



Smalls Road Public School Modification 1

State Significant Development Modification Assessment

Modify the conditions of the consent to amend the timeframe for commencing post-operational noise and drop-off and pick-up monitoring.

(SSD 8372 MOD 01)

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Glossary

Abbreviation	Definition
AHD	Australian Height Datum
BCA	Building Code of Australia
CIV	Capital Investment Value
CPP	Community Participation Plan
Council	City of Ryde
Crown Lands	Crown Lands, DPIE
DAWE	Department of Agriculture, Water and the Environment (formerly DoEE)
Department	Department of Planning, Industry and Environment
DPI	Department of Primary Industries, DPIE
DRG	Division of Resources & Geoscience, DPIE
EESG	Environment, Energy and Science Group, DPIE
EIS	Environmental Impact Statement
EPA	Environment Protection Authority
EP&A Act	<i>Environmental Planning and Assessment Act 1979</i>
EP&A Regulation	Environmental Planning and Assessment Regulation 2000
EPBC Act	<i>Environment Protection and Biodiversity Conservation Act 1999</i>
EPI	Environnemental Planning Instrument
EPL	Environnent Protection Licence
ESD	Ecologically Sustainable Development
FRNSW	Fire and Rescue NSW
Heritage	Heritage NSW, Department of Premier and Cabinet
LEP	Local Environmental Plan
Minister	Minister for Planning and Public Spaces
NPWS	National Parks & Wildlife Service, DPIE

NRAR	Natural Resources Access Regulator, DPIE
Planning Secretary	Secretary of the Department of Planning, Industry and Environment
RMS	Roads and Maritime Services, TfNSW
SEARs	Planning Secretary's Environmental Assessment Requirements
SEPP	State Environmental Planning Policy
SRD SEPP	State Environmental Planning Policy (State and Regional Development) 2011
SSD	State Significant Development
SSI	State Significant Infrastructure
TfNSW	Transport for NSW

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1 Introduction

This report provides the NSW Department of Planning, Industry and Environment's (the Department's) assessment of an application to modify the State significant development (**SSD 8372**) consent for the construction of a new primary school and associated works at the former Ryde High School site at 3B Smalls Road, Ryde.

The modification application seeks approval to amend the timing for commencing post-operational noise and drop-off/pick up monitoring to commence within 12 months of the commencement of the school's operation. The Applicant notes this is required due to the altered school operations from COVID-19 restrictions resulting in unrepresentative noise generation levels and drop-off/pick-up volumes.

The application has been lodged on 30 July 2020 by the Department of Education (the Applicant) pursuant to section 4.55 (1A) of the *Environmental Planning and Assessment Act 1979* (**EP&A Act**).

1.1 Background

The Applicant is constructing a new primary school and associated works at 3B Smalls Road, Ryde in the City of Ryde LGA. Formerly the Ryde High School and previously occupied by the Cerebral Palsy Alliance, the site is legally described as Lot 1 in DP 83042 and is rectangular in shape with an area of 47,391m² and a 240 metre frontage to Smalls Road.

The newly constructed and operational primary school from January 2020 is located in Ryde, 12 kilometres north-west of the Sydney CBD and 12 kilometres north-east of the Parramatta CBD with Denistone railway station located approximately 2 kilometres from the site.

The site is located within an established residential area, with development surrounding the site characterised as one to two storey detached dwelling houses. The site is adjoined by two parks, Smalls Park to the north east which offers open space and sporting fields and Henri Dunant Park to the east, offering public open space and play equipment. Additionally, Yamble Reserve is located approximately 200m south of the site.

