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29 November 2021

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NSW Department of Planning, Industry and Environment

**Email:** Jason.Maslen@planning.nsw.gov.au

Dear Jason,

## **SECTION 4.55(1A) APPLICATION TO AMEND SSD\_9343 (MOD 4) FOR MEADOWBANK SCHOOLS**

### **1. INTRODUCTION**

This letter has been prepared on behalf of NSW Department of Education (DoE) in support of a Section 4.55(1A) application to modify SSD\_9343 (MOD 4) in relation to Meadowbank Education and Employment Precinct Schools Project, at 2 Rhodes Street, Meadowbank (Lot 10 123584).

The primary objective of this application is to delete Hermitage Road from the public domain works under Condition B44 of SSD 9343. A Hermitage Road Active Transport Assessment has been undertaken by PTC, which concludes there is minimal demand and low expected school usage of Hermitage Road by students. There is also significant timing and cost constraints on the Hermitage Road works due to the complexity of relocating multiple services that are located in the proposed works area. The difficulty of upgrading the footpath in Hermitage Road far outweighs any benefit associated with the relatively few students who are forecast to potentially use it.

This proposal therefore seeks to amend SSD 9343 to:

- Delete Condition B44(a) Pedestrian Infrastructure Improvements in relation to Hermitage Road.
- Amend Condition B44(c) Pedestrian Infrastructure Improvements from the eastern side of Bowden Street to the western side of Bowden Street, from Victoria Road to Macpherson Street. This was requested during consultation with City of Ryde (Council) and is shown in the approved section 138 drawings.
- Amend Condition B44(d) Pedestrian Infrastructure Improvements so the southern side of Squire Street footpath is 1.35m not 2.5m. This was agreed during consultation with Council and is shown in the approved section 138 drawings.
- Amend Condition C5(c) to allow planned out of hours works such as the night works approved under a s138 Roads Act to be undertaken where a variation is approved in advance by the Planning Secretary or their nominee if appropriate justification is provided for the works. This is now a standard SSD condition of consent, introduced after the consent was issued for SSD 9343.

- Delete Condition D9(b) as the provision of a pedestrian crossing on See Street where it intersects with Macpherson Street is not required. This was requested by Council during consultation and is not shown in approved section 138 drawings.
- Delete Condition D10 as the provision of a wombat pedestrian crossing or alternative pedestrian infrastructure upgrade works at the northern end of Mellor Street near/at its intersection with Victoria Road is not required. This was requested by Council during consultation and is not shown in the approved section 138 drawings.
- Delete Condition D12 as Council's preference is to have no pedestrian crossing on Rhodes Street. This was agreed during consultation with Council and is not shown in the approved section 138 drawings.
- Delete Condition D14(h) relating to new streetlights. The project is not removing any existing street lighting as part of the development so the condition is not required.
- Amend Condition D15 Public Domain Upgrades to allow timing flexibility where existing overhead/inground services or approvals cause potential delays to the works in Condition D14.
- Amend Conditions E21 Public Domain Works as Executed Plans so the timing aligns with the completion of the public domain works.
- Amend Condition E22 Compliance Certificate – External Works so the timing aligns with the completion of the public domain works.

The application has been prepared in accordance with the *Environmental Planning and Assessment Act 1979* (EP&A Act) and *Environmental Planning and Assessment Regulations 2000* (the Regulations).

This letter is accompanied by a Hermitage Road Active Transport Assessment (Attachment A). This Report provides the following:

- An overview of the consent history for SSD 9343
- A description of the site and surrounding development
- A detailed description of the proposed modification
- An assessment of the modified proposal against all relevant environmental planning instruments and the likely impacts of the proposal.

## 2. **CONSENT HISTORT OF SSD 9343**

On 21 May 2020 development consent was granted by the Minister for Planning and Public Spaces for SSD\_9343. Consent was granted for the following:

*Development of the Meadowbank Education and Employment Precinct Schools Project, providing for new co-located primary and secondary schools and intensive English learning centre, comprising:*

*Construction of an up to seven storey multi-purpose building, including:*

- *Collaborative general and specialist learning hubs and adaptable classroom home bases.*

- *library, laboratories and workshops.*
- *indoor gymnasium, canteens and multi-purpose communal hall.*
- *staff workplaces.*

*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.*

A S4.55(1) modification was approved on 13 July 2020 for the following:

**SSD 9343 Mod 1**

*Modification of Condition B24 of SSD-9343 to correct an error in the number and type of ecosystem credits to be retired to offset the residual biodiversity impacts of the development.*

A S4.55(1a) modification was approved on 22 December 2020 for the following:

**SSD 9343 Mod 2**

*Modification of condition A2 to include updated and amended architectural and landscape drawings to reflect minor design refinements.*

A S4.55(2) modification (MOD 3) was lodged in March 2021 for extended construction hours. MOD 3 was withdrawn as it was no longer required, due to the extension of the Environmental Planning and Assessment (COVID-19 Development—Construction Work Days) Order relating to construction hours.

