

13 July 2020

Karen Harragon
Director, Social and Other Infrastructure
Department of Planning, Industry and Environment
Locked Bag 5022
Parramatta NSW 2124

Attn: Jason Maslen

Dear Karen

Inner Sydney High School (SSD 7610): Section 4.55(1A) Modification Application

The Department of Education (DoE) is seeking to modify conditions D4 and D5 of the development consent for the Inner Sydney High School (SSD 7610) under section 4.55(1A) of the *Environmental Planning and Assessment Act 1979* (EP&A Act). The proposed modification is required to amend the conditions relating to the implementation of a drop off/pick up zone on the eastern side of Chalmers Street and the associated monitoring requirements.

Conditions D4 and D5

DoE notes that conditions D4 and D5 of SSD 7610 require a drop off/pick up zone to be installed on the eastern side of Chalmers Street (as well as the required monitoring for the following six-month period). Following consultation with the City of Sydney (Council) the installation of the drop off/pick up zone on the eastern side of Chalmers Street was deemed to be a safety risk as well as detriment to the operation of adjacent businesses. It was noted that locating the drop off/pick up zone in this location would result in students exiting buses into trafficable lanes and walking around the vehicles to the eastern footpath before crossing at the lights. This location was therefore not supported.

As a result, an alternative location for the school drop off/pick up zone was provided within an existing bus lane on the western side of Chalmers Street directly adjacent to the school grounds (see **Figure 1**). The alternate location was approved by Council's Local Pedestrian, Cycling and Traffic Calming Committee on 12 December 2019 and was supported by Transport for NSW (see **Attachments A & B**).



■ ■ ■ "Bus Lane 6am-10am, 3pm-8pm Mon-Fri" and "No Stopping"

■ ■ ■ "Bus Lane 6am-10am, 3pm-8pm Mon-Fri", "4P Ticket 10am-3pm Mon-Fri, 8am-10pm Sat, Sun & PH" & "2P Ticket 8pm-10pm Mon-Fri"

■ ■ ■ "Bus Lane 6am-10am, 3pm-8pm Mon-Fri" and "Bus Zone"

■ ■ ■ "No Parking 8am-6pm Mon-Fri" and "4P Ticket 6pm-10pm Mon-Fri, 8am-10pm Sat, Sun & Public Holidays"



Figure 1: Revised Drop off/Pick up Zone location on western side of Chalmers Street

The area provided for the drop-off/pick-up zone was limited to space for two vehicles given the school's proximity to public and active transport options. The Operational Transport and Access Management Plan will be updated accordingly to reflect the changes to the area and location of the drop off/pick up zone.

Monitoring of the drop off/pick up zone was unable to be completed in the first school term of operation, as required by Condition D5, due to operational impacts associated with COVID-19 restrictions. DoE therefore intend to commence monitoring from day one of term three, being Tuesday 21 July 2020.

Accordingly, DoE is seeking to modify the consent to reflect the above-mentioned changes. The proposed modification to conditions D4 and D5 is outlined below by the insertion of the **bold** words and deletion of the ~~struck-out~~ words, as follows:

~~D4. Prior to the commencement of operation, the Applicant must apply to Council for approval to extend the existing 'No Parking' zone on the eastern side of Chalmers Street opposite the main entry of the school to accommodate five vehicles for dropping-off/picking-up students.~~

D4. A school drop-off/pick-up zone must be provided in accordance with the diagram approved by the City of Sydney Council's Local Pedestrian, Cycling and Traffic Calming Committee dated 12 December 2019 (as provided at Appendix 1 of the consent), unless otherwise agreed by the Secretary.

~~D5. The drop-off/pick-up zone on the eastern~~ **western** side of Chalmers Street ~~opposite the~~ **adjacent to main entry** of the school must be monitored during the AM and PM peak drop-off/pick-up periods twice weekly ~~for the first school term of operation from day one of term three (Tuesday 21 July 2020) and one day per week during the AM and PM peak drop-off/pick-up period for the second school term from day one of term four (Monday 12 October 2020) of operation~~ unless otherwise agreed by the Secretary. A monthly report over a six-month period must be prepared by a suitably qualified person including a discussion of the results of the monitoring including:

- a) Time period monitored (date, time);
- b) Number of students exiting/alighting vehicles;
- c) Number of vehicles using the drop-off/pick-up zone;
- d) Length of time each vehicle loads/unloads students;
- e) An assessment of how the drop-off/pick-up zone is operating, and whether there is any observed impact on the Cleveland Street / Chalmers Street intersection (eg queuing, illegal stopping, safety etc);
- f) Verification based of the results of traffic surveys at similar Sites; and
- g) Any other relevant information as required.

