

8 October 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) seeks to modify conditions D4 and D5 of the development consent issued in respect of the Inner Sydney High School (SSD 7610) pursuant to 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.

This submission should be read in conjunction with specialist traffic advice prepared by Positive Traffic Pty Ltd, a copy of which is included at **Attachment A**.

Conditions D4 and D5

Conditions D4 and D5 of SSD 7610 relate to the location and operation of the drop-off / pick-up zone associated with the school.

Condition D4

Condition D4 requires DoE to apply to Council for approval to extend the existing “No Parking” zone on the eastern side of Chalmers Street to create a drop-off / pick-up zone to accommodate five vehicles.

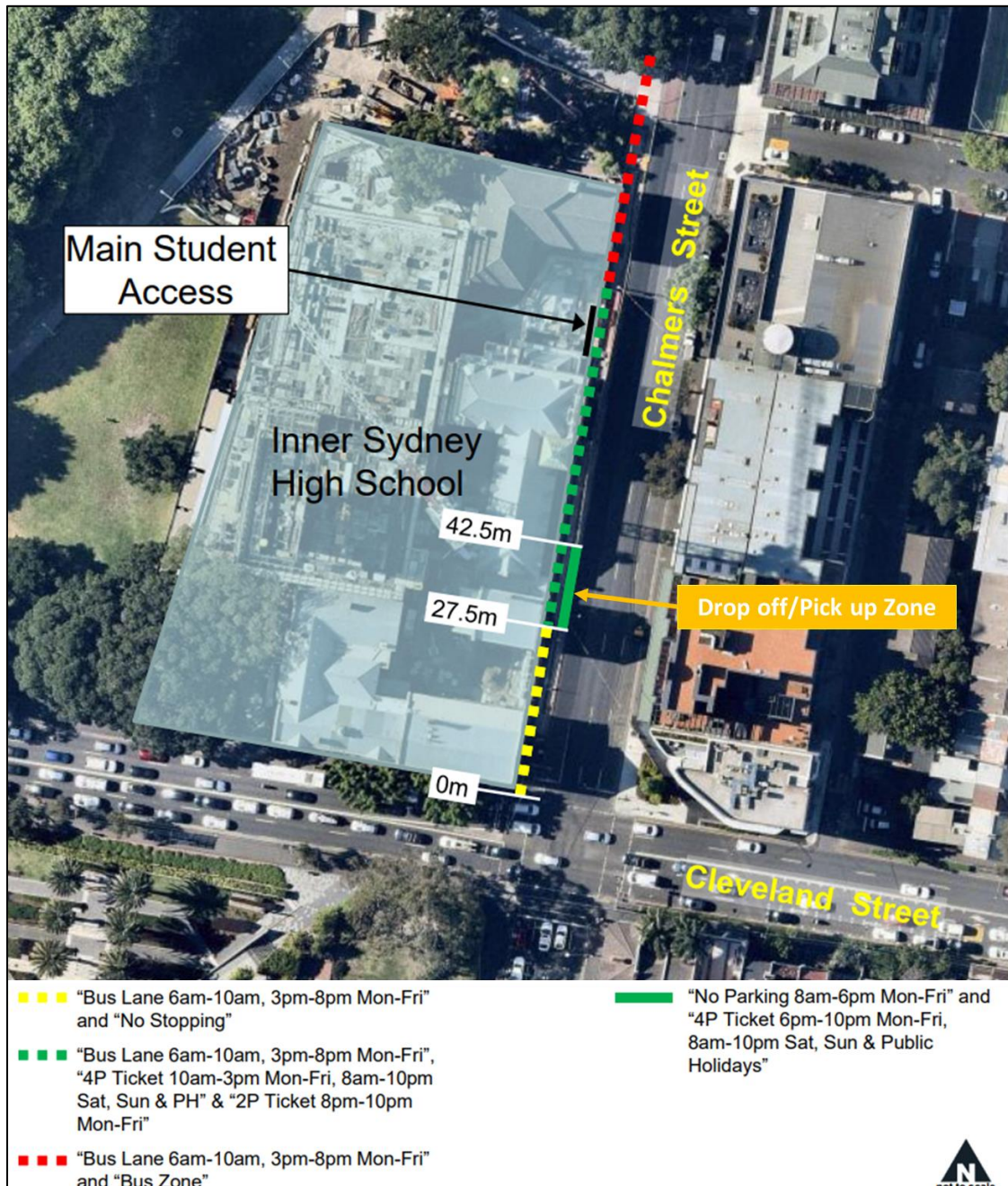
A formal request was made to the City of Sydney (Council) in mid-2019, seeking approval to create the aforementioned drop-off / pick-up zone in accordance with the requirements of Condition D4.