### **3. SITE DETAILS**

The site is located at 2 Rhodes Street, Meadowbank and is legally described as Lot 10 DP 1232584. The site is an irregular shaped parcel, with a primary frontage to Rhodes Street and a total area of 3.3 hectares. The site is bounded by Rhodes Street to the northeast, the Sydney Water site to the north, the remaining TAFE NSW campus to the east and south, and the T1 Northern railway line to the west (with Meadowbank station located opposite the southern boundary of the TAFE NSW site). The approved development is under construction.

### **4. PROPOSED MODIFICATION**

This Section 4.55(1A) application proposes to modify SSD-9343. Text proposed to be deleted is shown with strike through. Text that is proposed as new is shown in red:

## PART B PRIOR TO COMMENCEMENT OF CONSTRUCTION

### *Pedestrian Infrastructure Improvements*

- B44. Within six months of the commencement of construction, the Applicant must prepare a public domain enhancement strategy in consultation with Council and submit this to the satisfaction of the Planning Secretary to encourage walking and cycling to the school. The Strategy must include details for the delivery of 2.5 metre Shared User Paths along the following locations prior to commencement of operation of the schools unless otherwise agreed in writing by the Planning Secretary under condition B45 **or unless otherwise nominated below:**

- ~~(a) the western side of Hermitage Road;~~
- (b) the southern side of Macpherson Street, between Mellor and Bowden Streets;
- (c) the ~~eastern~~ **western** side of Bowden Street, from Victoria Road to Macpherson Street;
- (d) the southern side of Squire Street **to a width of 1.35 metres;** and
- (e) the southern side of Rhodes Street;

## PART C DURING CONSTRUCTION

- C5. Construction activities may be undertaken outside of the hours in condition C3 if required:
- (a) by the Police or a public authority for the delivery of vehicles, plant or materials; or
  - (b) in an emergency to avoid the loss of life, damage to property or to prevent environmental harm; or
  - (c) where the works are inaudible at the nearest sensitive receivers: **or**
  - (d) where a variation is approved in advance in writing by the Planning Secretary or their nominee if appropriate justification is provided for works or to provide alignment to other approvals such as S138 Roads Act approval.**

## PART D PRIOR TO COMMENCEMENT OF OPERATION

- D9. ...
- ~~(b) the provision of a pedestrian crossing on See Street where it intersects with Macpherson Street;~~
- ~~D10. Prior to the commencement of the operation of the new schools, the Applicant must consult with Council and TfNSW in relation to the need for the provision of a wombat pedestrian crossing or alternative pedestrian infrastructure upgrade works at the northern end of Mellor Street near/at its intersection with Victoria Road.~~
- ~~D12. Any upgrade identified following consultation under condition D10 must be undertaken in place of the proposed crossing on Rhodes Street as identified in the Meadowbank Education and Employment Precinct Schools Project Transport and Accessibility Impact Assessment dated 28 February 2020 and must be installed prior to the commencement of the operation of the new schools.~~

D14 ...

~~(h) new street lights using LED luminaire to be designed and installed to Australian Standard AS1158:2010 Lighting for Roads and Public Spaces, with vehicular luminance category V3 and pedestrian luminance category P2 to replace any existing street lighting proposed to be removed as part of the development. Plans are to be prepared and certified by a suitably qualified Electrical Design Consultant and submitted to, and approved by Council prior to lodgement of the scheme with Ausgrid for their approval. The street lighting will remain on the Ausgrid street lighting network;~~

D15 Prior to the commencement of the operation of the new schools, **unless otherwise agreed by the Planning Secretary**, the Applicant must submit evidence to the Certifier demonstrating that the works approved by Council (condition D14) have been carried out. **Where existing overhead/inground services or authority approvals cause delays to the works in Condition D14, evidence must be submitted to the Planning Secretary for an alternative timeframe to be agreed to.**

#### **Public Domain Works-as-Executed Plans**

E21. ~~Prior to the commencement of the operation of the new schools~~ **Upon completion of the Public Domain Works**, work-as-executed (WAE) plans must be submitted to Council for review and approval (within 14 working days of submission). The WAE plans must be prepared on a copy of the approved plans and must be certified by a Registered Surveyor. All departures from the Council approved details must be marked in red with proper notations. Any rectifications required by Council must be completed by the Applicant. In addition to the WAE Plans, a list of all infrastructure assets (new and improved) that are to be handed over to Council must be submitted in a form advised by Council. The list must include all the relevant quantities in order to facilitate the registration of the assets in Council's Asset Registers.