~~If after six months of operation, the results of the monitoring indicate insufficient capacity of the drop-off/pick-up zone, alternative arrangements must be made in consultation with Council, TfNSW and RMS to address this issue. Alternative arrangements are to be incorporated into an updated OTAMP and submitted to the Secretary for approval.~~

DoE consider the modification can be assessed under section 4.55(1A) of the EP&A Act as it involves substantially the same development and would have minimal environmental impact. A response to Part 6, Division 12, clause 115 of the Environmental Planning and Assessment Regulation 2000 has been included at **Attachment C**.

DoE looks forward to working with the Department to resolve the matters outlined above. Should you require any additional information or a meeting, please feel free to contact Kate MacDonald on 0448 469 758, or via email at kate.macdonald18@det.nsw.edu.au.

Yours sincerely



Gareth James
Project Director
Schools Infrastructure NSW

Enc: **Attachment A** – Minutes from the City of Sydney Council’s Local Pedestrian, Cycling and Traffic Calming Committee Meeting, 12 December 2019
Attachment B – Diagram approved by the City of Sydney Council’s Local Pedestrian, Cycling and Traffic Calming Committee, 12 December 2019 and proposed ‘Appendix 1’ of Development Consent SSD 7610 (MOD 4)
Attachment C – Assessment against Part 6, Division 12, clause 115 of EP&A Reg.



Attachment A – Minutes from the City of Sydney Council’s Local Pedestrian, Cycling and Traffic Calming Committee Meeting, 12 December 2019

Local Pedestrian, Cycling and Traffic Calming
Committee Minutes

Thursday 12 December 2019

Item 45 Parking - Ticket Parking - Chalmers Street, Surry Hills

2019/599647

Recommendation

It is recommended that the Committee endorse the reallocation of parking on the western side of Chalmers Street, Surry Hills between the points 27.5 metres and 42.5 metres (two car spaces) north of Cleveland Street, as "No Parking 8am-6pm Mon-Fri" and "4P Ticket 6pm-10pm Mon-Fri, 8am-10pm Sat, Sun & Public Holidays".

Voting Members for this Item

Voting Members	Support	Object
City of Sydney	✓	
Roads and Maritime Services	✓	
NSW Police – Surry Hills PAC	✓	
Representative for the Member for Newtown	✓	

Advice

The Committee unanimously supported the recommendation.

Background

The State Significant Development Consent for 242A and 244 Cleveland Street, Surry Hills (SSD 7610) approved the redevelopment of the Inner Sydney High School which requires the provision of pick-up and drop-off parking adjacent to the school.

Attachment B – Diagram approved by the City of Sydney Council’s Local Pedestrian, Cycling and Traffic Calming Committee, 12 December 2019 and proposed ‘Appendix 1’ of Development Consent SSD 7610 (MOD 4)

Chalmers Street, Surry Hills
Proposed parking changes



Existing

- ■ ■ "Bus Lane 6am-10am, 3pm-8pm Mon-Fri" and "No Stopping"
- ■ ■ "Bus Lane 6am-10am, 3pm-8pm Mon-Fri", "4P Ticket 10am-3pm Mon-Fri, 8am-10pm Sat, Sun & PH" & "2P Ticket 8pm-10pm Mon-Fri"
- ■ ■ "Bus Lane 6am-10am, 3pm-8pm Mon-Fri" and "Bus Zone"

Proposed

- ■ ■ "No Parking 8am-6pm Mon-Fri" and "4P Ticket 6pm-10pm Mon-Fri, 8am-10pm Sat, Sun & Public Holidays"