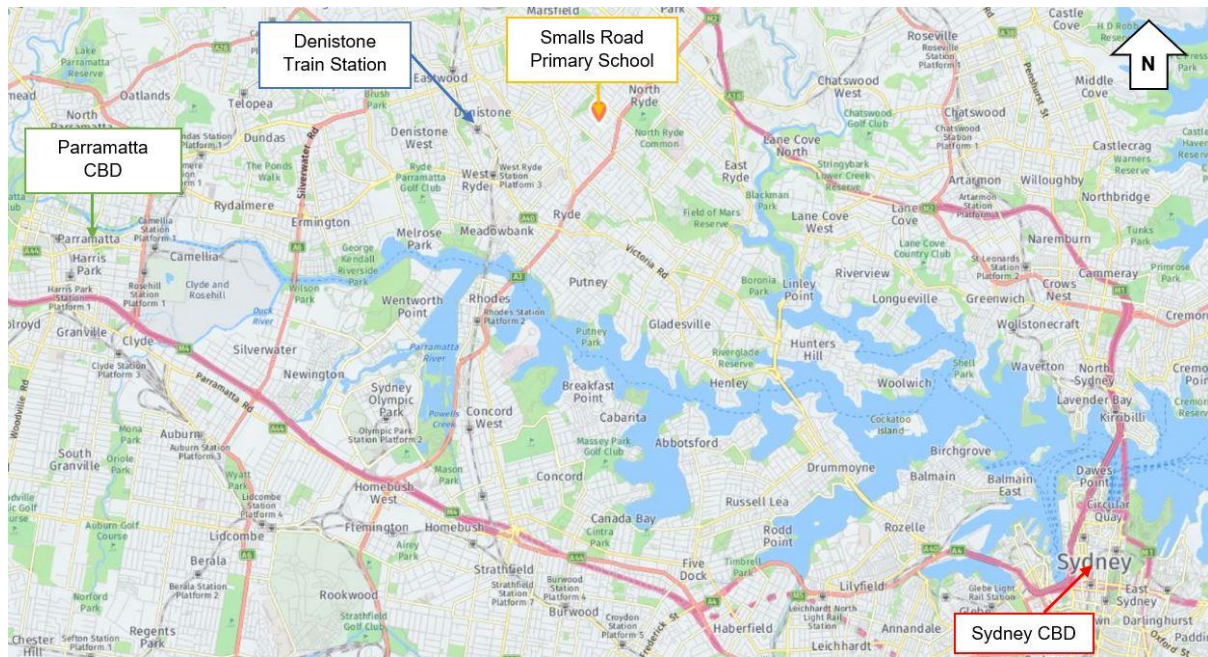


Figure 1 | Regional Context Map (Source: Nearmap)



Figure 2 | Local Context Map (Source: Nearmap)

1.2 Approval history

On 2 November 2018, the Executive Director, Priority Precincts, as delegate for the then Minister for Planning granted consent for the construction and associated works for a new primary school on the site comprising:

- a new three storey circular multi-storey building;
- outdoor play areas and covered learning areas;
- refurbishment of an existing car parking and construction of new car parking facilities;
- refurbishment of multi-purpose sports courts;
- fencing, associated landscaping works and infrastructure works; and
- out of school hours uses including care facilities.

The development consent has not been previously modified.

2 Proposed modification

The proposed modification seeks to amend consent under section 4.55 (1A) of the Environmental Planning and Assessment Act 1979 (EP&A Act) to:

- amend condition E5, which previously required short term noise monitoring to occur within two months of the commencement of operations to now allow for monitoring to occur within twelve months of the commencement of the school's operation unless otherwise agreed by the Planning Secretary; and
- amend condition E8 which previously required the monitoring of the pick-up/drop off facility to occur within two months of the commencement of operations to now allow for the monitoring to occur within twelve months of the commencement of the school's operation unless otherwise agreed by the Planning Secretary.

The Applicant notes the modification to the timing of noise and traffic monitoring is required to ensure compliance with the broader objectives of the conditions E5 and E8 due to the impacts of COVID-19 restrictions on school operations. Consequently, the timeframes currently bound within conditions E5 and E8 of the consent will not allow for an accurate representation of drop off and pick up volumes along with noise generation levels resulting from normal operations.

3 Strategic context

The Department considers the development, to which the modification relates, remains consistent with its applicable strategic context given that it is consistent with:

- the Greater Sydney Region Plan, A Metropolis of Three Cities, as it proposes new school facilities to meet the growing needs of Sydney;
- State Infrastructure Strategy Update 2014, as it proposes a large school with facilities to support the growth in demand for primary school enrolments school design to accommodate infrastructure and facilities sharing with communities;
- NSW Future Transport Strategy 2056 as it would provide a new educational facility in an accessible location and provide additional new employment opportunities close to public transport;
- The vision outlined in the Greater Sydney Commission's revised North District Plan, as it would provide much needed school infrastructure conveniently located near existing public transport services and opportunities to co-share facilities with the local community;
- State Infrastructure Strategy 2018-2038 *Building the Momentum* as it would integrate school and community facilities; and
- Provide direct investment in the region of approximately \$39.9 million, which would support 300 construction jobs and 70 new operational jobs.

4 Statutory context

4.1 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 minimal environmental impacts as the proposal:

- would not significantly increase the environmental impacts of the project as approved
- is substantially the same development as originally approved; and
- 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(1A) of the EP&A Act and does not constitute a new development application.

4.2 Consent authority

The Minister will be the consent authority under section 4.5(a) of the EP&A Act.

Minister's delegate as consent authority

The Minister for Planning and Public Spaces (the Minister) is the consent authority under section 4.5(a) of the EP&A Act. However, under the Minister's delegation dated 2 November 2018 the Director, Social and Infrastructure Assessments may determine the application.

4.3 Mandatory matters for consideration

The Department conducted a comprehensive assessment of the project against the mandatory matters for consideration as part of the original assessment of SSD 8372.

The Department considers this modification application does not result in significant changes that would alter the mandatory matters for consideration under section 4.15 of the EP&A Act and conclusions made as part of the original assessment.