Council deemed the installation of the drop-off / pick-up zone on the eastern side of Chalmers Street to be a safety risk, as well as being detrimental to the operation of adjacent businesses. It was noted that locating the drop-off / pick-up zone in this location would potentially result in students exiting vehicles into traffickable lanes and walking around the vehicles to the eastern footpath before crossing at the lights at the Cleveland Street intersection. This location was therefore not supported.

Council, in consultation with TfNSW, identified an alternative location for the school drop-off / pick-up zone on the western side of Chalmers Street directly adjacent to the school grounds (see **Figure 1**). It is noted that the use of this area requires the removal of part of

an existing bus lane which operates 6.00am - 10.00am and 3.00pm – 8.00pm Monday - Friday. Outside of these hours, the area is available for ticketed parking.

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



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. **Attachment B** includes a copy of the report presented to the Committee, together with the Minutes documenting the Committee's resolution in this matter.

The report presented to the Committee limited the area provided for the drop-off / pick-up zone to space for two vehicles (as opposed to the requested five). This was in acknowledgement of the school's proximity to a range of public and active transport options. However it is noted that the "No Parking" zone on the western side of Chalmers

Street has a length of 17.7 metres, which based on current Australian Standards for the provision of parallel parking spaces, can accommodate up to 3 spaces.

DoE requests that Condition D4 be amended to reflect Council's position in relation to the drop-off / pick-up zone, namely, relocating the facility to the 17.7 metre long "No Parking" zone on the western side of Chalmers Street (which has the support of TfNSW).

The Operational Transport and Access Management Plan (OTAMP) for the school (required under Condition D3 of the consent) will be updated to reflect the changes to the location and capacity of the drop-off / pick-up zone.

Condition D5

Condition D5 requires monitoring of the drop-off / pick-up zone throughout the first and second terms of operation of the school.

The Inner Sydney High School had its first intake of students (Year 7 only) on Day 1 Term 1, 2020. However, monitoring of the drop off / pick up zone was unable to be completed in the first school term of operation (Term 1 2020), as required by condition D5, due to operational impacts associated with COVID-19 restrictions.

NSW school students gradually returned to the classroom from 25 May 2020 (part way through Term 2). In order to gather information for a full school term, monitoring (of the Council-approved drop-off / pick-up facility on the western side of Chalmers Street) commenced on Day 1 of Term 3, being Tuesday 21 July 2020.

In light of the pandemic and its impact on school operations, DoE requests the modification of Condition D5 to reflect the above-mentioned changes.

Proposed Amendments

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. **The Applicant must utilise the 'No Parking Zone' on the western side of Chalmers Street adjacent to the school as approved by Council's Local Pedestrian, Cycling and Traffic Calming Committee on 12 December 2019 for use as a drop-off / pick-up facility for students, unless otherwise agreed by the Secretary.**
- D5. ~~The drop-off/pick-up zone on the eastern side of Chalmers Street opposite the 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~~ **the adjacent to** ~~the~~ **throughout Term 3 2020 (commencing 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 throughout Term 4 2020 (commencing 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, **and** TfNSW ~~and RMS~~ to address this issue. Alternative arrangements are to be incorporated into an updated OPTMP and submitted to the Secretary for approval.*

Summary and Conclusion

It is considered that 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 please contact Helen Mulcahy from our Statutory Planning Team on 0437 184 280 or via email at Helen.Mulcahy@det.nsw.edu.au.

Yours sincerely



Gareth James
Project Director
School Infrastructure NSW

Encl:

Attachment A – Positive Traffic Pty Ltd assessment of impacts associated with the proposed MOD

Attachment B – Report & Minutes of City of Sydney Local Pedestrian, Cycling and Traffic Calming Committee Meeting, 12 December 2019

Attachment C – Assessment against Part 6, Division 12, clause 115 of EP&A Regulation

Attachment A

Positive Traffic Pty Ltd assessment of impacts associated with the proposed relocation of the drop-off / pick-up facility

Our Reference: **PT16042**

Root Partnerships
Level 19
9 Hunter Street
Sydney NSW 2000

6 October 2020

Attention: Mr Shaun Carrey

Inner City High School (SSD 7610 MOD 4) - Relocation of Drop-off / Pick-up Facility

This correspondence has been prepared by Positive Traffic P/L to accompany a request for modification (MOD 4) of the consent issued in respect of SSD 7610 for the development of the new Inner Sydney High School.

