



Santa Sophia Catholic College Modification 1

External design amendments, changes to café operational hours and amendments to reporting conditions
State Significant Development Modification Assessment
(SSD 9772 MOD 1)

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Cover image: Santa Sophia College Plaza Entry Perspective (Source: Assessment report SSD 9772)

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Glossary

Abbreviation	Definition
Council	The Hills Shire Council
Department	Department of Planning, Industry and Environment
EIS	Environmental Impact Statement
EP&A Act	<i>Environmental Planning and Assessment Act 1979</i>
EP&A Regulation	Environmental Planning and Assessment Regulation 2000
EPI	Environmental Planning Instrument
Minister	Minister for Planning and Public Spaces
Planning Secretary	Secretary of the Department of Planning, Industry and Environment
SEPP	State Environmental Planning Policy
SRD SEPP	State Environmental Planning Policy (State and Regional Development) 2011
SSD	State Significant Development

Contents

1	Introduction	1
1.1	Background	1
1.2	Approval history.....	2
2	Proposed modification	4
2.1	Modifications to include two vehicular crossings	4
2.2	Amendments to hours of operations for café/canteen	7
2.3	Change of compliance reporting requirements and independent audits	7
3	Strategic context.....	8
4	Statutory context	9
4.1	Scope of modifications	9
4.2	Consent authority	9
4.3	Mandatory matters for consideration.....	9
5	Engagement.....	11
5.1	Department's engagement.....	11
6	Assessment	12
6.1	Impacts of the vehicular crossings	12
6.2	Amendments to the operational hours for the café/canteen	13
6.3	Amendments to construction and pre-construction compliance reporting requirements..	13
7	Evaluation.....	14
8	Recommendation.....	15
9	Determination.....	16
	Appendices	17
	Appendix A – List of referenced documents	17
	Appendix B – Instrument of Approval of Modification.....	17

1 Introduction

This report provides the NSW Department of Planning, Industry and Environment's (the Department's) assessment of an application to modify the State significant development (**SSD**) consent for Santa Sophia College (SSD 9772).

The modification application seeks approval for the following:

- 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.

The approved development application for Santa Sophia College comprises the construction and operation of a new school for 1860 Kindergarten – Year 12 students, a centre-based childcare facility for 60 students and 130 full-time equivalent (FTE) staff.

The application has been lodged on 24 September 2020 by Urban Perspectives, on behalf of The Catholic Education Office Diocese of Parramatta (the Applicant) pursuant to section 4.55(1A) of the *Environmental Planning and Assessment Act 1979* (EP&A Act).

1.1 Background

The school site is located at 10 Red Gables Road (Lot 1 DP 1237552), Box Hill within The Hills Shire local government area. The site is located within a greenfield area undergoing a transition from its current rural residential character to an urban character in the future comprising a mix of residential and commercial developments. In the future, the site would be located within the town centre of the Box Hill North precinct, which is accessed by Boundary Road to the west and Old Pitt Town Road to the south. The regional context of the site is provided in **Figure 1**.

The site would have frontages to two future roads, future Road B to the north and future Fontana Drive to the west. Vehicular access to the site from Red Gables Road would be via an existing access handle. The location of the site and the surroundings are identified in **Figure 2**.

Construction of the school is currently occurring on the site.

