

19 February 2021

Ms Karen Harragon  
Director, Social and Infrastructure Assessments  
NSW Department of Planning, Industry and Environment  
320 Pitt Street  
Sydney NSW 2000

Attention: Jason Maslen, Social and Infrastructure Assessments  
[jason.maslen@planning.nsw.gov.au](mailto:jason.maslen@planning.nsw.gov.au)

Dear Ms Harragon

**Application to modify SSD 10349**  
**Multi-Trades and Digital Technology Hub, TAFE NSW Meadowbank Campus, Meadowbank Education and Employment Precinct**

## 1 Introduction

This Statement of Environmental Effects (SEE) is prepared by *Keylan Consulting Pty Ltd* (Keylan) on behalf of TAFE NSW (the Applicant) to accompany an application to modify State Significant Development (SSD) 10349 under Section 4.55(1A) of the *Environmental Planning and Assessment Act 1979* (EP&A Act).

The modification application seeks to amend conditions of consent to facilitate the removal of three (3) additional trees within the site due to ongoing detailed design refinement.

The trees to be removed are identified within the Arboricultural Impact Assessments submitted with SSD 10349 as trees numbered 9, 212 and 216.

The loss of these three trees will be compensated in accordance with *Condition B37 – Replacement Tree Planting* of the consent, which requires replacement tree planting at a target rate of one tree planted for each tree removed.

The application is supported by a BDAR Waiver Request prepared by EEM (Appendix 5). This report concludes that the proposal will not result in additional biodiversity impacts beyond those that were previously assessed.

In support of this Application, the following reports and updated plans have been prepared (Table 1).

Appendices	Supporting documentation
Appendix 1	Arboricultural Impact Assessment – Multi-Trades and Digital Technology Hub (AIA MTDTH)
Appendix 2	Arboricultural Impact Assessment – Block J Car Park (AIA Block J Car Park)
Appendix 3	Site Demolition Plan
Appendix 4	Carpark Landscape Plan
Appendix 5	Biodiversity Development Assessment Report Waiver Request

Table 1: List of Appendices

## 2 Background

On 25 August 2020, the delegate of the Minister for Planning and Public Places granted consent to the Multi-Trades and Digital Technology Hub (MTDTH) and Block J car park at the TAFE Meadowbank campus (SSD 10349).

There have been no subsequent modifications to SSD 10349.

## 3 Proposed modification to the Development Consent

This Modification Application seeks approval to remove three trees, numbered 9, 212 and 216 within the Arboricultural Impact Assessments submitted with the original SSD application.

The removal of these additional trees is discussed in detail below and is supported by updated Arboricultural Impact Assessments and revised relevant plans from the Architectural and Landscape Drawings.

### Tree 9

As illustrated in Figure 1, Tree 9 is located to the eastern boundary of the MTDTH, adjacent to See Street. As detailed in the AIA MTDTH (Appendix 1) Tree 9 is a Eucalyptus Scoparia with a height of 10 metres and a spread of 6 metres. The health of this tree is identified as good and its significance is low.

Detailed design refinement has revealed that excavation works for footings and a batter associated with the MTDTH will impact upon the Tree Protection Zone of this tree and therefore it can no longer be successfully retained.

The revised AIA MTDHT therefore recommends removal of this tree.

### Trees 212 and 216

As illustrated in Figure 2, Trees 212 and 216 are located to the north of the exit ramp of the Block J car park.

Tree 212 is a Corymbia Maculate, with a height of 10 metres and a spread of 6 metres. Tree 216 is a Lophostemon Confertus with a height and spread of 10 metres. The AIA Block J Car Park (Appendix 2) identifies both trees are in good health with medium significance.

On 13 August 2020, revised Architectural and Landscape Drawings were submitted under SSD 10349 for the Block J car park. These plans increased the setback of the car park to See Street by 1 metre, facilitating the provision of additional landscaping as it presents to the public domain.