MOD 4 seeks to modify Condition Nos. D4 and D5 of the consent which relate to the provision of a Drop-off / Pick-up facility (D4) and subsequent monitoring of the operation of the facility (D5).

This correspondence addresses the request for additional information set out in the Department of Planning, Industry and Environment's letter dated 15 July 2020, specifically to provide:

1. An assessment of potential traffic, parking and pedestrian impacts associated with the proposed relocation of the Drop-off / Pick-up facility; and
2. Justification for the reduction in the approved number of spaces.

Background

Positive Traffic Pty Ltd prepared the original traffic and transport impact assessment report for inclusion in the State Significant Development Application for the new Inner Sydney High School.

That report, amongst other traffic and transport investigations, included an assessment into the potential mode share of kiss and drop passengers to the school to develop plans for the provision of a Drop Off / Pick Up facility in Chalmers Street.

It should be noted that, the Green Travel Plan report, which included a finer grain assessment of potential mode share of students and staff, forecast that 5% of the total ultimate student population would travel to / from the school as a passenger. This equates to some **60** students.

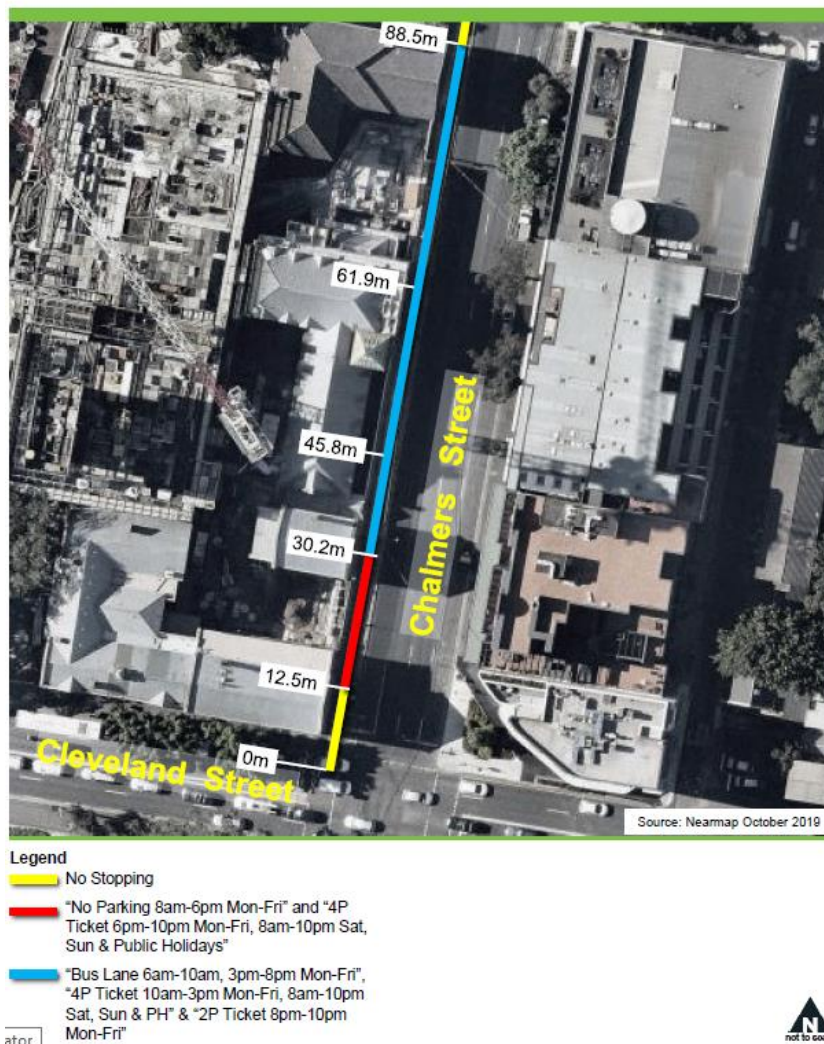
Condition D4 of the consent requires the provision of **5** spaces on the eastern side of Chalmers Street, as an extension of an existing No Parking zone. The **5-space** capacity was based on each space having the potential to accommodate 30 vehicles per hour during afternoon pick up (2 minutes per vehicle in accordance with the maximum permissible parking time within a No Parking Zone).

