

Notice of decision

Section 2.22 and clause 20 of Schedule 1 of the *Environmental Planning and Assessment Act 1979*

Application type	State significant development modification
Application number and project name	SSD-10371-Mod-1 Trinity Grammar School Redevelopment Modification 1
Applicant	The Council of Trinity Grammar School
Consent Authority	Minister for Planning

Decision

The Director under delegation from the Minister for Planning has, under 4.55(1A) of the *Environmental Planning and Assessment Act 1979* (**the Act**) modified the consent subject to the recommended conditions and any additional conditions.

A copy of the instrument of modification and conditions is available at <https://www.planningportal.nsw.gov.au/major-projects/projects/modification-1-regularisation-student-numbers>.

A copy of the Department of Planning & Environment's assessment report is available at <https://www.planningportal.nsw.gov.au/major-projects/projects/modification-1-regularisation-student-numbers>.

Date of decision

23 September 2022

Reasons for decision

The following matters were taken into consideration in making this decision:

- the relevant matters listed in section 4.15 of the Act and the additional matters listed in the statutory context section of the Department's Assessment Report;
- the prescribed matters under the *Environmental Planning and Assessment Regulation 2021*;
- the reasons given by the consent authority for the grant of the original consent;
- the objects of the Act;
- all information submitted with the modification application during the assessment and information considered in the Department's Assessment Report;
- the findings and recommendations in the Department's Assessment Report;
- the submissions made concerning the modification; and
- the views of the community about the project (see Attachment 1).

The findings and recommendations set out in the Department's Assessment Report were accepted and adopted as the reasons for making this decision. The Department's Assessment Report also identifies additional reasons for making the decision.

The decision maker was satisfied that the modification is of minimal environmental impact and that the development to which the consent as modified relates is substantially the same development as the development for which consent was originally granted was modified.

The key reasons for granting the modification are as follows:

- *Benefits* - the modification would provide a range of benefits for the region and the State as a whole, including continue to meet the growing needs of Sydney by providing education services and infrastructure to meet the needs of the community.
- *Consistent with NSW Government Policy* - the modification is permissible with consent, and is consistent with NSW Government policies including the Greater Sydney Region Plan, A Metropolis of Three Cities, the Eastern City District Plan and the NSW Future Transport Strategy 2056.
- *Impacts can be managed* - the impacts on the community and the environment can be appropriately minimised, managed or offset to an acceptable level, in accordance with applicable NSW Government policies and standards. The proposal would not significantly increase traffic movements and congestion and the conditions of consent, as modified would ensure the measures are adequately implemented to manage traffic concerns associated with the development and ensure that the interim measures are followed.

- *Community views considered* - the issues raised by the community during consultation and in submissions have been considered and adequately addressed through changes to the project and the recommended conditions of consent.
- weighing all relevant considerations, the modification is in the public interest.

Attachment 1 – Consideration of Community Views

The Department exhibited the modification from Wednesday 9 March 2022 until Tuesday 22 March 2022 (14 days) and received seven submissions, including six objections.

The key issues raised by the community (including in submissions) and considered in the Department's Assessment Report and by the decision maker include traffic and parking impacts, safety concerns, mitigation measures and student numbers. Other issues are addressed in detail in the Department's Assessment Report.

Issue	Consideration
<p><i>Traffic concerns</i></p> <ul style="list-style-type: none"> • traffic around the site would worsen, through congestion and construction traffic. • queuing along Victoria Street and limiting access to Yeo Park. • the queue on Victoria Street is often more than 300m. • parents ignore the 'no right turn' from the car park unless the exit is supervised. • ancillary approvals have resulted in increased traffic issues which have not been addressed. • the Traffic Report (TR) has been prepared when all of Year 12 were not in attendance. • the TR does not assess the new street-based drop-off and pick-up facility; staff and students attending ancillary facilities; or updated travel modes and traffic counts. • the proposed temporary drop-off zone on Old Canterbury Road impacts a bus stop and the front of private property. • area west of the bus stop is utilised for up to 10 buses to park while waiting for the correct time to enter Prospect Road as only two buses can be accommodated at any one time. • the Applicant should monitor the impacts of the 'no right turn' at Jubilee car park on the queuing at the intersection of Harland Street/Queen Street and ensure that additional measures are implemented if queuing is observed. • no signage for the informal drop-off zone on Old Canterbury Road. 	<p><i>Assessment</i></p> <ul style="list-style-type: none"> • The Applicant submitted an RtS including updated traffic information, an updated modification report, and evidence of observations in response to public submissions. • The Department is satisfied that: <ul style="list-style-type: none"> ○ no extensive queues along Victoria street would result from this modification that seeks approval to maintain current school student numbers at 1655. ○ the traffic assessment has included valid data and traffic generated, including Year 12 students. ○ the 'No right-turn' from Jubilee car park would be managed by a marshal who would ensure parents abide by the road rules. ○ the temporary drop-off zone situated along Old Canterbury Road in the mornings would assist in reducing queuing and impacts along Victoria Street, maintain public access to Yeo park, with no impacts on private properties or the bus stops. ○ the imposition of signage (if approved by the relevant roads authority) would ensure orderly use of the drop-off zone. ○ the ancillary approvals (under separate planning pathways) provide for additional buildings to cater for the school, with no change to student or staff numbers. ○ the construction traffic management plan conditioned under SSD-10371, as well the proposed the interim mitigation measures, would manage the traffic and queuing concerns until construction is completed. ○ the mitigation measures proposed as part of this modification are interim, to manage movements associated with 1655 students only. The additional drop-off and pick-up spaces within the Jubilee car park, the roadworks and the operational traffic and access management measures, approved by SSD-10371 must be completed prior to student numbers of 2100 to manage the traffic impacts at that stage. ○ if monitoring of the Jubilee carpark operations occurs post implementation of the measures then impacts of the measures on the surrounding intersection can be estimated. <p><i>Conditions</i></p> <ul style="list-style-type: none"> • preparation of an interim Operational Traffic and Access Management Plan (interim OTAMP) summarising all of the proposed management measures, which would be implemented until the final Operational Traffic and Access Management Plan (OTAMP) is prepared under SSD-10371. • obtaining approval of the interim OTAMP from the Department. • implementation of the proposed interim traffic management measures within two months of the interim OTAMP being approved.

