



# Meadowbank Education Precinct Schools Project Modification 4

State Significant Development Modification Assessment  
(SSD 9343 MOD 4)

April 2022



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# Glossary

Abbreviation	Definition
<b>ATA</b>	Active Transport Assessment
<b>Applicant</b>	NSW Department of Education
<b>Consent</b>	Development Consent
<b>Council</b>	City of Ryde
<b>Department</b>	Department of Planning and Environment
<b>EP&amp;A Act</b>	<i>Environmental Planning and Assessment Act 1979</i>
<b>EP&amp;A Regulation</b>	Environmental Planning and Assessment Regulation 2000
<b>MEEP</b>	Meadowbank Education and Employment Precinct
<b>Minister</b>	Minister for Planning
<b>PSMS</b>	Pedestrian Safety Management Strategy
<b>Planning Secretary</b>	Secretary of the Department of Planning and Environment
<b>RtS</b>	Response to Submissions
<b>SSD</b>	State Significant Development
<b>STP</b>	School Travel Plan
<b>SUP</b>	Shared User Path
<b>TAFE Campus</b>	NSW TAFE Meadowbank Campus
<b>TAFE</b>	Technical and Further Education
<b>TfNSW</b>	Transport for NSW

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# 1 Introduction

This report provides the NSW Department of Planning 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 8 November 2021 by NSW Department of Education (the Applicant) pursuant to section 4.55(1A) of the *Environmental Planning and Assessment Act 1979* (EP&A Act).

The modification application (SSD 9343 Mod 4) seeks approval for amendments to conditions of consent relating to the provision of Shared User Paths (SUP), pedestrian crossings, timing to deliver the public infrastructure and associated submission of documentation to Council and changes to construction hours in certain circumstances.

## 1.1 Background

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

Construction works have commenced on the site and are nearing completion. An aerial view of the site and surrounding area is provided at

**Figure 1.**



**Figure 1 | Aerial view of the site and surrounding context (Base source: Nearmap 2021)**

## 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, for development of the Meadowbank Education and Employment Precinct Schools Project, providing for new co-located primary and secondary schools and an 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 project will provide for 2,620 students, comprised of 1,000 primary, 1,500 secondary and 120 intensive English learning centre students.

The development consent has been modified on two previous occasions as shown in **Table 1** below.

**Table 1 | Summary of Modifications**

Mod No.	Summary of Modifications	Type	Approval Date
<b>MOD 1</b>	Modify condition B24 of the 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.	4.55(1A)	13 July 2020
<b>MOD 2</b>	Modify approved architectural and landscape plans to facilitate minor internal and external design modifications.	4.55(1A)	22 December 2020

On 19 March 2021, the Applicant lodged a Section 4.55 (2) modification (Mod 3) which sought consent to extend the approved construction hours for specified work activities during the following times:

- Monday to Friday – 6am to 7am and 6pm to 10pm
- Saturdays – from 6am to 8am
- Sundays – from 6am to 4pm.

The Applicant withdrew the application on 24 June 2021.

## 2 Proposed modification

The modification seeks approval to amend conditions B44, D9, D12 and D14 relating to the provision of SUP's and pedestrian crossings. The modification also seeks to modify conditions D15, E21 and E22 which relate to the timing and documentation requirements for delivery of the required public domain infrastructure and condition C5 relating to construction hours.

### Share User Paths

Prior to the commencement of operation of the schools, the Applicant is required under condition B44 to deliver 2.5m wide SUP's, along the:

- western side of Hermitage Road
- southern side of Macpherson Street (between Mellor and Bowden Streets)
- eastern side of Bowden (from Victoria Road to Macpherson Street)
- southern side of Squire Street
- southern side of Rhodes Street (

Figure 2).