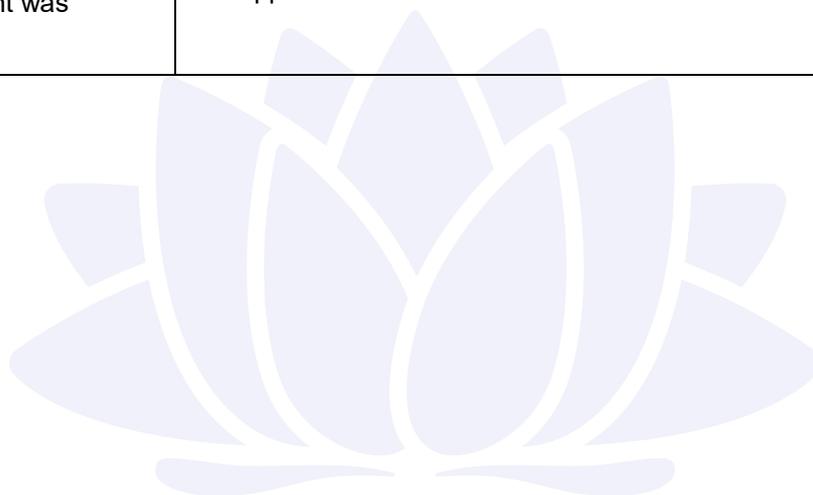
Attachment C – Response to requirements under Part 6, Division 12, Clause 115 of the Environmental Planning & Assessment Regulation 2000

Part 6, Division 12, Clause 115

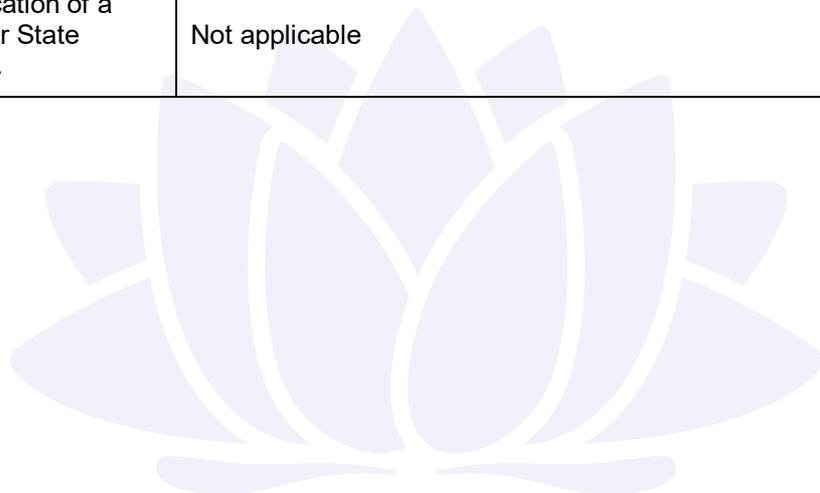
No.	Requirement	Response
(1)	An application for modification of a development consent under section 4.55 (1), (1A) or (2) or 4.56 (1) of the Act must contain the following information	-
(a)	the name and address of the applicant,	NSW Department of Education GPO Box 33, Sydney NSW 2001
(b)	a description of the development to be carried out under the consent (as previously modified),	Development of the new Inner Sydney High School involving: - redevelopment of the site previously known as the Cleveland Street Intensive English High School - demolition of Building 4 and associated covered walkways - adaptive reuse of existing heritage listed buildings - a proposed new 13 storey, plus roof level and basement
(c)	the address, and formal particulars of title, of the land on which the development is to be carried out,	242A and 244 Cleveland Street, Surry Hills (corner of Chalmers and Cleveland Street) Lot 8 DP 821649, Lot 1 DP 797483 and Lot 1 DP 797484
(d)	a description of the proposed modification to the development consent,	Modification of Development Consent conditions D4 and D5 to: - update the referenced location of the school drop off/pick up zone in conditions D4 and D5 from 'the eastern side of Chalmers Street' to 'the western side of Chalmers Street'; - specify that a 'No Parking Zone' must be provided adjacent to the school to accommodate two vehicles for dropping-off/picking-up students, unless otherwise agreed by the Secretary; and - update the drop off/pick up zone monitoring timeline referenced in Condition D5 from 'the first school term' to the 'first day of the third school term' and from the 'second school term' to the 'first day of the fourth school term'.
(e)	a statement that indicates either:	