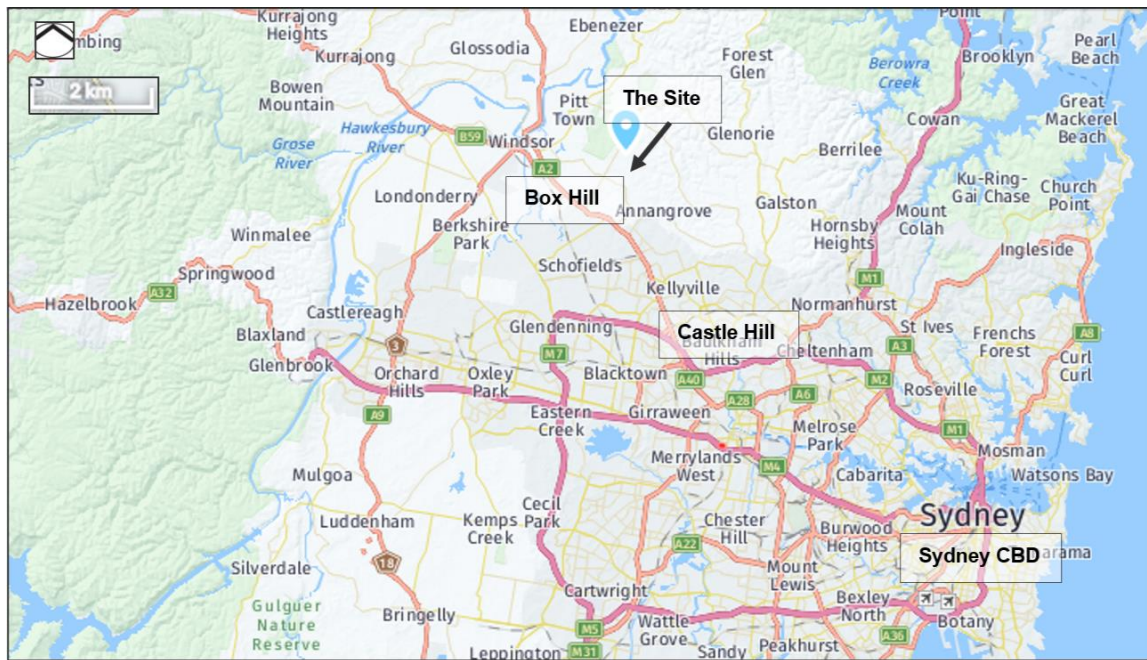


Figure 1 | Regional Context Map (Source: Nearmap 2020)

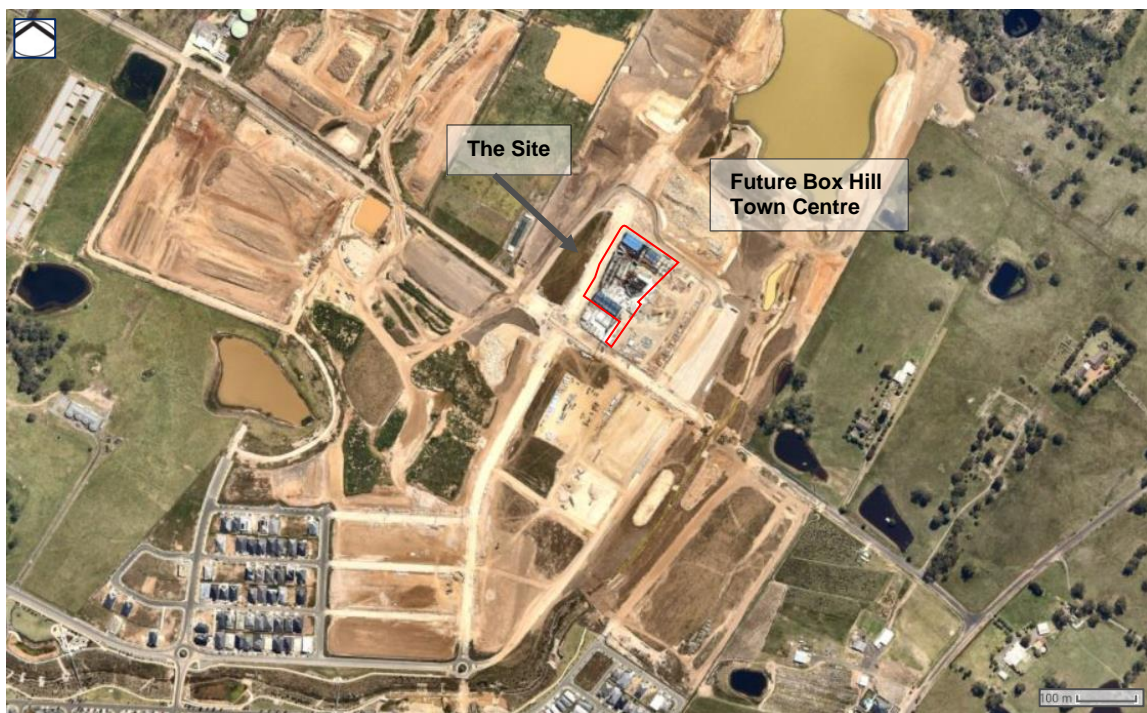


Figure 2 | Local Context Map (Source: Nearmap 2020)

1.2 Approval history

On 21 April 2020, development consent was granted by the Independent Planning Commission (IPC) for the development of the Santa Sophia College (SSD 9772). The development consent permits the following works:

- construction of a new four - six storey building comprising four components accommodating:

- general learning spaces, creative and performance hubs, open space and sporting facilities for 1860 K – 12 students and 130 full-time equivalent staff.
- a centre based childcare facility, for 60 children.
- approximately 15,090 square metres of gross floor area.
- associated landscaping, open spaces, recreational areas, signage and fencing.
- establishment of bus zones and student drop-off and pick-up zones on adjoining roads.