Following the approval of SSD 10349, it has become apparent that the revised location of the Block J car park encroaches on the Tree Protection Zones of Trees 212 and 216 and consequently they can no longer be successfully retained.

The revised AIA Block J Car Park therefore recommends removal of these two trees.

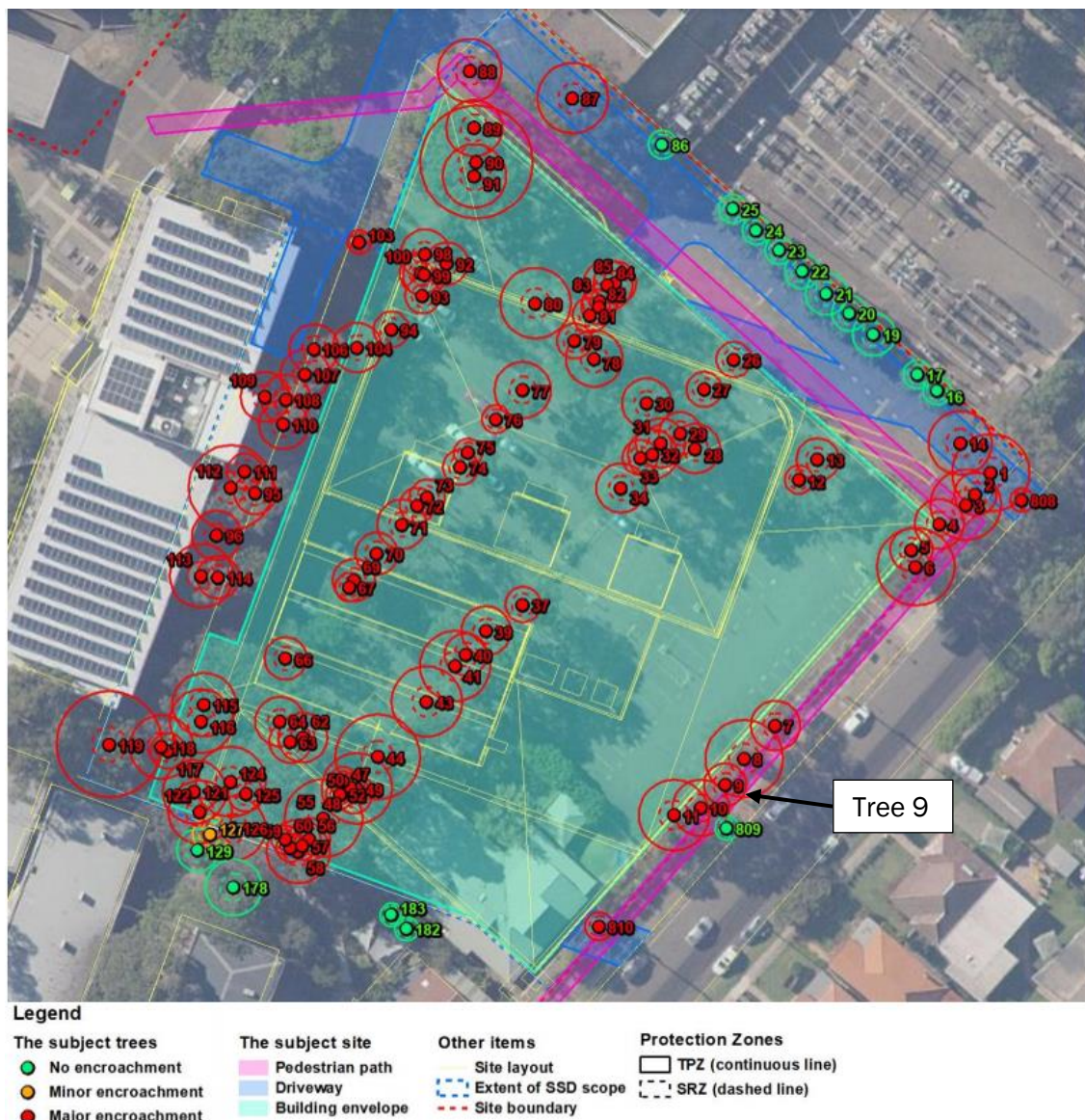


Figure 1: Tree Location Plan





Figure 2: Tree Location Plan

## 4 Modifications to Conditions of Consent

The following conditions are proposed to be modified, as outlined in ~~striketrough~~ / **RED** below:

- Condition A2 – Terms of Consent
- Condition C20(C) – Tree Protection

### Terms of Consent

- A2. The development may only be carried out:
- (a) in compliance with the conditions of this consent;
  - (b) in accordance with all written directions of the Planning Secretary;
  - (c) generally in accordance with the EIS, RtS and the SRtS; and
  - (d) in accordance with the approved plans in the table below (except as may be amended by the conditions of consent):

Architectural drawings prepared by Gray Puksand			
Drawing No.	Rev	Name of Drawing	Date
GP-AR-DWG-C1000	<del>1</del> <b>2</b>	SITE DEMOLITION PLAN	<del>15-05-20</del> <b>15-01-21</b>
DA01.1	A	DEMOLITION SITE PLAN NORTH	08-07-2020
DA03	F	PROPOSED SITE PLAN	11-08-2020
DA04	D	PROPOSED SITE PLAN NORTH	08-07-2020
DA05	B	PROPOSED STREET FRONT INTERFACE WORKS - SHEET 1 of 3	09.10.19
DA06	B	PROPOSED STREET FRONT INTERFACE WORKS - SHEET 2 of 3	09.10.19
DA07	B	PROPOSED STREET FRONT INTERFACE WORKS - SHEET 3 of 3	09.10.19
DA08	B	PROPOSED SITE PLAN SOUTH	11-08-2020
DA11	D	LEVEL 01 FLOOR PLAN	08-07-2020
DA12	D	LEVEL 02 FLOOR PLAN	08-07-2020
DA13	C	LEVEL 03 FLOOR PLAN	08-07-2020
DA14	C	LEVEL 04 FLOOR PLAN	08-07-2020
DA15	C	LEVEL 05 FLOOR PLAN	08-07-2020
DA16	C	LEVEL 06 FLOOR PLAN	08-07-2020
DA17	C	ROOF PLAN	08-07-2020
DA20	E	EAST & NORTH ELEVATIONS	20-07-2020
DA21	E	WEST & SOUTH ELEVATIONS	20-07-2020
DA25	E	SECTIONS - EAST-WEST	13-07-2020
DA26	E	SECTIONS - SOUTH-NORTH	13-07-2020
DA50	C	GFA PLANS	08-07-2020
DA100	B	GROUND FLOOR PLAN	11-08-20
DA101	B	LEVEL 1 FLOOR PLAN	11-08-20
DA102	B	LEVEL 2 FLOOR PLAN	11-08-20