(i)	that the modification is merely intended to correct a minor error, misdescription or miscalculation, or	-
(ii)	that the modification is intended to have some other effect, as specified in the statement,	The modification is intended to allow for: - the school drop off/pick up zone to be located on the western side of Chalmers Street directly adjacent to the school grounds, allowing safer access for students; and - monitoring pursuant to Condition D5 to commence on day one of term three 2020.
(f)	a description of the expected impacts of the modification,	The modification will allow for the improved operational safety of the development. No other impacts are expected as result of the modification.
(g)	an undertaking to the effect that the development (as to be modified) will remain substantially the same as the development that was originally approved,	The modification will result in the development remaining substantially the same as the development that was originally approved.
(g1)	in the case of an application that is accompanied by a biodiversity development assessment report, the reasonable steps taken to obtain the like-for-like biodiversity credits required to be retired under the report to offset the residual impacts on biodiversity values if different biodiversity credits are proposed to be used as offsets in accordance with the variation rules under the Biodiversity Conservation Act 2016,	Not applicable
(h)	if the applicant is not the owner of the land, a statement signed by the owner of the land to the effect that the owner consents to the making of the application (except where the application for the consent the subject of the modification was made, or could have been made, without the consent of the owner),	Not applicable
(i)	a statement as to whether the application is being made to the Court (under section 4.55) or to the consent authority (under section 4.56), and, if the consent authority so requires, must be in the form approved by that authority.	Not applicable
(2)	The notification requirements of clause 49 apply in respect of an application if the consent of the owner of the land would not be required were the application an application for	Not applicable.

	development consent rather than an application for the modification of such consent.	
(3)	In addition, if an application for the modification of a development consent under section 4.55(2) or section 4.56(1) of the Act relates to residential apartment development and the development application was required to be accompanied by a design verification from a qualified designer under clause 50(1A), the application must be accompanied by a statement by a qualified designer.	Not applicable.
(3A)	The statement by the qualified designer must—	
(a)	verify that he or she designed, or directed the design of, the modification of the development and, if applicable, the development for which the development consent was granted, and	Not applicable.
(b)	provide an explanation of how:	-
(i)	the design quality principles are addressed in the development, and	Not applicable
(ii)	in terms of the Apartment Design Guide, the objectives of that guide have been achieved in the development, and	Not applicable
(c)	verify that the modifications do not diminish or detract from the design quality, or compromise the design intent, of the development for which the development consent was granted	Not applicable



(3B)	If the qualified designer who gives the design verification under subclause (3) for an application for the modification of development consent (other than in relation to State significant development) does not verify that he or she also designed, or directed the design of, the development for which the consent was granted, the consent authority must refer the application to the relevant design review panel (if any) for advice as to whether the modifications diminish or detract from the design quality, or compromise the design intent, of the development for which the consent was granted.	Not applicable
(4)	If an application referred to in subclause (3) is also accompanied by a BASIX certificate with respect to any building, the design quality principles referred to in that subclause need not be verified to the extent to which they aim:	-
(a)	to reduce consumption of mains-supplied potable water, or reduce emissions of greenhouse gases, in the use of the building or in the use of the land on which the building is situated, or	Not applicable
(b)	to improve the thermal performance of the building.	Not applicable
(5)	The consent authority may refer the proposed modification to the relevant design review panel but not if the application is for modification of a development consent for State significant development.	Not applicable



(6)	An application for the modification of a development consent under section 4.55 (1A) or (2) of the Act, if it relates to development for which the development application was required to be accompanied by a BASIX certificate or BASIX certificates, or if it relates to BASIX optional development in relation to which a person has made a development application that has been accompanied by a BASIX certificate or BASIX certificates (despite there being no obligation under clause 2A of Schedule 1 for it to be so accompanied), must also be accompanied by the appropriate BASIX certificate or BASIX certificates	Not applicable
(7)	The appropriate BASIX certificate for the purposes of subclause (6) is:	-
(a)	if the current BASIX certificate remains consistent with the proposed development, the current BASIX certificate, and	Not applicable
(b)	if the current BASIX certificate is no longer consistent with the proposed development, a new BASIX certificate to replace the current BASIX certificate.	Not applicable
(8)	An application for modification of a development consent under section 4.55 (1), (1A) or (2) or 4.56 (1) of the Act relating to land owned by a Local Aboriginal Land Council may be made only with the consent of the New South Wales Aboriginal Land Council.	Not applicable
(9)	The application must be accompanied by the relevant fee prescribed under Part 15.	\$5,000
(10)	A development consent may not be modified by the Land and Environment Court under section 4.55 of the Act if an application for modification of the consent has been made to the consent authority under section 4.56 of the Act and has not been withdrawn.	Not applicable