The development consent includes the following conditions relevant to the application:

- Compliance Reporting post approval conditions based on Department's 2018 guidelines (Conditions C18 – C22).
- Independent Audit Post Approval requirements based on Department's 2018 guidelines (D3 – D10).
- Condition F5

<p>Operating hours</p> <p><i>F5. The operating hours of the premises are restricted to the following:</i></p> <p><i>(a) School: 6am to 6pm, Monday to Friday;</i></p> <p><i>(b) CELC: 6am to 6:30pm, Monday to Friday (with outdoor play times restricted between 7am – 6pm);</i></p> <p><i>(c) OOSH: 6am to 9am and 4pm to 7pm, Monday to Friday; and</i></p> <p><i>(d) Use of multipurpose hall for community use: 3pm and 10pm, Monday to Friday. 8am to 10pm Saturday and Sunday.</i></p> <p><i>(e) Café / canteen: 3pm to 10pm, Monday to Friday and 8am to 10pm Saturday and Sunday.</i></p>

The development consent has not previously been modified.

2 Proposed modification

On 24 September 2020, the Applicant lodged a modification application (SSD 9772 MOD 1) to amend the consent under section 4.55(1A) of the EP&A Act. The proposal seeks approval for the following:

- the inclusion of two new vehicular crossings with concrete driveway pavements to the site from Future Road B and Fontana Drive.
- amendments of the operational hours for the café/canteen (condition F5).
- amend construction and pre-construction compliance reporting requirement wording to reference the Department's Post Approval Requirements (PAR) 2020 version (conditions C18 – C22).
- amend independent audit requirements to reflect the PAR 2020 guidelines.

2.1 Modifications to include two vehicular crossings

The approved development does not include any vehicular access to the site from the future Road B or the future Fontana Drive. The Applicant's Modification Report indicates that two vehicular crossings with associated concrete driveway pavements would be needed from the two street frontages to provide access to the approved substation (for loading etc.) and provide emergency vehicle access within the internal plaza, if needed.

Construction of the proposed vehicular crossings would involve:

- the construction of a 4 – 5 metres (m) wide and 5m long concrete pavement with a vehicular crossing at the future Fontana Drive frontage of the school. This crossing and driveway are required by the electrical authority to access the substation at this location.
- the construction of a concrete pavement surface (3.5m wide and 7m long) entrance from future Road B. This driveway is required as a maintenance access for servicing and maintenance purposes.
- the construction of kerb and guttering in association with the crossings.
- relocation of one proposed street tree on Fontana Drive.

The location of the vehicular crossings are provided in **Figures 3 and 4**.