<b>Architectural drawings prepared by Gray Puksand</b>			
DA120	B	ELEVATIONS	11-08-20
DA125	B	SECTIONS	11-08-20
RTS_B-001	A	SIGNAGE LOCATION PLAN	20/07/2020
RTS_B-002	A	SIGNAGE DETAILS	20/07/2020
S3316-08 DWG.8	B	WAYFINDING & SIGNAGES	04.05.2020
S3316-08 DWG.9	B	WAYFINDING & SIGNAGES	04.05.2020
<b>Landscape drawings prepared by Tract</b>			
Drawing No.	Rev	Name of Drawing	Date
219-0066-02-SSDA_100	3	PROPOSED SITE PLAN - CAMPUS NORTH	29.01.2020
219-0066-02-SSDA_200	0	SEE STREET CROSS SECTIONS	02.02.2019
219-0066-02-SSDA_201	0	WESTERN ELEVATION	02.02.2019
TR-LA-DWG-C0100	<del>B</del> 8	CARPARK LANDSCAPE PLAN	<del>11.08.20</del> 19.01.21
<b>Civil drawings prepared by Taylor Thomson Whitting</b>			
Drawing No.	Rev	Name of Drawing	Date
SKC100	P2	NOTES AND LEGEND SHEET	03/10/19
SKC102	P2	EROSION AND SEDIMENT CONTROL PLAN	03/10/19
SKC110	P2	SITEWORKS AND STORMWATER PLAN	03/10/19
SKC120	P2	TYPICAL DETAIL SHEET 1	03/10/19
<b>Civil drawings prepared by Northrop</b>			
Drawing No.	Rev	Name of Drawing	Date
DAC01.11	1	SPECIFICATION NOTES – SHEET 01	24.04.2020
DAC01.12	1	SPECIFICATION NOTES – SHEET 02	24.04.2020
DAC02.01	1	SEDIMENT AND SOIL EROSION CONTROL PLAN	24.04.2020
DAC02.11	1	SEDIMENT AND SOIL EROSION CONTROL DETAILS	24.04.2020
DAC04.01	1	SITEWORKS AND STORMWATER MANAGEMENT PLAN	24.04.2020
DAC04.21	1	STORMWATER LONGITUDINAL SECTION – SHEET 01	24.04.2020
DAC04.22	1	STORMWATER LONGITUDINAL SECTION – SHEET 02	24.04.2020
DAC04.31	1	STORMWATER MANAGEMENT DEVICES	24.04.2020
DAC09.01	1	DETAILS – SHEET 01	24.04.2020
DAC09.02	1	DETAILS – SHEET 02	24.04.2020

### Tree Protection

C20. For the duration of the construction works:

- (a) street trees must not be trimmed or removed unless it forms a part of this development consent or prior written approval from Council is obtained or is required in an emergency to avoid the loss of life or damage to property;

- (b) all street trees immediately adjacent to the property boundaries must be protected at all times during construction in accordance with Council's tree protection requirements. Any street tree, which is damaged or removed during construction due to an emergency, must be replaced, to the satisfaction of Council;
- (c) all trees on the sites or adjoining the sites that are not approved for removal must be suitably protected during construction as per the recommendations of the document titled 'Arboricultural Impact Assessment TAFE Meadowbank Multi-Trades and Digital Technology Hub Version ~~3~~ 4' prepared by Tree Survey and dated ~~12 November 2019~~ 9 January 2021 and 'Arboricultural Impact Assessment TAFE Meadowbank – Block J Car Park Version ~~2~~ 3' prepared by Tree Survey and dated 21 ~~July~~ October 2020; and
- (d) if access to the area within any protective barrier is required during the works, it must be carried out under the supervision of a qualified arborist. Alternative tree protection measures must be installed, as required. The removal of tree protection measures, following completion of the works, must be carried out under the supervision of a qualified arborist and must avoid both direct mechanical injury to the structure of the tree and soil compaction within the canopy or the limit of the former protective fencing, whichever is the greater.

## 5 Statutory Considerations

The following section provides an assessment against the statutory environmental planning instruments relevant to the development. This section includes discussion and evaluation of the key issues and matters for consideration under Sections 4.55 and 4.15(1) of the EP&A Act as detailed in Table 2 and 3 below.

### 5.1 Section 4.55(1A)

Section 4.55(1A) of the EP&A Act states:

*A consent authority may, on application being made by the applicant or any other person entitled to act on a consent granted by the consent authority and subject to and in accordance with the regulations, modify the consent if:*

Section 4.55(1A) Provision	Response
(a) <i>it is satisfied that the proposed modification is of minimal environmental impact, and</i>	<p>The proposed modification seeks minor changes to conditions of consent to facilitate the removal of three additional trees within the site.</p> <p>These trees are required to be removed due to the detailed design refinement:</p> <ul style="list-style-type: none"> <li>• Tree 9 – the detailed design has revealed that the excavation works for footings and a batter associated with the MTDTH will impact upon the TPZ of this tree. Consequently, Tree 9 can no longer be successfully retained.</li> <li>• Trees 212 and 216 – on 13 August 2020 revised Architectural and Landscape Drawings were submitted for the Block J car park. These plans increased the setback of the car park to See Street</li> </ul>

