



Meadowbank Education and Employment Precinct Schools Project Modification 1

State Significant Development Modification Assessment
(SSD 9343 MOD 1)

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Glossary

Abbreviation	Definition
Applicant	NSW Department of Education
BDAR	Biodiversity Development Assessment Report
Consent	Development Consent
Council	City of Ryde
Department / DPIE	Department of Planning, Industry and Environment
EP&A Act	<i>Environmental Planning and Assessment Act 1979</i>
EP&A Regulation	Environmental Planning and Assessment Regulation 2000
ESD	Ecologically Sustainable Development
MEEP	Meadowbank Education and Employment Precinct
Minister	Minister for Planning and Public Spaces
PCT	Plant community types
Planning Secretary	Secretary of the Department of Planning, Industry and Environment
SSD	State Significant Development

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1 Introduction

This report provides the NSW Department of Planning, Industry and Environment's (the Department) assessment of an application to modify the State significant development (SSD) consent for development of the Meadowbank Education and Employment Precinct Schools Project (SSD 9343).

The application was lodged on 9 July 2020 by NSW Department of Education (the Applicant) pursuant to section 4.55(1) of the *Environmental Planning and Assessment Act 1979* (EP&A Act). The modification application (SSD 9343 Mod 1) seeks approval to correct an administrative error in the number and type of ecosystem credits required to be retired under condition B24 of the consent.

1.1 Background

The site is located within the Meadowbank Education and Employment Precinct (MEEP) on a 3.3ha parcel of land that was formerly part of the NSW TAFE Meadowbank Campus (TAFE Campus).

The site is irregular in shape and is bounded by a Sydney Water Pumping Station and Rhodes Street to the north-west and north-east, the remaining TAFE Campus to the south-east and south and the T9 Northern Railway Line railway corridor to the south-west.

The site contains hard paved, dirt and grassed open areas interspersed with native and non-native vegetation, including 275 mature and semi-mature trees.

An aerial view of the site and surrounding area is provided at **Figure 1**.



Figure 1: Aerial view of the site, the TAFE Campus and surrounding context (Base source: Nearmap 2020)

1.2 Approval history

On 21 May 2020, development consent was granted by the Executive Director, Infrastructure Assessments, as delegate for the Minister for Planning and Public Spaces, for development of the Meadowbank Education and Employment Precinct Schools Project, providing for new co-located primary and secondary schools and intensive English learning centre (SSD 9343). The approved works comprise:

- construction of an up to seven storey multi-purpose building.
- site landscaping, open space and open and covered sports courts/fields.
- tree removal and planting.
- fencing and pathways.
- flooding and stormwater management works.
- 60 staff car parking spaces.
- school building identification signage.

The development consent has not been previously modified.

2 Proposed modification

The application seeks to modify Condition B24 of the original SSD consent to correct an error in the number and type of ecosystem credits to be retired to offset the residual biodiversity impacts of the development. Condition B24 requires the retirement of nine Sydney Blue Gum High Forest in the Sydney Basin Bioregion (Plant Community Type (PCT) 1237) credits (or equivalent payment to the Biodiversity Conservation Fund), whereas the Biodiversity Development Assessment Report (BDAR) submitted with the original SSD application requires the retirement of:

- eight Sydney Blue Gum - Blackbutt - Smooth-barked Apple moist shrubby open forest on shale ridges of the Hornsby Plateau, Sydney Basin Bioregion (PCT 1237) credits.
- one Turpentine - Grey Ironbark open forest on shale in the lower Blue Mountains, Sydney Basin Bioregion (PCT 1281) credit.

Condition B24 should reflect the number and type of credits set out in the BDAR.

The proposed changes are shown below with the insertion of **bold and underlined** words and deletion of ~~struck-out~~ words:

B24. Evidence of the retirement of credits or payment to the Biodiversity Conservation Fund in satisfaction of condition B22 must be provided to the Planning Secretary prior to carrying out development that will impact on biodiversity values.

Any PCT with the below TEC	Number of Credits	Containing hollow bearing trees	In the below IBRA subregions
Sydney Blue Gum High Forest in the Sydney Basin Bioregion - <u>Blackbutt - Smooth-barked Apple moist shrubby open forest on shale ridges of the Hornsby Plateau, Sydney Basin Bioregion (PCT 1237)</u>	9 <u>8</u>	Yes	Cumberland Plain and Pittwater Or Any IBRA subregion that is within 100km of the outer edge of the impacted site
<u>Turpentine - Grey Ironbark open forest on shale in the lower Blue Mountains, Sydney Basin Bioregion (PCT 1281)</u>	<u>1</u>	<u>Yes</u>	<u>Cumberland Plain and Pittwater Or Any IBRA subregion that is within 100km of the outer edge of the impacted site</u>

No other amendments are sought as part of this modification application.

3 Statutory context

3.1 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 a minor error, misdescription or miscalculation under Section 4.55(1) as the proposed modification:

- would correct an error in condition B24 that inaccurately references the number and type of ecosystem credits to be retired as set out in the BDAR submitted with the original application.
- would not 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(1) 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(1) of the EP&A Act rather than requiring a new development application to be lodged.

3.2 Consent authority

The Minister for Planning and Public Spaces (the Minister) is the consent authority for the application under section 4.5(a) of the EP&A Act. In accordance with the Minister's delegation to determine SSD applications, signed on 9 March 2020, the Director, Social and Infrastructure Assessments may determine this modification application as:

- the application had not already been referred by the Planning Secretary to the Independent Planning Commission at the time the delegation was issued.
- the application has not been made by a person who has disclosed a reportable donation in connection with the application.
- there are less than 10 public submissions in the nature of objection.

4 Engagement

Due to the minor administrative nature of the proposed modification, the application was not notified. The modification application was made publicly available on the Department's website.

No submissions were received.

5 Assessment

The Department has assessed the modification application in accordance with the relevant requirements of the EP&A Act and considers that the proposed changes are administrative and minor in nature.

The modification application seeks to modify the consent to amend an administrative error relating to the number and type of ecosystem credits to be retired to offset the residual biodiversity impacts of the development. The proposed would modification enable the conditions of consent to correctly align with the recommendations of the BDAR prepared in support of the original application and the Department's original Assessment Report which considered the findings and recommendations of the BDAR. As such, the proposed modifications would ensure consistency between the conditions of consent and the Department's the original assessment.

The proposed changes do not seek to alter the approved tree removal, landscaping or the development more generally. The site continues to be suitable to for the proposed development.

The Department considers that the proposed modification is in the public interest as it seeks to enable the Applicant to correctly retire biodiversity offsets in the interest of the natural environment.

6 Evaluation

The Department's assessment concludes that the proposed modification would ensure consistency with the BDAR prepared in support of the original application and the Department's original assessment. The proposed development would continue to be substantially the same development as the original approved and is in the public interest. The proposed administrative changes are appropriate and minor in nature.

7 Recommendation

It is recommended that the Director of 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 9343 Mod 1) falls within the scope of section 4.55(1) 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 9343; and
- signs the attached Instrument of Modification (**Appendix B**).

Recommended by:



Jenny Chu
Planning Officer
Social and Infrastructure Assessments

Recommended by:



Jason Maslen
Team Leader
School Infrastructure Assessments

8 Determination

The recommendation is **Adopted** by:



13 July 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

Applicant's modification application

<https://www.planningportal.nsw.gov.au/major-projects/project/38111>

Appendix B – Modification Instrument

<https://www.planningportal.nsw.gov.au/major-projects/project/38111>