#### **Compliance Certificate – External Works**

E22. ~~Prior to the commencement of the operation of the new schools~~ **Upon completion of the Public Domain Works**, a compliance certificate must be obtained from Council confirming that all works in the road reserve including all public domain improvement works and restoration of infrastructure assets that have dilapidated as a result of the development works, have been completed to Council's satisfaction and in accordance with the Council approved drawings. The applicant shall be liable for the payment of the fee associated with the issuing of this Certificate in accordance with Council's Schedule of Fees and Charges at the time of issue of the Certificate.

### **4.1. REASONS FOR THE MODIFICATION – HERMITAGE ROAD**

DoE has been consulting with Council since September 2020 on the public domain enhancement strategy, in accordance with Condition B44. On 22 July 2021, Council endorsed the public domain enhancement strategy in relation to Macpherson Street, Rhodes Street, Bowden Street and Squire Street. Agreement has not been reached on Hermitage Road. DoE is seeking to delete Hermitage Road from the public domain enhancement strategy and the SSD consent for three key reasons:

1. There is minimal demand and low expected usage of Hermitage Road by pedestrians and cyclists.
2. The focus of pedestrian infrastructure improvements is on the preferred travel routes of Bowden Street and Macpherson Street from Victoria Road where the majority of pedestrian and cyclist demand is anticipated.
3. There is significant timing and cost constraints on the Hermitage Road works due to the complexity of relocating multiple services that are located in the proposed works area.

#### **4.1.1. Low Demand for pedestrian travel on Hermitage Road**

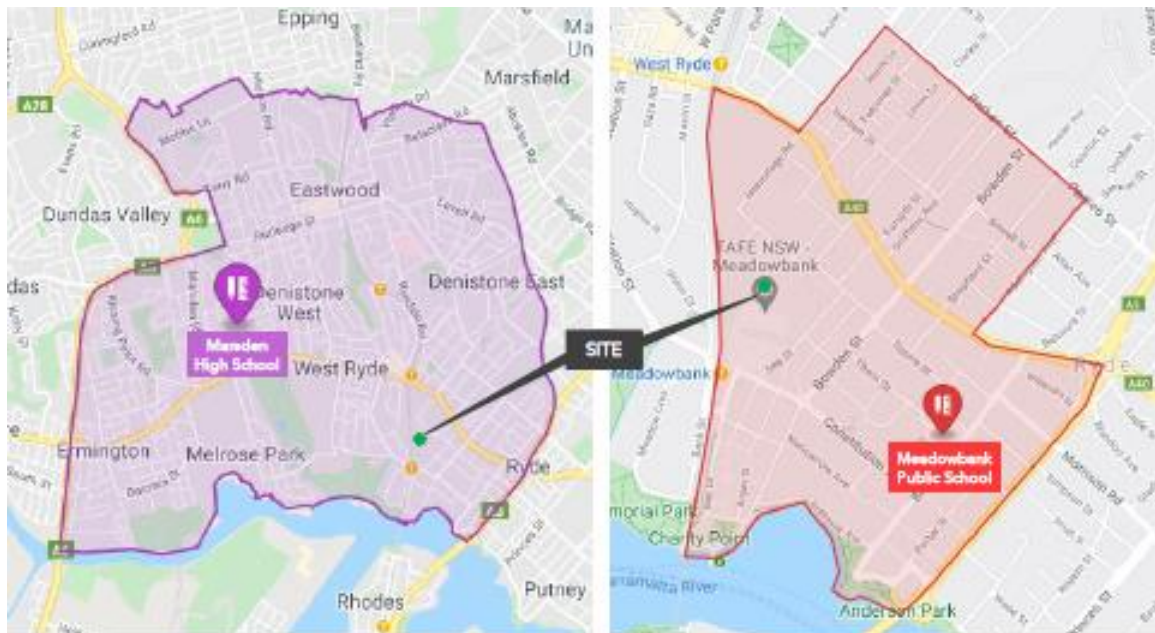
A Hermitage Road Active Transport Assessment has been undertaken by PTC. PTC has forecast a maximum of 48 students will use Hermitage Road in the morning and 32 in the afternoon. No cyclists are forecast. This low forecasted demand is based on:

- The combination of school catchments with existing and potential residential density limits the use of Hermitage Road for walk only trips to a sector northeast of the site.
- Hermitage Road is not likely to be used for cycling trips based on the safety of desired routes, existing and potential residential density, and the cyclable student catchments.
- Hermitage Road would not be used for linked train trips as students would access the site from the Meadowbank Station to the south as it is closer to the schools.
- TfNSW is also planning to have two buses in AM and two buses in PM that connect West Ryde Train Station with the schools, noting this is undergoing approval.
- Students using the public buses would only use the Hermitage Road bus stop in the mornings as there is no bus stop on the south side of Victoria Road. However, it is a shorter and flatter walk for students to use the Bowden Street bus stop in the morning.
- Students using the school buses would not use Hermitage Road as they are dropped off and picked up at the school gate on Rhodes Street.