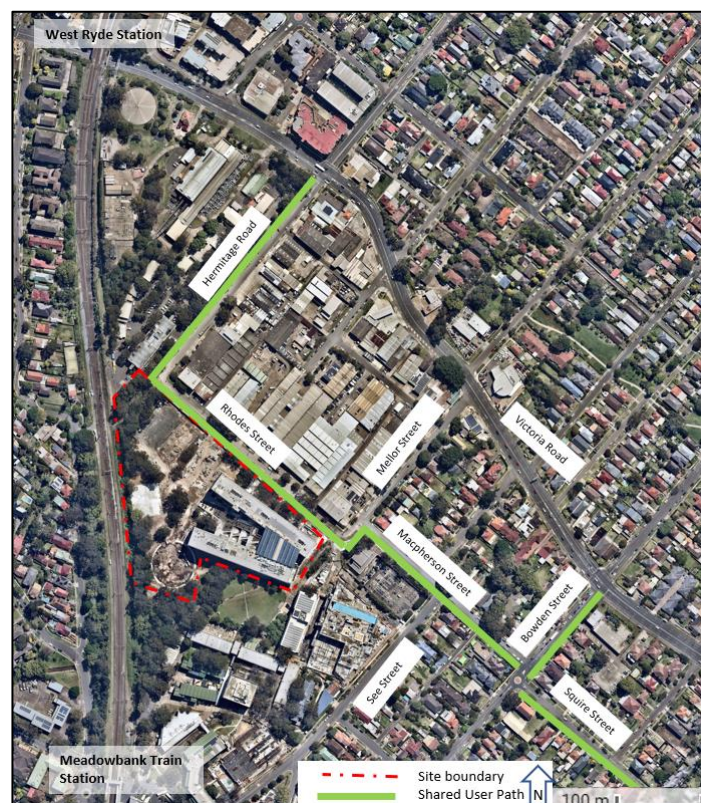


Figure 2 | Shared User Path context map (Base source: Nearmap 2021)

The application seeks to modify the requirements for three of the SUP's as follows:

- Hermitage Road - reduce the width of path from 2.5m to 1.2m -1.5m and deliver it within six months of commencement of operation
- Bowden Street - deliver the 2.5m wide SUP along the western side instead of the eastern side of Bowden Street
- Squire Street – reduce the width of the path from 2.5m to 1.35m.



Condition D14 sets out the documentation requirements and timeframe for completion of all public domain works. Associated amendments are also proposed to condition D14 to reflect the proposed amended timeframe for delivery of the Hermitage Road footpath.

### Pedestrian crossings

Condition D10 requires the Applicant to consult with Council and Transport for NSW (TfNSW) in relation to the need for provision of a wombat (raised) pedestrian crossing or alternative pedestrian infrastructure upgrade works at the northern end of Mellor Street at its intersection with Victoria Road.

The Transport and Accessibility Impact Assessment submitted with the original SSD application proposed a new pedestrian crossing on Rhodes Street where it intersects with Mellor Street. Condition D12 sets out that any pedestrian crossing / upgrade identified as being required under condition D10 must be undertaken instead of the new pedestrian crossing on Rhodes Street where it intersects with Mellor Street.

The locations of both of these crossings is shown in Error! Reference source not found. below.



**Figure 3 | Pedestrian Crossing context map (Base source: Nearmap 2021)**



The Applicant proposes to modify condition D12 to instead:

- provide a pedestrian crossing on Rhodes Street where it intersects with Mellor Street and decouple it from the outcome of the investigative works under condition D10
- provide the crossing within three months of commencement of operation rather than prior to commencement of operation.

Condition D9(b) requires a pedestrian crossing on See Street where it intersects with Macpherson Street prior to the commencement of operation (Error! Reference source not found.). The Applicant proposes to modify condition D9(b) to allow for the delivery of this pedestrian crossing within three months of the commencement of operation.

#### Timing and documentation for public domain works

The Applicant seeks flexibility in the timing to complete the public domain works, by modifying condition D15 to allow for delays due to any overhead/inground services.

The Applicant also seeks to modify the timing for submission of public domain Work-As-Executed (WAE) plans (condition E21) and External Works completion certificate (condition E22) from 'prior to the commencement of operation' to 'upon completion of the public domain works'.

#### Construction hours

Condition C3 states that construction works may only be carried out between 7am and 6pm, Mondays to Fridays and between 8am and 1pm on Saturdays. Condition C5 states that construction activities may be undertaken outside of the hours stipulated in condition C3 if required:

- (a) by the Police or a public authority for the delivery of vehicles, plant or materials
- (b) in an emergency to avoid the loss of life, damage to property to prevent environmental harm
- (c) where the works are inaudible at the nearest sensitive receivers.

The Applicant seeks to add a part (d) to condition C5 to allow a further exemption of construction work hours where it has been approved in advance by the Planning Secretary in limited circumstances. The Applicant seeks the following wording added:

*(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 a S138 Roads Act approval.*

## **2.1 Amended scope of modification**

The modification application originally sought the deletion of the following conditions:

- B44(a) – the provision of a 2.5m wide SUP along Hermitage Road  
(**Figure 2**)
- D9(b) - the provision of a pedestrian crossing on See Street where it intersects with Macpherson Street (Error! Reference source not found.Error! Reference source not found.)
- D10 – consultation with Council and TfNSW for 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 pedestrian upgrade works identified as being required under condition D10 must be delivered instead of a proposed crossing on Rhodes Street
- D14(h) – new LED street lights to be designed and installed to Australian Standard AS1158:2010 Lighting for Roads and Public Spaces to replace any existing street lighting proposed to be removed as part of the development.