	<ul style="list-style-type: none"> • monitoring of the interim OTAMP for a period of two months after implementation. • preparation and implementation of an independent Road Safety Audit (RSA).
<p><i>Parking</i></p> <ul style="list-style-type: none"> • limited on-street parking options for residents resulting in additional burden on the residential community and residential amenity. • burden is imposed on neighbours on evenings and weekends when inter-school events for sports occur. • the current car park cannot cope with the volume of school generated traffic. 	<p><i>Assessment</i></p> <ul style="list-style-type: none"> • The Department is satisfied that there are no expected changes to the on-street parking surrounding the development as a part of this modification. • The temporary reduction of two car spaces within the Jubilee carpark is acceptable, as they would be reinstated upon completion of the constriction. • The Department acknowledges that there may be on-going issues with availability of on-street parking during out-hours school events. However, these would be better managed in the future through the out of hours event management plan, which is required to be implemented under SSD-10371.
<p><i>Safety</i></p> <ul style="list-style-type: none"> • it is dangerous crossing the front school gate at Prospect Road and Hurlstone Avenue due to heavy vehicle circulation. • narrowing Hurlstone Avenue at the Prospect Road end would allow cars and buses through but make pedestrians more visible. • sight lines out of Holwood Avenue are obscured. 	<p><i>Assessment</i></p> <ul style="list-style-type: none"> • The Department is satisfied that pedestrian movements would be managed through existing pedestrian crossings and future infrastructure upgrades approved and conditioned under SSD-10371. • Narrowing Hurlstone Avenue is outside the scope of this application. The interim traffic management measures do not impact on pedestrian movements on this street, and as such, impacts on the surrounding road network due to student numbers of 2100 were considered in SSD-10371 and conditions recommended accordingly. • The interim traffic management measures would not impact on sight lines.
<p><i>Mitigation measures</i></p> <ul style="list-style-type: none"> • Covid safe measures (staggered start/finish times and 'no right turn' from Jubilee Drive) were in place since 2019 and are not new. • mitigation measures have done nothing to mitigate the 100m of queuing on the western boundary of the school. • staggered start and stop times do not work. 	<p><i>Assessment</i></p> <ul style="list-style-type: none"> • The Applicant has confirmed the staggered start and finish times have been in place prior to 2021, however the proposed measures as part of this modification application have been increased and improved since originally implemented. • In addition, a traffic marshal was introduced to manage the 'no right turn' from Jubilee carpark. • The Department has reviewed the Applicant's RtS and additional information, and considers that the mitigation measures would ensure an effective operation of the car park. The subsidy to the bus travel, and the temporary drop-off zone, reduce the pressure on the car park and the queuing on Victoria Street until the expansion of the car park occurs. • The Department notes that Council requested a traffic assessment be undertaken and that TfNSW requested an independent Road Safety Audit (RSA) for the drop-off zone along Old Canterbury Road only and no other concerns regarding the mitigation measures. <p><i>Conditions</i></p> <ul style="list-style-type: none"> • preparation and approval of an interim OTAMP summarising all of the proposed measures. • implementation of the interim OTAMP, ensuring ongoing management and application of the staggering and separation of start and finish times and the independent RSA. • installation of signage in the drop-off zone as needed. • providing evidence to the Department, within 2 months of the implementation of the interim OTAMP, that the measures have resulted in the desired outcomes (such as less queuing, student safety).
<p><i>Student numbers</i></p> <ul style="list-style-type: none"> • student numbers should remain capped at 1500. • student numbers (1655) are the same as they were in 2019. • currently student and staff numbers are in exceedance by 10 percent from the approved 1500 students and 251 staff, and this would continue to be exceeded 	<p><i>Assessment</i></p> <ul style="list-style-type: none"> • The Department acknowledges that this modification seeks to enable school student numbers to be maintained at 1655 students, similar to that existing in 2019. • While this is contrary to the IPC decision, the TR demonstrated traffic impacts on the site and the surrounding road would not significantly increase as a result of 1655 students, compared to 1500 students.

- further.
the term enrolment should be referenced in any determination.

- To maintain consistency with the original development this report and conditions refer to 'student numbers' rather than enrolment.
- The Department is satisfied that this modification application includes updated traffic information and interim measures to demonstrate that traffic impacts can be managed.

Conditions

- amend conditions B6 and B7 to limit the student enrolments to 1655 and staff numbers to 277.