5 Engagement

5.1 Department's Engagement

Clause 117(3B) of the Environmental Planning and Assessment Regulation 2000 (EP&A Regulation) specifies that the notification requirements of the EP&A Regulation do not apply to section 4.55(1A) modifications with minimal environmental impact applications. Accordingly, the application was not notified or advertised. However, it was made publicly available on the Department's website on 30 July 2020 and was referred to the City of Ryde Council and the Environmental Protection Authority (EPA) for comment.

5.2 Summary of submissions

One submission was received from the EPA which supported the modification to condition E5 of the consent to extend the timeframe to undertake monitoring and submit a report to verify operational noise levels. The EPA identified they were satisfied with the amended timeframe to 12 months given the interruptions to the timetabling of monitoring created by restrictions associated with COVID-19 meaning the school went into lockdown midway through term 1 2020 (first term of operations). The EPA made no comment on the request to modify condition E8 regarding traffic monitoring.

One submission was received from the City of Ryde Council who raised no objection to the extension of time to prepare and submit a noise validation assessment, given the impacts of COVID-19 restrictions on the school's operations. Council made no comment on the request to modify condition E8 regarding traffic monitoring.

6 Assessment

The Department considers the merits of the application in accordance with the relevant matters under section 4.55 (1A) and the objectives of the EP&A Act. The Department considers that the proposed changes are administrative and minor in nature.

6.1 Condition E5 – Noise monitoring and reporting

The Department understands that COVID-19 restrictions have disrupted the timetabling for monitoring operational noise levels generated by the school's mechanical plant, particularly through the lockdown of the school midway through Term 1 of 2020. The school's reduced operations has meant that any reported operational noise levels will characterise this, potentially underrepresenting operational noise levels that would be associated with less-restricted use of the school. As such, a delay to the timeframe for the monitoring and reporting of post operational noise levels will provide the applicant with the opportunity to accurately verify these levels without creating any adverse impacts on the surrounding amenity. Given this, alongside the EPA and Council deeming the delay of monitoring and reporting appropriate, the Department is satisfied that amended timeframe is suitable to ensure accuracy in monitoring and reporting.

6.2 Condition E8 – Drop-off/ pick-up volumes monitoring

The Department's assessment report for the Smalls Road Public School development application (SSD-8372) (**Attachment A**) identified potential constraints on traffic movement, shortfalls in on-street parking, and potential for congestion before and after school. Due to this, the application proposed road widening to accommodate a new drop-off/pick-up area. To understand the need for the road widening, the Department applied condition E8 to validate the drop-off/pick-up volumes in peak times.

The Department notes the restrictions associated with COVID-19 has resulted in the school's altered and reduced operations. Consequently, the drop-off/pick-up volumes experienced in these peak times have similarly been altered, unreflective of usual school operations. The Department considers monitoring and reporting reflective of usual school operations necessary to ensure capacity, confirm there are no additional traffic impacts, and/or understand whether alternative arrangements are to be made in consultation with Council.

Given that the delay in drop-off and pick-up volumes monitoring will not give rise to any additional impacts on amenity of the surrounding area, the Department is satisfied that commencing the monitoring within 12 months of the school's operation is appropriate and in the public interest.

7 Evaluation

The Department has assessed the modification application and supporting information in accordance with the relevant requirements of the EP&A Act.

The Department's assessment concludes that the proposed modification is appropriate on the basis that:

- the proposal would not result in any additional environmental impacts;
- the development to which the modification relates remains substantially the same;
- the proposal will ensure the accurate reflection of noise generation and pick up/drop off volumes resulting from the associated activities from the development; and
- the proposal will be constructed in accordance with the approved environmental management plans and post approval requirements.

Consequently, it is recommended that the modification as recommended be approved.

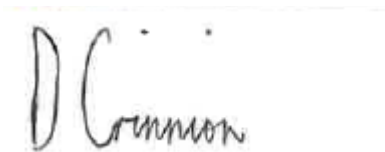
8 Recommendation

It is recommended that the Director, 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 Smalls Road Public School SSD 8372 Mod 1 falls within the scope of section 4.55 (1A) 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 8372;
- **signs** the modifying instrument (**Appendix D**)

Prepared by: Nichola Cook, Student Planner
Social and Infrastructure Assessments

Recommended by:

A handwritten signature in black ink, appearing to read 'D Crinnion', is positioned above a horizontal line.

Dominic Crinnion

Team Leader

Water and Intermodals Assessments

9 Determination

The recommendation is **Adopted** by:

A handwritten signature in black ink, appearing to read 'KH', with a long horizontal flourish extending to the right.

11 September 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

Attachment A – Department's Development Application Assessment Report

<https://www.planningportal.nsw.gov.au/major-projects/project/3461>

Appendix B – Modification report

<https://www.planningportal.nsw.gov.au/major-projects/project/39431>

Appendix C – Submissions

Environmental Protection Authority

City of Ryde Council

Appendix D - Modification Instrument

<https://www.planningportal.nsw.gov.au/major-projects/project/39431>