Noise Impact Assessment prepared by PWNA (Appendix E) confirms that the proposed modifications will not result in any adverse acoustic impacts on the adjoining development subject to the implementations of the recommendations of the Noise Impact Assessment and ongoing compliance with the conditions of SSD-9722.</p>
3.6 Noise and air pollution	<p>Objective: To ensure that outside noise levels on the facility are minimised to acceptable levels.</p> <p>Objective: To ensure air quality is acceptable where child care facilities are proposed close to external sources of air pollution such as major roads and industrial development.</p>	<p>The CELC is not impacted by outside noise levels.</p> <p>The site is not located near any source of air pollution that will impact on the well being and amenity of children and staff.</p>
3.7 Hours of operation	<p>Objective: To minimise the impact of the child care facility on the amenity of neighbouring residential developments.</p>	<p>The CELC operates between 6am and 6:30pm Monday to Friday.</p> <p>No changes to the approved hours of operation under Condition E29 and F5 of the consent are proposed.</p>
3.8 Traffic, parking and circulation	<p>Objective: To provide parking that satisfies the needs of users and the demand generated by the centre and to minimise conflicts between pedestrians and vehicles.</p> <p>Objective: To provide vehicle access from the street in a safe environment that does not disrupt traffic flows.</p> <p>Objective: To provide a safe and connected environment for pedestrians both on and around the site.</p>	<p>The CELC as modified provides sufficient parking to satisfy the needs of parents, staff and the demand generated by the CELC. A CELC Parking Management Plan is proposed to be prepared that includes measures to monitor the carpark.</p> <p>Vehicle access to the CELC carpark is provided from an access driveway from Red Gables Road.</p> <p>Pedestrian travel paths from the CELC carpark to the building have been designed to the safety of all users including dedicated footpaths and the use of paving materials to indicate pedestrian priority areas.</p>

Table 9 Assessment against the National Quality Framework Assessment Checklist

Regulation	Proposed	Complies
<p>104. Fencing or barrier that encloses outdoor spaces.</p> <p>Outdoor space that will be used by children will be enclosed by a fence or barrier that is of a height and design that children preschool age or under cannot go through, over or under it.</p> <p>Note: This clause does not apply to a centre-based service primarily for children over preschool age or a family day care residence or venue for over preschool age children.</p>	<p>The outdoor play spaces are securely fenced, with the location of the fencing identified on the architectural plans (Appendix B).</p> <p>Height: 1.8m high</p> <p>Materials: Metal palisade fencing to match existing.</p>	Yes
<p>106. Laundry and hygiene facilities</p> <p>The proposed development includes laundry facilities or access to laundry facilities OR explain the other arrangements for dealing with soiled clothing, nappies and linen, including hygienic facilities for storage of soiled clothing, nappies and linen prior to</p>	<p>An on-site laundry / hygiene is provided within the CELC.</p>	Yes