In the Applicant's Response to Submissions (RtS) received on 9 March 2022, the Applicant revised the scope of the modification application to withdraw the request for deletion of the above conditions B44(a), D9(b), D10, D12 and D14(h).

The scope of the modification was also revised as follows:

- Condition B44(a) - amended instead of deleted to reduce width of SUP along Hermitage Road from 2.5m to 1.2m-1.5m and deliver it within six months of commencement of operation
- Condition D9 (b) – amended instead of deleted to provide the See Street pedestrian crossing where it intersects with Macpherson Street within three months of commencement of operation
- Condition D10 - retained
- Condition D12 - amended instead of deleted to deliver a school crossing on Rhodes Street at the intersection with Mellor Street within three months of commencement of operation and decouple the delivery of the crossing from the requirements of condition D10
- Condition E22 - amended to align with the wording recommended in Council's submission to the modification application. The revision allows a two-step process in Compliance Certification to Council, allowing the schools to commence operation while the Applicant rectifies any defects in the public domain upgrades rather than requiring the defects to be completed prior to the commencement of operation.

### 3 Strategic context

The Department considers that the proposed amended development continues to be appropriate for the site given it remains consistent with:

- A Metropolis of Three Cities – The Greater Sydney Region Plan, as it ensures the delivery of new school facilities to meet the growing needs of Sydney
- the State Infrastructure Strategy 2018 – 2038: Building the Momentum, as it provides direct investment to address increased enrolment demands, would provide access to modern digitally enabled learning environments for all students and would enable facilities to be co-shared with the local community
- the NSW Future Transport Strategy 2056, as it would provide new educational facilities in an accessible location and provides access to new employment opportunities close to public transport
- the vision outlined in the Greater Sydney Commission's Central City District Plan and MEEP Master Plan 2020, as it would support the provision of services and social infrastructure to meet people's changing needs
- Sydney's Cycling Future 2013, as it would promote and cater for bicycle use through the provision of bicycle parking and end-of-trip facilities.



## 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
- 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. Accordingly, the Department considers that the application should be assessed and determined under section 4.55(1A) of the EP&A Act rather than requiring a new development application to be lodged.

### 4.2 Consent authority

The Minister for Planning (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 2022, the Executive Director, 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 50 public submissions in the nature of objection.

### 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 9343. 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

The modification application was publicly exhibited for 43 days, between Friday 3 December 2021 and Friday 14 January 2022 by publishing the application on the Department's website. The Department notified adjoining landowners in writing and referred the application to City of Ryde (Council), Transport for NSW (TfNSW) and Sydney Water.

Following the exhibition of the modification report, the Department placed copies of all submissions received on its website and requested the Applicant provide a response to the issues raised in the submissions.

The Department has considered the comments raised in the government agency advice and public submissions during the assessment of the application (**Section 6**) and/or by way of recommended conditions in the instrument of consent at **Appendix A**.

### 5.2 Summary of advice received from government agencies

The Department received advice from one government agency (TfNSW) during the exhibition period. The Department also received advice from one State Owned Corporation (Sydney Water) prior to the exhibition of the application. A summary of the advice is provided in **Table 2** below, and a link to the full copy of the advice is provided in **Appendix A**.

**Table 2 | Summary of government agency advice**

#### Transport for NSW

TfNSW raised no objection to the application advising that the proposed modification would have a negligible impact on the surrounding state road network and TfNSW infrastructure.

#### Sydney Water

Sydney Water raised no objections to the proposed amendments.

### 5.3 Summary of submissions

During the exhibition period, the Department received a total of 40 submissions, of which 34 were unique submissions. Of the submissions received, one was from Council, three were from special interest groups and 36 were from members of the community. No submissions were in support of the proposal, 37 submissions objected to the proposal (of which 31 were unique) and three submissions provided comments.

A summary of Council's submission is provided in **Table 3** below, and a link to the full copy of the submission is provided in **Appendix A**. Key concerns raised in the public and community organisation submissions are summarised in

Table 4 and a full copy of the submissions is provided in **Appendix A**.