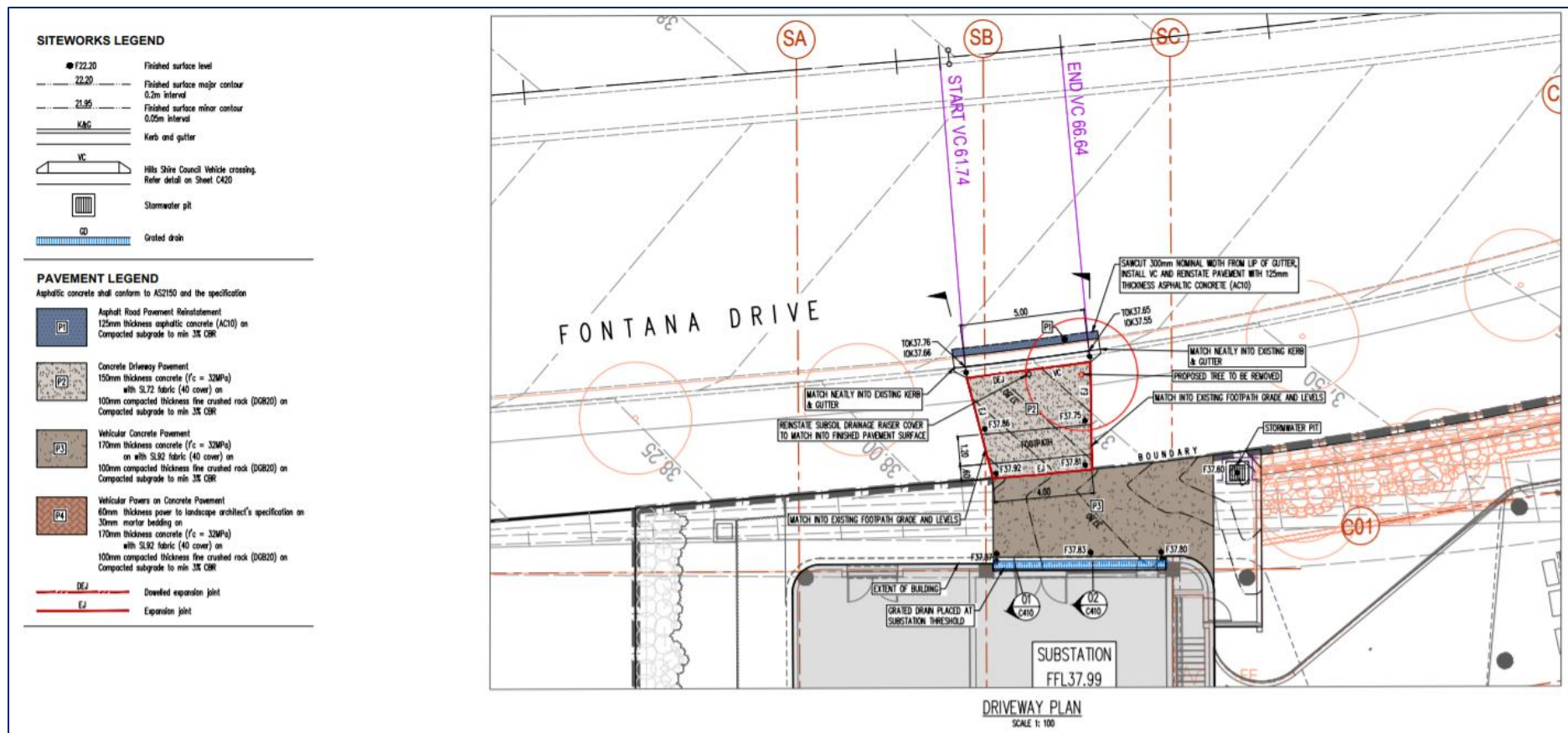


Figure 3 | Proposed driveway from future Fontana Drive (Source: Applicants Modification Report)

2.2 Amendments to hours of operations for café/canteen

The Applicant seeks to amend the approved hours of operation for the café/canteen (Condition F5). The approved café/canteen hours of operation are 3pm to 10:00pm (Monday – Friday).

The Applicant advises that this could prohibit the café/canteen from operating during the school recess or lunchtime. Consequently, the Applicant proposes to amend the hours to be 7am to 10pm (Monday – Friday). to align with the operation of the school.

2.3 Change of compliance reporting requirements and independent audits

The Applicant seeks to amend the compliance reporting conditions to align with the Compliance PAR of the Department. An extract from the Applicant's Modification Report, outlining the current and proposed reporting amendments is shown in **Figure 5**.

Compliance Report	Phase	Submission timing	Anticipated date
Pre-construction compliance report	Pre-construction	Report to be submitted to the Planning Secretary prior to commencement of construction.	June 2020
Construction compliance report	Construction	No greater than 26 weeks from the date of commencement of construction.	November 2020
Construction compliance report	Construction	No greater than 26 weeks from the date of the previous construction compliance report.	May 2021
Pre-operational compliance report	Pre-operation	Prior to commencement of operation.	October 2021
Operation compliance report	Operation	No greater than 52 weeks from the date of commencement of operation.	April 2022

Figure 5 | Amended Compliance Monitoring and Reporting Program (Source: Applicant's Modification Report)

The Applicant also seeks to amend the conditions in relation to the independent audit program to reflect the latest PAR guidelines of the Department (2020).