At a conservative estimate of one student per vehicle, the **5-space** facility as approved would have a capacity for **150** vehicles (students) per hour or **75** students in the first 30 minutes after school (in line with the time limit imposed on bus servicing of a school). Accordingly, the **5-space** original Drop Off / Pick Up facility would more than cater for the expected mode demand as forecast in the Green Travel Plan report.

It is noted that the Sydney City Council approved "No Parking" zone on the western side of Chalmers Street has a length of **17.7m** as shown below from the sketch plan prepared by Sydney City Council.

Figure 1 – Sydney City Council Approved Drop Off / Pick Up Facility Location & Length

Chalmers Street, Surry Hills
Proposed Parking Changes



Whilst Council's approval was based on a capacity of **2 cars** within the **17.7m** long Drop-off / Pick-up facility (in the form of a No Parking Zone). The actual capacity of this space is **3 cars** based on current Australian Standards for the provision of parallel parking spaces.

Ability of Proposed Facility to Accommodate Current Demands

The school currently includes Year 7 students with a population of approximately **167** students. Based on the Green Travel Plan forecasts, a 5% mode share to travel as a passenger would equate to some **9 students** requiring use of the No Parking zone during the morning and afternoon peak school periods.

As stated above the current No Parking zone can accommodate up to **3 cars** at any one time. During Drop Off periods where length of stay ranges from 30-60 seconds, the 30-minute capacity of the existing Drop Off / Pick Up facility would be **90 – 180** vehicles.

During Pick Up periods when length of stay is typically longer (1 minute to 2 minutes), the 3-space zone could accommodate **45 – 90** vehicles in the first 30 minutes after school. Based on a conservative estimate of one (1) student per vehicle, the zone in the afternoon at its least capacity could accommodate **45** student pickups.

Thus, the use of the existing No Parking zone to serve the school as a Drop Off / Pick Up facility (as approved by Council's Local Pedestrian, Cycling and Traffic Calming Committee on 12 December 2019) would have sufficient capacity to accommodate forecast demands of current Year 7 students.

On the basis that the 5% mode share of students travelling to / from the school is achieved in future years as the school increases in population (say 170 students per year), the current zone would not require expansion for the first **4 years** of operation.

Impact Assessment of Facility

General

It should be noted that at the commencement of the planning for the new school, the preference for the location of the Drop Off / Pick Up facility was the western side of Chalmers Street. However, the kerbside bus lane (more heavily utilised than it is currently following completion of Stage 1 of the Sydney Light Rail Project) prevented the facility to be located directly outside the school boundary.

Traffic Impacts

In comparison to a facility on the eastern side of Chalmers Street, a facility on the western side is preferred as it is a more natural arrangement for drivers who may be dropping off or picking up passengers. Drivers generally feel more comfortable reverse parking (if necessary) into spaces on the left side of their vehicle as this is the most common manoeuvre of parallel parking.

In turn, access to these spaces is expected to be undertaken in a quicker manner thus limiting impacts on traffic flows compared to the original site on the eastern side of Chalmers Street.

Parking Impacts

The original proposal included an extension of an existing No Parking zone which currently serves adjacent retail premises on the eastern side of Chalmers Street. At school peak times, this No Parking zone would have accommodated parents' vehicles at the expense of service vehicle access.

In comparison the Drop Off / Pick Up facility located on the western side of Chalmers Street via the shortening of the bus lane does not result in any net loss of available parking for general or service vehicles in Chalmers Street. Further, the facility provides general parking outside of typical operational hours of the school in turn resulting in a net positive public parking benefit.

Pedestrian Impacts

The facility as provided on the western side of Chalmers Street enables the school to (if necessary) confine students using the Drop Off / Pick Up facility within the school grounds to control access to the facility. The facility as originally approved on the eastern side of Chalmers Street would not allow this to occur and would require pedestrians to cross Chalmers Street via the traffic signals at Cleveland Street.

Further, during school peak periods a facility on the eastern side of Chalmers Street would result in additional crowding of public pedestrian footpaths at the traffic signals with Cleveland Street having a greater impact on members of the public crossing at the signals during these times compared to a facility located on the western side of Chalmers Street.

Drop Off / Pick Up Facility Ongoing Review

Condition D5 of the consent requires the review of the facility on a weekly basis over the first and second school terms of operation.