Table 9 Assessment against the National Quality Framework Assessment Checklist

Regulation	Proposed	Complies
their disposal or laundering. Laundry / hygienic facilities are located where they do not pose a risk to children		
107. Unencumbered indoor space <i>The proposed development includes at least 3.25m² of unencumbered indoor space for each child. Refer to Regulation 107 of the Education and Care Services National Regulation for further information on calculating indoor space.</i>	Number of children: 80 Required Area: 260m ² Provided Area: 261.5m ²	Yes
108. Unencumbered outdoor space <i>The proposed development includes at least 7.0m² of unencumbered outdoor space for each child. Refer to Regulation 108 of the Education and Care Services National Regulation for further information on calculating outdoor space, and for different requirements for out-of-school-hours care services.</i>	Number of children: 80 Required Area: 560m ² Provided Area: 566m ² Comprising three (3) areas: <ul style="list-style-type: none"> Northern outdoor play area = 295m² Southern outdoor play area = 182.5m² Simulated outdoor play area = 88.5m² 	Yes
109. Toilet and hygiene facilities <i>The proposed development includes adequate, developmentally and age-appropriate toilet, washing and drying facilities for use by children being educated and cared for by the service. The location and design of the toilet, washing and drying facilities enable safe and convenient use by the children.</i>	The proposal includes adequate, developmentally and age appropriate toilet, washing and drying facilities for use by children being educated and cared for by the service. The location of toilets and hand basins are shown on the Architectural plans (Appendix B). The number of facilities meets the requirements under Part F of the BCA (Appendix F).	Yes
110. Ventilation and natural light <i>The proposed development includes indoor spaces to be used by children that —</i> <ul style="list-style-type: none"> <i>will be well ventilated; and</i> <i>will have adequate natural light; and</i> <i>can be maintained at a temperature that ensures the safety and well-being of children</i> 	The location of windows and doors are shown on the Architectural plans (Appendix B). The outdoor play spaces were assessed as receiving sufficient natural daylight throughout the day.	Yes
111. Administrative space <i>The proposed development includes an adequate area or areas for the purposes of conducting the administrative functions of the service; and consulting with parents of children; and conducting private conversations.</i> <i>Note: This space cannot be included in the calculation of unencumbered indoor space – see Regulation 107.</i>	The CELC incorporates appropriate administrative spaces including private office spaces.	Yes
112. Nappy change facilities <i>(To be completed only if the proposed development is for a service that will care for children who wear nappies) The proposed development includes an adequate area for construction of appropriate hygienic facilities for nappy changing including at least one properly constructed nappy changing bench and hand cleansing facilities for adults in the immediate vicinity of the nappy change area. The proposed nappy change facilities can be designed and located in a way that prevents unsupervised access by children.</i>	A dedicated nappy change facility is provided within the CELC. Minor alterations to the nappy change facility are proposed as part of this modification application	Yes
113. Outdoor space—natural environment <i>The proposed development includes outdoor spaces that will allow children to explore and experience the natural environment.</i>	The proposed development incorporates a range of outdoor spaces, including spaces for unstructured and free play that encourage creativity, chance encounters and exploration amongst students.	Yes

Table 9 Assessment against the National Quality Framework Assessment Checklist

Regulation	Proposed	Complies
114. Outdoor space—shade <i>The proposed development includes adequate shaded areas to protect children from overexposure to ultraviolet radiation from the sun.</i>	The outdoor play spaces incorporate adequate shaded spaces.	Yes
115. Premises designed to facilitate supervision <i>The proposed development (including toilets and nappy change facilities) are designed in a way that facilitates supervision of children at all times, having regard to the need to maintain the rights and dignity of the children.</i>	The CELC as modified is designed to provide clear sight lines throughout the CELC to facilitate the supervision of children at all times.	Yes

Table 10 The Hills Local Environmental Plan 2019

Clause	Assessment	Complies
2.2 Zoning	<p>The site is zoned E1 Local Centre under the LEP. Centre-based child care facilities are permitted with consent in the E1 zone under the LEP.</p> <p>The proposed modifications are consistent with the objectives of the E1 zone as follows:</p> <ul style="list-style-type: none"> • The proposed development (as modified) provides for a community use that serves the needs of people who living in, work in and visit the area. • The proposed development (as modified) provides employment opportunities in an accessible location with an emerging town centre. • The proposed development provides educational facilities that cater for the surrounding area. 	Yes
4.3 Height of Buildings	<p>The site is subject to a maximum building height of 16m under the LEP. The approved development has a maximum building height of 29.9m (proposed Building Central) to the top of the plant, which exceeds the height of buildings development standard by 13.9m or 86.9%.</p> <p>The proposed modification to the CELC does not seek to modify the approved building height and therefore, the modification is consistent with the approved development.</p>	No. Consistent with approved development
4.4 Floor Space Ratio	<p>The site is subject to a maximum floor space ratio (FSR) of 1:1 under the LEP. The approved development proposed a maximum FSR of 1.32:1, which exceeds the FSR development standard by 0.32:1 or 32%.</p> <p>The proposed modification does not seek to amend the gross floor area of the approved development and therefore, the modification is consistent with the approved development.</p>	No Consistent with approved development
6.3 Public utility infrastructure	All necessary public utility infrastructure is available to the site.	Yes
7.7 Design excellence	<p>Clause 7.7 of the LEP applies to development involving the erection of a new building or external alterations to an existing building, if the building has a height of 25m or more. The proposed modifications include minor external alterations to an existing building with a height of 29.9m and therefore, clause 7.7 applies.</p> <p>The proposed modifications to the CELC has been designed with regard to the design excellence matters set out in clause 7.7(4) of the LEP. An assessment against the design quality principles set out in Part 2 of the Child Care Planning Guidelines is provided in Table 8.</p>	Yes

Appendix B: Architectural Plans

Appendix C: Traffic Technical Note (TN1) – 16 July 2024

Appendix D: Traffic Technical Note (TN2) – 4

March 2025

Appendix E: Acoustic Report

Appendix F: BCA Report