#### **Walking**

To the north, Victoria Road impedes pedestrian flow through the catchment so access to the new Schools is via signalised intersections at Hermitage Road and Bowden Street. PTC has estimated the walking catchments for Hermitage Road for the primary school and high school, shown in Figure 1 below.

Figure 1 School Walking Catchments



Source: PTC

### Cycling

SINSW will upgrade key streets near the schools for shared user paths on Rhodes Street, Macpherson Street and a section of Bowden Street, which is in line with the regional and local cycle routes identified in the City of Ryde's Bicycle Strategy 2014.

Victoria Road is not encouraged as a cycling route due to the high traffic volume and potential for crashes with cyclists. From a safety perspective, the preferred route for cyclists is via the proposed rail corridor and Rhodes Street as it eliminates conflicts associated with using Hermitage Road. It also provides a more direct and faster route from residential areas and West Ryde Station, where the majority of students live.

### Train

Meadowbank Station is located approximately 700m south of the school entrance and West Ryde Station is approximately 850m north. Meadowbank is more likely to be used as it is closer so Hermitage Road is unlikely to be used. Students will also be encouraged to use Meadowbank Train Station. Two buses in the morning and two buses in the afternoon are proposed to travel between West Ryde station and the new schools.

### Public Bus

There is one bus stop on the northern side of Victoria Road that could potentially require the use of Hermitage Road to access the schools. This bus stop can only be used for drop-off trips in the AM period. There is no bus stop opposite on the southern side of Victoria Road, so PM trips would require the use of the bus stop east of the site.

Only two bus routes (500n and 524) travel eastbound along Victoria Road in the morning. PTC has estimated a maximum of 16 students who take the public bus are likely to use Hermitage Road,

reducing demand for Hermitage Road. The estimate of 16 students was derived from the timing of the two eastbound buses and the forecast mode share, based on student catchment areas.

As Figures 2 and 3 demonstrate, the walking distance from the bus stop on Victoria Road east of Bowden Street (Stop 1) is 130m less than the bus stop on Victoria Road east of Hermitage Road (Stop 2). It is expected that students getting to school will find Bus Stop 1 more desirable because of its shorter and flatter route.

### **Mode Shift**

A School Travel Plan is being prepared in accordance with the SSDA consent condition D17(f):

#### **School Travel Plan D17 (f)**

*Prior to the commencement of operation, a School Travel Plan (GTP), must be submitted to the satisfaction of the Planning Secretary to promote the use of active and sustainable transport modes. The plan must:*

- *include details regarding the methodology and monitoring/review program to measure the effectiveness of the objectives and mode share targets of the STP, including the frequency of monitoring and the requirement for travel surveys to identify travel behaviours of users of the development;*

SINSW are in the process of engaging a Travel Coordinator that will carry out the collection and review of data that will identify travel behaviours of users once the school is in operation.