We can confirm that video surveys of the Drop Off / Pick Up facility commenced in **Term 3** following a return to standard school operations during the current COVID pandemic. These weekly surveys will be completed at the end of Term 3 and reporting on the findings will be provided in early Term 4 2020. We can also confirm that the surveys would be repeated for the entirety of Term 4 2020.

It should be noted that the surveys of the Drop Off / Pick Up facility may not indicate typical operation demands due to a number of factors. These are:

1. The COVID pandemic has resulted in large volumes of workers working from home and thus are more available to drop off and pick up their children from school.

2. The public transport system has been operating at some 25% capacity since April 2020 and has not returned to pre COVID capacity resulting in a greater shift to private vehicle use.
3. Year 7 students do not exhibit average mode share proportions of the school as a whole as children are younger with parents less likely to allow them to travel by public transport alone compared to older students.

Summary

Whilst the Drop Off / Pick Up facility as approved by the Local Pedestrian, Cycling and Traffic Calming Committee at its meeting of 12 December 2019 does not allow for the provision of 5 spaces as required by the original consent, the physical capacity for **3 vehicles** is expected to be sufficient to accommodate the Drop Off / Pick Up demands generated by Year 7 students and future enrolments up to and inclusive of 2023.

The reporting of the weekly video surveys of the Drop Off / Pick Up facility (currently being undertaken each week of Term 3) will allow a more accurate assessment of current demand versus available capacity (having regard to the influences of COVID on transport behaviour) and will form the basis of decisions on the short term / long term requirements of the existing facility as the school population increases to an ultimate population of 1,200 students.

Please do not hesitate to contact myself on 0414 462247 should you require any additional information.

Yours sincerely



DEAN BRODIE

Managing Director

Attachment B

City of Sydney Local Pedestrian, Cycling and Traffic Calming Committee Meeting, 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.

Item 45.

Parking - Ticket Parking - Chalmers Street, Surry Hills

TRIM Container No.: 2019/599647

Recommendations

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	[Insert]	[Insert]
Roads and Maritime Services	[Insert]	[Insert]
NSW Police –Surry Hills PAC	[Insert]	[Insert]
Representative for the Member for Newtown	[Insert]	[Insert]

Advice

Advice will be updated after the meeting.

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.

Comments

The kerbspace on the western side of Chalmers Street, Surry Hills adjacent to the proposed School, is currently "Bus Lane 6am-10am, 3pm-8pm Mon-Fri", "2P Ticket 8pm-10pm Mon-Fri" and "4P Ticket 10am-3pm Mon-Fri, 8am-10pm Sat, Sun and Public Holidays".

Transport for NSW has provided support for the removal of part of the bus lane to accommodate kerb space parking for pick-up and drop-off adjacent to the school.

The proposed new parking restrictions would be "No Parking 8am-6pm Mon-Fri" and "4P Ticket 6pm-10pm Mon-Fri, 8am-10pm Sat, Sun & Public Holidays". The change complies with the existing ticket parking on the street and the City's Neighbourhood Parking Policy which recommends ticket parking for areas where there is high demand on kerb space.

The number of parking spaces provided for drop-off and pick-up have been limited given that the school is located adjacent to a dedicated cycleway, a number of bus services, central rail station and the Light Rail.

Consultation

As the proposal amends kerbside restrictions in an existing bus lane and has no impact on existing parking, consultation was not required.

Financial

All costs associated with the proposal will be borne by the developer.

EOIN CUNNINGHAM, SENIOR TRAFFIC ENGINEER

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: <ul style="list-style-type: none"> • 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 building, 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: <ul style="list-style-type: none"> (i) 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'; (ii) specify that a 'No Parking Zone' located on the western side of Chalmers Street directly adjacent to the school (in accordance with Council's requirements) be provided for dropping-off / picking-up students, unless otherwise agreed by the Secretary; and (iii) 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, mis-description 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: <ul style="list-style-type: none"> • 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 in accordance with the resolution of Council's Local Pedestrian; Cycling and Traffic Calming Committee resolution of 12 December 2019; and • monitoring required under Condition D5 to commence on Day 1 of Term 3 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.

No.	Requirement	Response
(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 s 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 development consent rather than an application for the modification of such consent.	Not applicable.
(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,	Not applicable.

No.	Requirement	Response
	the development for which the development consent was granted, and	
(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

No.	Requirement	Response
(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 for an application made under section 4.55(1A) of the <i>Environmental Planning and Assessment Act 1979</i>
(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