3 Strategic context

The development, as modified, continues to be consistent with the following and does not alter the key components or outcomes of the proposal:

- it is consistent with the Greater Sydney Regional Plan, A Metropolis of Three Cities, as it proposes a new school to meet the growing needs of Sydney;
- it is consistent with the vision outlined in the Greater Sydney Commission's (GSC) Central City District Plan, as it would contribute towards school infrastructure for a new community with opportunities to co-share facilities with the local community;
- it is consistent with the NSW's Future Transport Strategy 2056, as it would support the ongoing provision of a modern educational facility in an accessible location with access to public and school transport services;
- it is consistent with State Infrastructure Strategy 2018 – 2038 Building the Momentum, as it proposes investment in the non-government school sector, provides for modern learning environments and promotes a design to accommodate infrastructure and facilities sharing with communities; and
- it would provide direct investment in the region of approximately \$123 million, which would support up to 2000 construction jobs and 130 new FTE operational jobs.

4 Statutory context

4.1 Scope of modifications

The Department has reviewed the scope of the modification application and considers that the application can be characterised as a modification involving minimal environmental impacts as the proposal:

- would not significantly increase the environmental impacts of the project as approved.
- is substantially the same development as originally approved.
- would not involve any further disturbance outside the already approved disturbance areas for the project.

Therefore, the Department is satisfied the proposed modification is within the scope of section 4.55(1A) of the EP&A Act and does not constitute a new development application. Accordingly, the Department considers that the application should be assessed and determined under section 4.55(1A) of the EP&A Act rather than requiring a new development application to be lodged.

4.2 Consent authority

4.2.1 Minister's delegate as consent authority

The Minister for Planning and Public Spaces is the consent authority for the application under section 4.5(a) of the EP&A Act. However, under the Minister's delegation dated 9 March 2020, the Director, Social and Infrastructure Assessments, may determine the application as:

- the relevant local council has not made an objection.
- a political disclosure statement has not been made.
- there are less than 10 public submissions by way of objection.

4.3 Mandatory matters for consideration

Section 4.55 of the EP&A Act requires the following matters to be assessed in respect of all applications which seek modifications to approvals (see **Table 1**).

Table 1 | Mandatory matters for consideration

Matter	Consideration
Whether the proposed modification is of minimal environmental impact	The proposed modification would result in minimal environmental impacts as the modification seeks minor design modifications, the change of operational hours for the café/canteen and amendments to reporting conditions
Whether the development to which the consent as modified related is substantially the same development	The proposed modification does not seek to significantly amend the development. The approved development, as modified, will remain substantially the same.
Whether notification has occurred, and any submissions have been considered	The modification application was not publicly advertised in accordance with the EP&A Act and the EP&A Regulation. The Hills Council (Council) was notified of the development and the comments from Council considered. The documents were made publicly available on the Department's website.
Any submission made concerning the proposed modification has been considered	The Department did not exhibit the modification report. Council's comments have been considered in Section 6 .
Any relevant provisions of section 4.15(1) of the EP&A Act.	The relevant provisions of section 4.15(1) of the EP&A Act are considered in this section and the assessment section of this report. The modification would not alter the development's existing compliance with the relevant planning instruments.
Consideration of the reasons for the granting of the consent that is sought to be modified.	The Department has considered the findings and recommendations of the Department's Assessment Report for SSD 9772. The Department is satisfied that the key reasons for the granting of consent continue to be applicable to the development, as modified.

5 Engagement

5.1 Department's engagement

Clause 117(3B) of the Environmental Planning and Assessment Regulation 2000 (EP&A Regulation) specifies that the notification requirements of the EP&A Regulation do not apply to section 4.55(1A) modifications with minimal environmental impact applications. Accordingly, the application was not notified or advertised. However, it was made publicly available on the Department's website on 24 September 2020 and was referred to The Hills Shire Council (Council) for comment.

On 7 October 2020 The Hills Shire Council provided the following comments:

- the reversing movement on future Fontana Drive is not encouraged from a safety perspective as the proposed crossing would be in proximity to the signalised intersection of future Fontana Drive / Red Gables Road. However, Council conceded that due to infrequent truck movements on this driveway, this can be supported subject to suitable traffic control measures via the Road Occupancy Licence.
- the application refers to the vehicle protruding into the carriageway within the "parking lane of Fontana Drive" however this lane is for turning and not for parking.

Council's comments have been considered in **Section 6**.

6 Assessment

The Department's assessment of the modifications is provided below:

6.1 Impacts of the vehicular crossings

The proposed modification would result in two minor concrete pavements and two vehicular crossings off future Fontana Drive and off future Road B. Swept path analysis has been provided with the proposal which identifies that the trucks accessing the substation would have to complete a reversing maneuver on to the future Fontana Drive to reverse on to the vehicular crossing for loading / unloading.