**Table 3 | Summary of Council submissions**

City of Ryde (Council)	
<b>Original modification report</b>	<p>Council objected to the following matters:</p> <p><u>SUP - Hermitage Road</u></p> <ul style="list-style-type: none"> <li>unacceptable risk to staff, students and parents/guardians who will be required to use the existing footpath along Hermitage Road that interacts with heavy vehicles associated with the industrial sites on the eastern side</li> <li>contradiction between the original transport study provided in the original consent and assessment and the Hermitage Road Active Transport assessment in this modification.</li> </ul> <p><u>Footpath - Squire Street</u></p> <ul style="list-style-type: none"> <li>no assessment or justification for the proposed reduction in the SUP along the southern side of Squire Street from 2.5m wide to 1.35m. This contradicts the approved School Travel Plan (STP)</li> <li>that contrary to Applicant's modification report, Council did not agree to the change to the SUP width</li> </ul>



- 
- open to alternative options as a trade-off.

#### Construction hours

- existing compliance issues related to construction hours and noise
- unacceptable impacts to residents if more relaxed construction hours are permitted.

#### Pedestrian crossing – Macpherson Street and See Street

- unacceptable risk to staff, students and parents/guardians who will be required to cross Macpherson Street where it interacts with See Street
- insufficient justification for the removal of pedestrian crossing and contrary to the Applicant's modification report, Council did not agree to the change
- the modification request contradicts the approved STP
- open to alternative options as a trade-off.

#### Pedestrian crossing – Victoria Road and Mellor Street

- consultation with TfNSW is required as previous correspondence shows TfNSW do not support this pedestrian crossing
- open to alternative options as a trade-off.

#### Pedestrian crossing – Rhodes Street and Mellor Street

- open to alternative options as a trade-off.

#### Street lighting

- existing street lights shall be upgraded to current Australian Standards AS1158 as this development increases patronage along the streets and will ensure safe passage.

Council made the following comments and recommended conditions:

#### Delivery of public domain infrastructure

- no justification is provided for the suggested change in the timelines to the public works being delivered prior to the schools operation commencing
  - unacceptable risk to staff, students and parents/guardians should the schools operate without certification of public works being provided prior to schools opening
  - suggests a revised condition E22, allowing a conditional certification for the commencement of operation followed by a final certification
-

- 
- agree to modification to allow for overhead/inground service delays in condition D15 where evidence is provided to the Planning Secretary “and Council” is included.

Council supported the following:

SUP - Bowden Street

- agreed that the correct and better location of the Bowden Street SUP is the western side of the road.

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**Response to Submissions**

Council's comments are as follows:

Footpath - Hermitage Road

- accepts a reduction from 2.5m wide to 1.3m rather than the proposed 1.2m, stating that a 300mm clearance from any parked vehicle along Hermitage Road is required
- as the path may take six months to construct, a pedestrian safety management strategy (PSMS) should be developed and implemented for the time between operation of the schools and completion of the footpath.

SUP - Bowden Street

- agreed that the correct and better location of the Bowden Street SUP is the western side of the road.

Footpath - Squire Street

- accepts the reduction from 2.5m to 1.35m wide.

Pedestrian crossing – Macpherson Street and See Street

- a PSMS should be developed and implemented for the interim period in which the school has commenced operation and completion of crossing occurs.

Pedestrian crossing – Rhodes Street and Mellor Street

- a PSMS should be developed and implemented for the interim period in which the school has commenced operation and completion of crossing occurs.

Construction hours

- any further relaxation of construction hours is not supported.

Delivery of public domain infrastructure

- only agrees to the modification to allow for overhead/inground service delays in condition D15 where evidence is provided to Planning Secretary, “and Council” is included within the condition
-

- 
- accepts the changes to the wording for Works-As-Executed plans (condition E21) and Compliance Certification (condition E22) in accordance with its first submission to the modification report.
- 

**Table 4 | Summary of community organisation and public submissions**

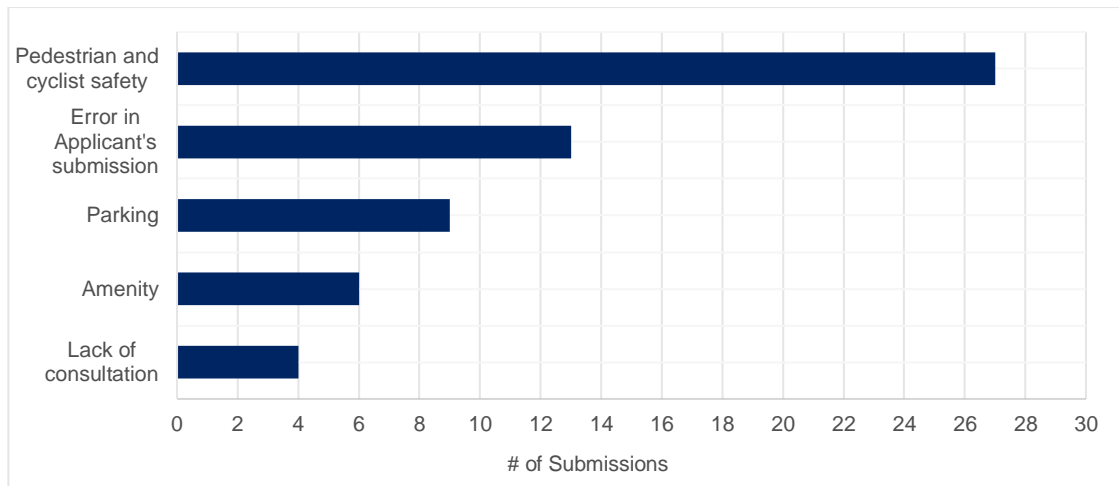
**Community organisation and public submissions concern**