Figure 2 Pedestrian travel from Bus Stop 1

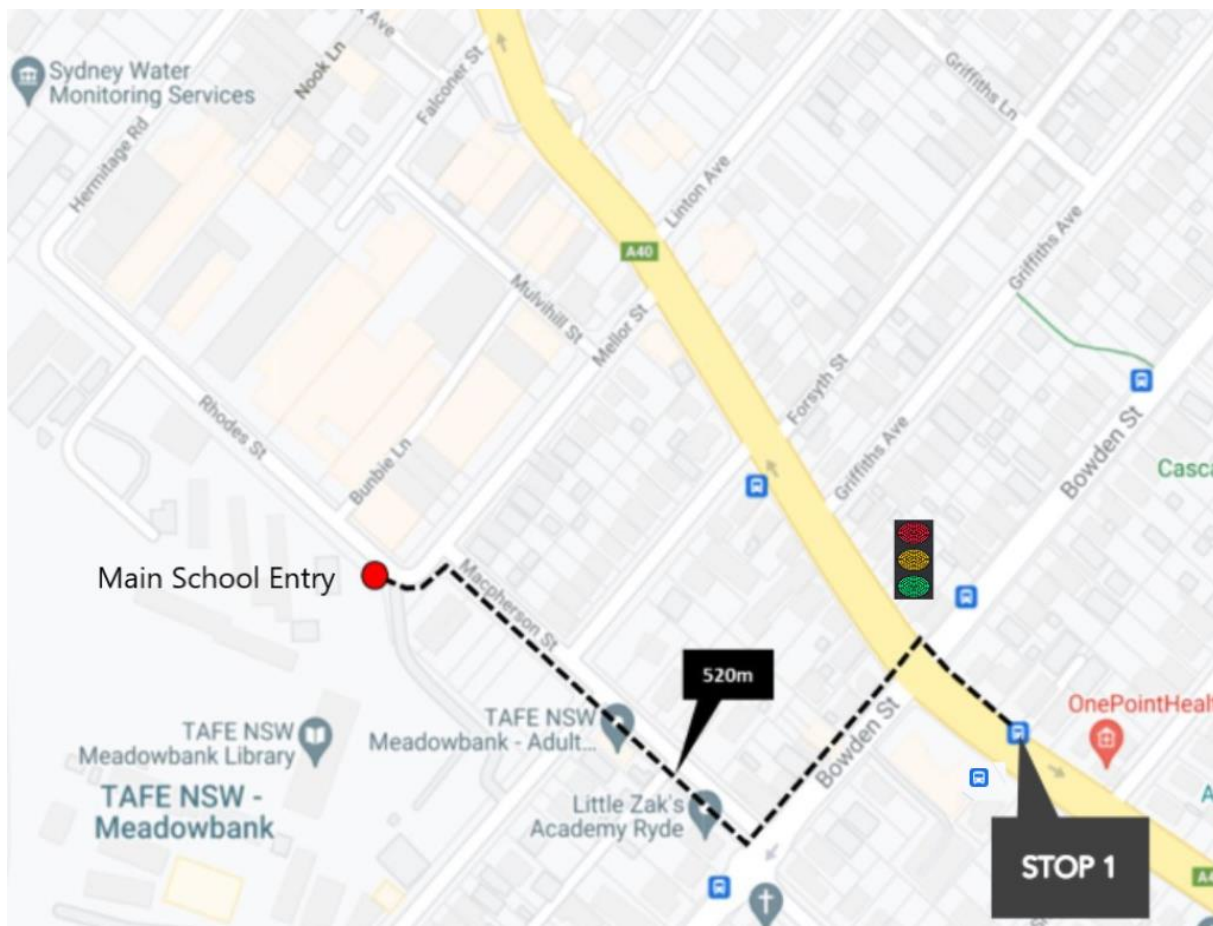
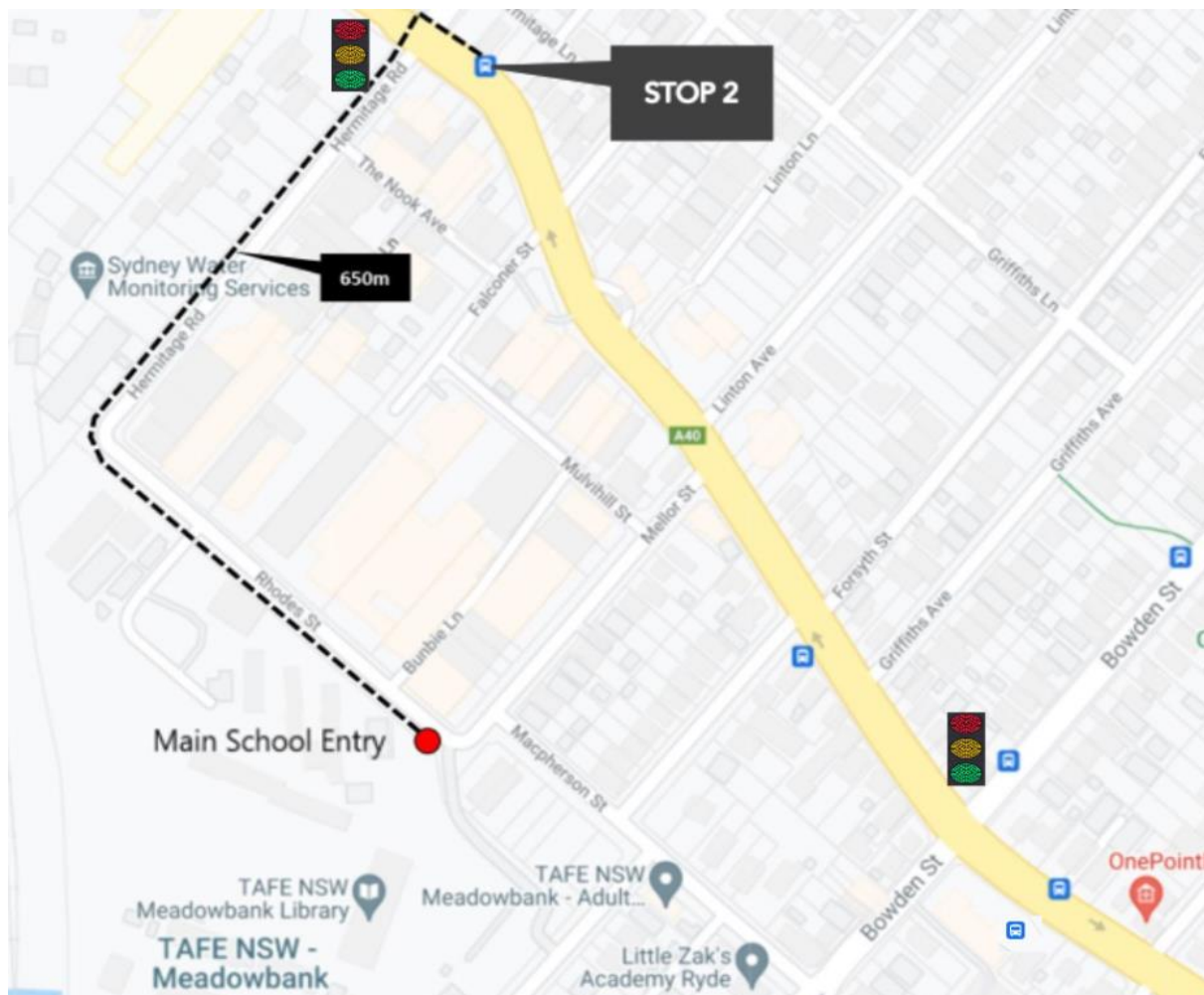


