

# Instrument of Refusal

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

As delegate of the Minister for Planning and Public Spaces under delegation executed on 9 March 2020, Group Deputy Secretary, Planning and Assessment disapproves the request to modify the development consent referred to in Schedule 1 for the reasons set out in Schedule 2.



Marcus Ray  
**Group Deputy Secretary**  
**Planning and Assessment**

Sydney 02/07/ 2020

## SCHEDULE 1

**Development consent:** SSD 8812 granted by the Executive Director, Infrastructure Assessments on 13 September 2019.

**For the following:** Alterations and additions to Cranbrook School comprising:

- demolition of the existing War Memorial Hall and Mansfield buildings to facilitate the construction of the New Centenary Building;
- excavation of Hordern Oval to facilitate the construction of a subsurface car park and new aquatic fitness centre (including public domain works to New South Head Road);
- new access driveway to the proposed car park, accessed off Rose Bay Avenue;
- use of the internal driveway between Victoria Road and Rose Bay Avenue to accommodate on campus 'kiss and ride' facility;
- construction of a new Hordern Oval Groundsman's facility'
- reinstatement of the Hordern Oval as a playing field;
- landscaping and general site improvements.

**Applicant:** Cranbrook School

**Consent Authority:** Minister for Planning and Public Spaces

**The Land:** Lot 1 DP663630, Lot 9 to 18 DP9005, Lot A to C DP186768, 5 Victoria Road, Bellevue Hill.

**Modification:** Delete condition B3 that requires the payment of a development contribution.

## SCHEDULE 2

1. The modification request would delete Condition B3 that was imposed in accordance with the provisions of the *Environmental Planning and Assessment Act 1979* and the Woollahra Section 94A Development Contributions Plan 2011 to assist Council in funding projects in Schedule 2 of its contributions plan, which includes public projects in close proximity to the site.
2. The facts relating to the development have not substantially changed since the original consent was granted so as to warrant the deletion of Condition B3.
3. The quantum of the contribution required under Condition B3 was determined in consideration of the public benefit of the development, in particular, the footpath, kerb and gutter works to be carried out which are listed in the Works Schedule of the Woollahra Section 94A Development Contributions Plan 2011.
4. The use of the Chapel and Aquatic Fitness Centre by members of the public does not justify deleting Condition B3, as the public's use of the facilities would be restricted through the Applicant's Operational Plan of Management.
5. The proposed modification is not in the public interest.