Section 4.55(1A) Provision	Response
	<p>by 1 metre, facilitating the provision of additional landscaping. Due to the location of the car park, there is an encroachment within the trees TPZs of Trees 212 and 216 and consequently they can no longer be successfully retained.</p> <p>The loss of these three trees will be compensated in accordance with <i>Condition B37 – Replacement Tree Planting</i> of the consent which requires replacement tree planting at a target rate of one tree planted for each tree removed.</p> <p>On this basis, the removal of these trees will not result in any significant environmental impacts.</p>
<p>(b) <i>it is satisfied that the development to which the consent as modified relates is substantially the same development as the development for which the consent was originally granted and before that consent as originally granted was modified (if at all), and</i></p>	<p>The approved construction and operation of the development remains unchanged.</p> <p>As noted, the loss of Trees 9, 212 and 216 will be compensated in accordance with the requirements of Condition B37.</p> <p>The proposal is therefore substantially the same as the approved development.</p>
<p>(c) <i>it has notified the application in accordance with:</i></p> <ul style="list-style-type: none"> <li>i. <i>the regulations, if the regulations so require, or</i></li> <li>ii. <i>a development control plan, if the consent authority is a council that has made a development control plan that requires the notification or advertising of applications for modification of a development consent, and</i></li> </ul>	<p>The application will be notified (if required) by the Department of Planning, Industry and Environment (DPIE).</p>
<p>(d) <i>it has considered any submissions made concerning the proposed modification within any period prescribed by the regulations or provided by the development control plan, as the case may be.</i></p>	<p>Consideration will be given to any submissions received.</p>

Table 2: Section 4.55(1A) Assessment



## 5.2 Section 4.55(3)

Section 4.55(3) of the EP&A Act states:

*In determining an application for modification of a consent under this section, the consent authority must take into consideration of the matters referred to in section 4.15(1) as are of relevance to the development the subject of the application. The consent authority must also take into consideration the reasons given by the consent authority for the grant of the consent that is sought to be modified.*

The following section also includes discussion and evaluation of the key issues and matters for consideration under Section 4.15(1) of the EP&A Act.

## 5.3 Section 4.15(1) Assessment

This section provides an assessment against Section 4.15(1) of the EP&A Act.

Provision	Comment
(a) <i>The provisions of:</i>	
(i) <i>any environmental planning instrument, and</i>	<p>The original SSD addressed the development's compliance against relevant planning instruments, including:</p> <ul style="list-style-type: none"> <li>• <i>State Environmental Planning Policy (State and Regional Development) 2011</i></li> <li>• <i>State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017</i></li> <li>• <i>State Environmental Planning Policy (Infrastructure) 2007</i></li> <li>• <i>State Environmental Planning Policy No. 64 – Advertising and Signage</i></li> <li>• <i>State Environmental Planning Policy No. 55 – Remediation of Land</i></li> <li>• <i>Ryde Local Environmental Plan 2014</i></li> </ul> <p>The proposed modification will not impact the approved development's compliance with the above planning instruments.</p>
(ii) <i>any proposed instrument that is or has been the subject of public consultation under this Act and that has been notified to the consent authority (unless the Planning Secretary has notified the consent authority that the making of the proposed instrument has been deferred indefinitely or has not been approved), and</i>	<p>The original SSD addressed the development's compliance against relevant draft environmental planning instruments including:</p> <ul style="list-style-type: none"> <li>• <i>Draft State Environmental Planning Policy Remediation of Land)</i></li> <li>• <i>Draft State Environmental Planning Policy (Environment)</i></li> </ul> <p>The proposed modification will not impact the approved development's compliance with the above planning instruments.</p>
(iii) <i>any development control plan, and</i>	Under clause 11 of the SRD SEPP, development control plans do not apply to SSD.
(iiia) <i>any planning agreement that has been entered into under</i>	No planning agreement or draft planning agreement has been entered into as part of this application.