Figure 3 Pedestrian travel from Bus Stop 2



#### 4.1.2. Preferred Student travel on Bowden and MacPherson Streets

Not only is the demand for Hermitage Road low, it is also not a desirable path of travel for students for safety reasons. Bus Stop 1 is located outside residential development near the corner of Victoria Road and Bowden Street (Figure 4). Students cross Bowden Street then cross Victoria Road and walk along Bowden Street and Macpherson Street to the entrances of the schools. The character of Bowden and Macpherson Streets is residential and cafes (refer to Figure 4). There is less opportunity for conflict with service and heavy vehicles. Further, the pedestrian infrastructure for Bowden and Macpherson Streets will be upgraded in accordance with Conditions B44 and D9 (including wombat crossing).

Figure 4 Bus Stop 1



Picture 1 Victoria Road

Source: Google



Picture 2 Intersection of Victoria Road and Bowden Street

Source: Google



Bus Stop 2 is located in proximity to a service station on the corner of Victoria Road and Hermitage Road. Students would need to walk across the service station ingress and egress points, cross Hermitage Road then cross Victoria Road (refer to Figure 5).

Figure 5 Bus Stop 2



Picture 3 Victoria Road

Source: Google



Picture 4 Intersection of Victoria Road and Hermitage Road

Source: Google

The character of Hermitage Road is industrial with multiple driveways for service and heavy vehicles (refer to Figure 1 Figure 6). Bus Stop 1 is safer and more desirable for students than Bus Stop 2.

Figure 6 Hermitage Road Character



Picture 5 Hermitage Road looking north

Source: Google



Picture 6 Hermitage Road looking south

Source: Google





Figure 8 Hermitage Road conditions



Source: Google

## 4.2. REASONS FOR THE MODIFICATION – OTHER PUBLIC DOMAIN WORKS

Amendments to or deletion of additional conditions relating to public domain and pedestrian improvement works are required as follows:

4. Condition B44(c) – the shared user path is to be on the western side of Bowden Street, not the eastern as designed for Council and as requested during consultation with Council.
5. Condition B44(d) – The southern side of Squire Street footpath is to be 1.35m not 2.5m. This was agreed during consultation with Council (originally agreed at 1.8m but revised to 1.35m following further consultation). Between Bowden Street and Sutherland Street, the existing 1.35m width is to be retained. The existing footpath will be made good with approximately 15 path panels to remove trip hazards. Approximately 80m of new footpath at 1.35m will be constructed for the remaining length of Squire Street between Bowden Street and Sutherland Street.
6. Condition D9(b) – this condition is to be deleted as the provision of a pedestrian crossing on See Street where it intersects with Macpherson Street is not required. This was requested during consultation with Council and is not shown in the approved section 138 drawings.
7. Condition D10 – this condition is to be deleted as the provision of a wombat pedestrian crossing or alternative pedestrian infrastructure upgrade works at the northern end of Mellor Street near/at its intersection with Victoria Road is not required. Council does not wish to promote walking and cycling from Mellor Street to the Schools. This was requested during consultation with Council and is not shown in the approved section 138 drawings.
8. Condition D12 – this condition is to be deleted as Council's preference is to have no pedestrian crossing on Rhodes Street. This was agreed during consultation with Council and is not shown in the approved section 138 drawings.
9. Condition D14(h) – this condition is to be deleted as the project is not removing any existing street lighting as part of the development so upgrades are not required.