The swept path for future Road B demonstrates that a truck can enter and exit the site in a forward direction.

The Applicant has undertaken an assessment of impact of the vehicular crossings on the surrounding roads and sightlines and concludes that:

- the proposed concrete pavements and vehicular crossings have been designed to comply with Council's specifications.
- the future Fontana Drive driveway would be used for the delivery and replacement of the transformer in the substation, which may occur once every 20 years and can be scheduled outside of school hours.
- the truck to be used would be approximately 10.5m long, which would protrude into the turning lane on Fontana Drive. However appropriate traffic control measures can be implemented to ensure that this does not impact on the traffic on this road in the future.

Council reviewed the applicant's Modification Report and commented that reversing movement on future Fontana Drive is not encouraged from a safety perspective as the proposed crossing would be in proximity to the signalised intersection of future Fontana Drive / Red Gables Road. However, Council also noted that due to infrequent truck movements on this driveway, this can be supported subject to suitable traffic control measures and the provision of suitable traffic controls via the Road Occupancy Licence (with approvals via Council's Traffic Committee). Council did not raise concerns regarding turning movements on future Road B.

The Department has reviewed the swept path analysis and Council's comments. While the Department agrees with Council that reversing movements may result in unsafe traffic environment, the Department notes that the future Fontana Drive would be a local road and not a collector / classified road. Consequently, a truck could reasonably reverse on to this road on an infrequent basis as proposed by the Applicant. The Department considers that the safety issues raised by Council for the use of the vehicular crossing on future Fontana Drive can be mitigated through suitable traffic controls. Conditions to this effect have been recommended requiring additional details in the approved Operational Traffic and Access Management Plan and a Road Occupancy Licence (where needed). Additional conditions of consent have also been recommended requiring the Applicant to obtain separate construction certificates for the driveway crossings from Council.

The Department is satisfied that subject to the implementation of the above conditions, the additional vehicular crossings would not result in an adverse impact on the surrounding traffic network.

6.2 Amendments to the operational hours for the café/canteen

The Department is satisfied that the modification would allow for the operation of the café/canteen to align with the school hours. The original development was approved with this expectation. Aligning the conditions with this expectation will not result in consequential impacts not previously considered as part of the original application.

6.3 Amendments to construction and pre-construction compliance reporting requirements

The applicant seeks to amend the Compliance Monitoring and Reporting Program to align with the Department's updated Compliance Reporting and Independent Audit Post Approval Reporting Requirements (Department 2020).

The proposed changes are administrative and would not have any physical impact to the existing environmental impacts of the approved development. Therefore, the Department is satisfied that the proposed administrative modifications are acceptable.

7 Evaluation

The Department has reviewed the Applicant's Modification Report, the RtS and assessed the merits of the proposal. Issues raised in Council's submissions have been considered and all environmental issues associated with the proposal have been addressed.

The Department considers that the modification application is consistent with the objects of the EP&A Act and continues to be consistent with the strategic direction for the state. The Department concludes that the impacts of the development are minimal and can be appropriately mitigated through the implementation of the recommended conditions of consent. Consequently, the Department considers the development is in the public interest and should be approved subject to conditions.

8 Recommendation

It is recommended that the Director, Social and Infrastructure Assessments, as delegate of the Minister for Planning and Public Spaces:

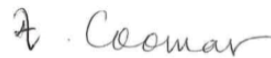
- **considers** the findings and recommendations of this report.
- **determines** that the application SSD 9772 MOD 1 falls within the scope of section 4.55(1A) of the EP&A Act.
- **accepts and adopts** all of the findings and recommendations in this report as the reasons for making the decision to approve the modification.
- **modify** the consent SSD 9772.
- **signs** the attached approval of the modification (**Appendix B**).

Recommended by:



John Doubleday
Para Planner
School Infrastructure Assessments

Recommended by:



Aditi Coomar
Team Leader
School Infrastructure Assessments

9 Determination

The recommendation is **adopted** by:

A handwritten signature in black ink, appearing to read 'KH', with a stylized flourish extending to the right.

28 October 2020

Karen Harragon

Director

Social and Infrastructure Assessments

as delegate of the Minister for Planning and Public Spaces

Appendices

Appendix A – List of referenced documents

Modification Report

<https://www.planningportal.nsw.gov.au/major-projects/project/40161>

Appendix B – Instrument of Approval of Modification

<https://www.planningportal.nsw.gov.au/major-projects/project/40161>