Provision	Comment
<i>section 7.4, or any draft planning agreement that a developer has offered to enter into under section 7.4, and</i>	
(iv) <i>the regulations (to the extent that they prescribe matters for the purposes of this paragraph)</i>	There are no known matters prescribed by the Regulations that are relevant to the consideration of this application.
(v) <i>(Repealed)</i>	N/A
<i>that apply to the land to which the development application relates,</i>	
(b) <i>the likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality,</i>	The request to modify Conditions of Consent will not result in any adverse environmental impacts and will facilitate the orderly economic development and operation of the land.
(c) <i>the suitability of the site for the development,</i>	The site is suitable for the proposed modification.
(d) <i>any submissions made in accordance with this Act or the regulations,</i>	The application will be notified (if required) by DPIE. Any submissions received will be considered.
(e) <i>the public interest.</i>	SSD 10349 addressed public interest. Given the proposed modification seeks to remove three trees which will be compensated through replacement planting the proposal remains consistent with the original assessment of the public interest.

Table 3: Section 4.15(1) Assessment

## 5.4 Biodiversity Conservation Act 2016

The Biodiversity Conservation Act 2016 (BC Act) aims to maintain the diversity and quality of ecosystems and enhance their capacity to adapt to change and provide for the needs of future generations.

In accordance with section 7.9(2) of the BC Act, SSD applications are required to be accompanied by a BDAR. However, a BDAR waiver may be granted should it be determined by the Planning Agency Head (DPIE) and the Environment Agency Head (Environment, Energy and Science Group (EESG)) that the proposed development is not likely to have any significant impact on biodiversity values.

SSD 10349 was supported by a BDAR Waiver Request prepared by EEM. On 4 May 2020, the Environment, Energy and Science Group (EESG) of the Department of Planning, Industry and Environment (DPIE) determined that the proposed development would not be likely to have any significant impact on biodiversity values and that a biodiversity development assessment report (BDAR) is not required. T

Due to the proposed removal of three additional trees, a revised BDAR Waiver Request has been prepared by EEM (Appendix 5). This report concludes that is concluded that the revised

development footprint will not result in additional biodiversity impacts beyond those that were previously assessed and considered as part of the original BDAR waiver request and overall, it is found that the revised project will not result in significant impacts on threatened species, populations or communities.

## 6 Environmental Planning Assessment

The proposed modification seeks to amend conditions of consent to facilitate the removal of three additional trees within the site. The need to remove these trees has arisen from detailed design refinement which has identified that the approved development will encroach within the TPZ's of these trees. Consequently, they can no longer be retained.

The loss of these three trees will be compensated in accordance with *Condition B37 – Replacement Tree Planting* of the consent, which requires replacement tree planting at a target rate of one tree planted for each tree removed. On this basis, no adverse environmental impacts are anticipated.

## 7 Conclusion

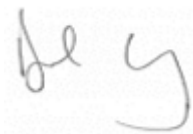
This SEE concludes that the proposed modification will provide for the orderly economic development of the site and will not result in any significant environmental impacts.

The proposed modification will facilitate the removal of three trees within the site, with compensatory tree planting provided at a rate of one tree planted for each tree removed in accordance with *Condition B37 – Replacement Tree Planting* of the consent.

Based on the assessment in this report, we consider that the applicant has shown good cause for the NSW Department of Planning, Industry and Environment to modify the consent as requested.

Please do not hesitate to contact Padraig Scollard (02 8459 7508 or [padraig@keylan.com.au](mailto:padraig@keylan.com.au)) if you wish to discuss any aspect of this report.

Yours sincerely



Dan Keary BSc MURP MPIA  
Director