As noted, items 1-5 are amended or deleted following consultation with Council and receipt of their agreement. Evidence of this is provided in the following attachments:

- Appendix B – Consultation records:
  - Minutes of meeting and site walk with Council of 13 October 2020 and mark up of Council's Concept Set A drawings issued and discussed
  - Minutes of meeting with Council of 19 November 2020 where Council had no comments to date, no concerns raised with the items within the minutes and Concept Plan Rev A noted above
  - Consultation register
- Appendix C – Section 138 Approval:
  - Email approval from Council dated 22 July 2021 in accordance with Sections 138 and 139 of the *Roads Act 1993*.

## 4.3. REASONS FOR THE MODIFICATION – CONSTRUCTION ACTIVITIES

The modification seeks to amend the current condition C5 to align it with the new standard SSD condition which allows night works and out of hours works.



The project is not seeking extended construction hours, rather it is seeking permission to undertake planned out of hours works such as night works required under a separate approval, such as s138 Roads Act. Night works would be required to complete Hermitage Road in time for school opening, if Hermitage Road is not deleted from the consent. Further, without the amended condition C5, works on Hermitage Road would be protracted and cause potential impacts for a longer period of time.

## **5. SECTION 4.55(1A) ASSESSMENT**

The proposed modifications have been assessed in accordance with section 4.55(1A) of the EP&A Act in the following sections of this correspondence.

### **5.1. SUBSTANTIALLY THE SAME DEVELOPMENT**

The proposed modification does not in any way impact on the nature, type or scale of approved development. The proposed modification will result in substantially the same development as that approved.

### **5.2. PUBLIC NOTIFICATION AND SUBMISSIONS**

The s4.55(1A) application does not need to be notified in accordance with the Department of Planning, Industry and Environment (DPIE) Community Participation Plan (the Plan).

## **6. SECTION 4.15 ASSESSMENT**

The application has been assessed in accordance with the relevant matters for consideration listed in Section 4.15 of the EP&A Act.

### **6.1. ENVIRONMENTAL PLANNING INSTRUMENTS**

The proposed modifications have been assessed in accordance with the relevant State and local environmental planning instruments, including:

- *Biodiversity Conservation Act 2016;*
- *State Environmental Planning Policy (State & Regional Development) 2011;*
- *State Environmental Planning Policy (Infrastructure) 2007;*
- *State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017;*
- *State Environmental Planning Policy 55 – Remediation of Land;*
- *Draft State Environmental Planning Policy (Remediation of Land);*
- *Draft State Environmental Planning Policy (Environment); and*
- *Ryde Local Environmental Plan 2014*

A comprehensive assessment of the project against the above instruments was undertaken as part of the original assessment under SSD\_9343.

The proposed modifications are not considered to result in any changes to the proposal's compliance with the relevant objectives and controls contained in the relevant environmental planning instruments.

The proposed modification relates to the public domain, land outside the site boundary. The above planning instruments are not required to be assessed for land outside the site boundary.

## **6.2. DRAFT ENVIRONMENTAL PLANNING INSTRUMENTS**

The applicable draft environmental planning instruments applying to the site are:

- *Draft State Environmental Planning Policy (Remediation of Land) (Draft Remediation SEPP)*
- *Draft State Environmental Planning Policy (Environment) (Draft Environment SEPP)*

A comprehensive assessment of the proposal against the above draft instruments was undertaken as part of the original assessment under SSD\_9343 and the proposed modifications are not considered to result in any changes to the proposal's compliance with the relevant objectives and controls contained in the relevant draft environmental planning instruments. As the proposed modification relates to the public domain, the draft planning instruments are not required to be assessed.

## **6.3. PLANNING AGREEMENT**

No planning agreements are relevant to this proposal.

## **6.4. REGULATIONS**

The application has been prepared in accordance with the relevant provisions of the *Environmental Planning and Assessment Regulation 2000*.

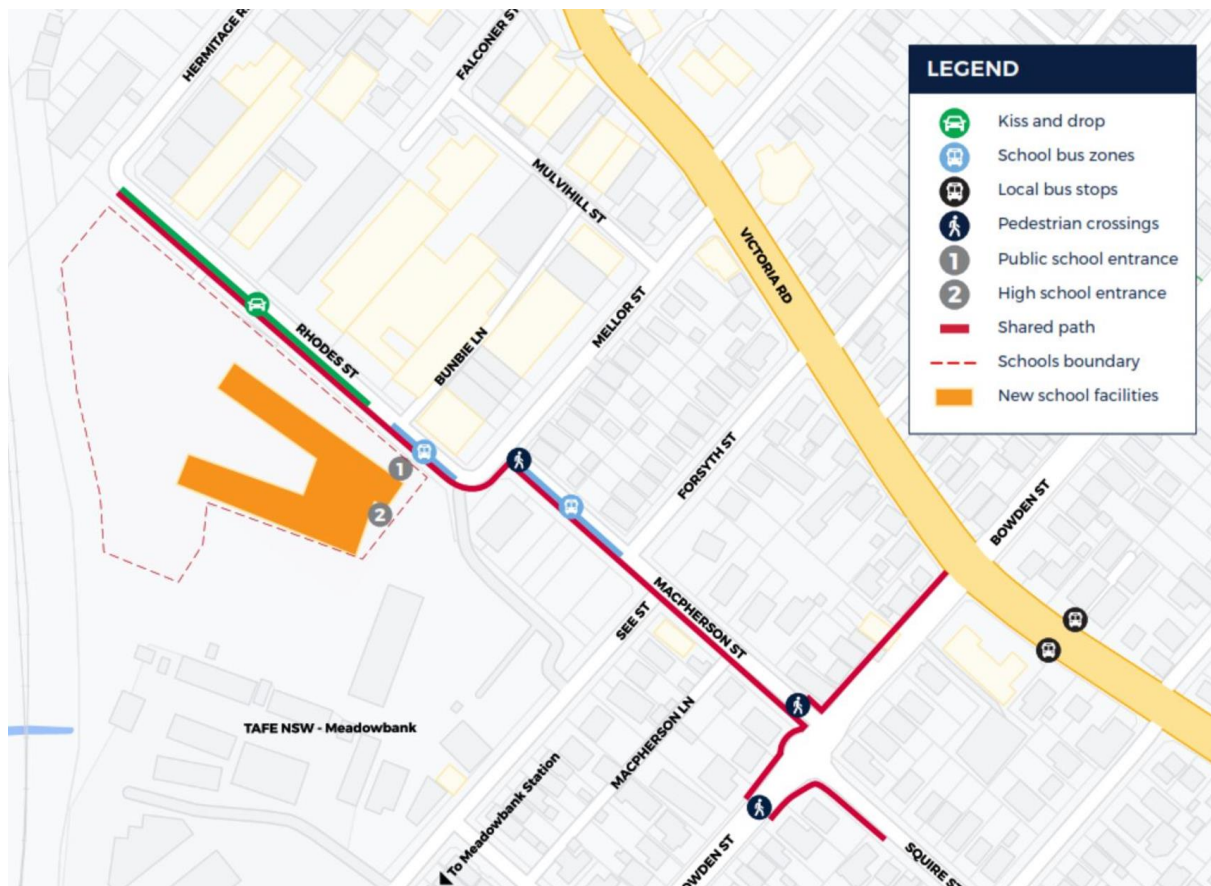
## **6.5. LIKELY IMPACTS OF THE PROPOSAL**

The proposed modification has been assessed considering the potential environmental, economic and social impacts as outlined below:

### **6.5.1. Student Safety**

Student safety is of paramount importance for DoE. The preferred travel path for students using public buses is Bowden and Macpherson Streets for the reasons detailed in Section 5. DoE is upgrading the existing pedestrian refuge at the Bowden Street roundabout to a wombat pedestrian crossing (in accordance with Condition D9). The pedestrian improvements, bus stop locations and school entry are shown in Figure 9.

Figure 9 Public Domain Works Overview



### 6.5.2. Social and Economic

The modification will ensure the schools can commence operation on the currently planned opening of Day 1 Term 1 2022 (subject to COVID construction delays), which is a social and economic benefit.

## 6.6. SUITABILITY OF THE SITE

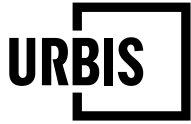
The proposed modification remains suitable for the subject site.

## 6.7. PUBLIC INTEREST

The approved development was deemed to be in the public interest. The modification is consistent with the approval. Hermitage Road works are not needed as there is low demand and safer alternatives for student travel.

## 7. CONCLUSION

The proposed modification has been assessed in accordance with section 4.55(1A) and section 4.15 of the EP&A Act and are considered appropriate as summarised below:



- The proposal is substantially the same development.
- The proposal satisfies the applicable planning controls and policies.
- The environmental, social and economic impacts are acceptable.
- The proposal remains suitable for the site.
- The proposal is in the public interest.

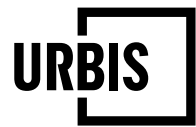
Having considered all relevant matters, we conclude that the proposed modification is appropriate for the site and approval is recommended, subject to appropriate conditions of consent.

Please do not hesitate to contact me should you wish to discuss our application in greater detail.

Kind regards,

A handwritten signature in blue ink, appearing to read "Elaine Roff". The signature is fluid and cursive, with the first name "Elaine" written in a larger, more prominent script than the last name "Roff".

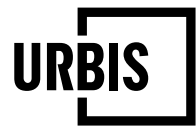
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## **ATTACHMENT A: HERMITAGE ROAD ACTIVE TRANSPORT ASSESSMENT**



## **ATTACHMENT B: CONSULTATION RECORDS**



## **ATTACHMENT C: SECTION 138 APPROVAL**