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<b>Pedestrian and cyclist safety</b>	<p>Concern in relation to the safety of students, staff and parents/guardians accessing the site, including that:</p> <ul style="list-style-type: none"> <li>• deletion of the public domain upgrades presents an unacceptable risk</li> <li>• existing path on Hermitage Road is not wide enough and difficult to access</li> <li>• existing traffic and driver behaviour in the area exacerbates the issue</li> <li>• existing lighting is insufficient and exacerbates the issue</li> <li>• physical barriers need to be constructed on Victoria Road to ensure school students utilise the correct pedestrian crossings and paths</li> <li>• traffic light timing is too short on Victoria Road causing dangerous driving further exacerbating the issue.</li> </ul>
<b>Error in Applicant's Submission</b>	<p>Concern that the Applicant's modification application has incorrect information:</p> <ul style="list-style-type: none"> <li>• the Hermitage Road Active Transport Assessment is not a true reflection of the patronage that will utilise Hermitage Road</li> <li>• that services to be relocated is a simple and standard procedure and not complex as stated by the Applicant.</li> </ul>
<b>Amenity</b>	<ul style="list-style-type: none"> <li>• Concern that the construction hours being relaxed will create undue amenity and health impacts on the residents</li> </ul>
<b>Parking</b>	<ul style="list-style-type: none"> <li>• Concern that the proposal has insufficient parking and will exacerbate an existing parking issue</li> </ul>
<b>Lack of consultation</b>	<p>Concern that there was inadequate and inefficient means of community consultation due to the:</p> <ul style="list-style-type: none"> <li>• requirement to create an online account on the Department's website</li> <li>• Department of Education's project reference group non-disclosure agreement requirements.</li> </ul>
<b>Other</b>	<ul style="list-style-type: none"> <li>• The approved grass playing oval should be an all-weather surface oval</li> <li>• Insufficient covered outdoor learning areas and shades spaces</li> <li>• Ability to use an area adjacent to rail corridor as a SUP</li> <li>• Cost should not be a deciding factor</li> <li>• The original development consent demonstrated a nexus for such conditions and upgrades</li> <li>• External Works compliance certification and Works-As-Executed plans to Council should remain as is, for accountability of the Applicant to deliver the public domain works</li> </ul>

**Figure 4** shows the number of times each key issue was raised in the community and public submissions:



**Figure 4 | Summary of key concerns raised in public submissions**

#### 5.4 Response to submissions and Government agency advice

Following the exhibition of the modification report, the Department placed copies of all submissions received during exhibition on its website and requested the Applicant provide a response to the issues raised. On 9 March 2022, the Applicant provided a Response to Submissions (RtS) (**Appendix A**) on the issues raised during exhibition. The RtS included:

- a detailed response to:
  - public submissions including Council
  - key issues raised by the Department
- a modified scope of the application (**Section 2.1**) with the key changes being:
  - modifying condition B44(a) to install a 1.2m-1.5m width path along the western side of Hermitage Road within six months of commencement of operation, instead of deleting the Condition B44(a) requirement for delivery of a 2.5m SUP
  - modifying condition D9(b) to install a pedestrian crossing on See Street where it intersects with Macpherson Street within three months of commencement of operation, instead of deleting condition D9(b)
  - modifying condition D12 to install a pedestrian crossing on Rhodes Street at its intersection with Mellor Street within three months of commencement of operation, instead of deleting condition D12.

The RtS was made publicly available on the Department's website and referred to relevant Government agencies and Council. Council's response is shown in **Table 3** above. TfNSW stated it has no objection to the modifications and advised that the drawings and approvals required to be submitted to Council as the relevant Road Authority under condition D14 would need to be updated to incorporate any changes approved under the modification. No supplementary submissions/comments were received from the public in response to the RtS.

## 6 Assessment

The Department has considered the modification application in the context of the original approved development, the matters raised in submissions and the Applicant's RtS in its assessment of the proposal. Consideration of the key elements of the modification is included below.

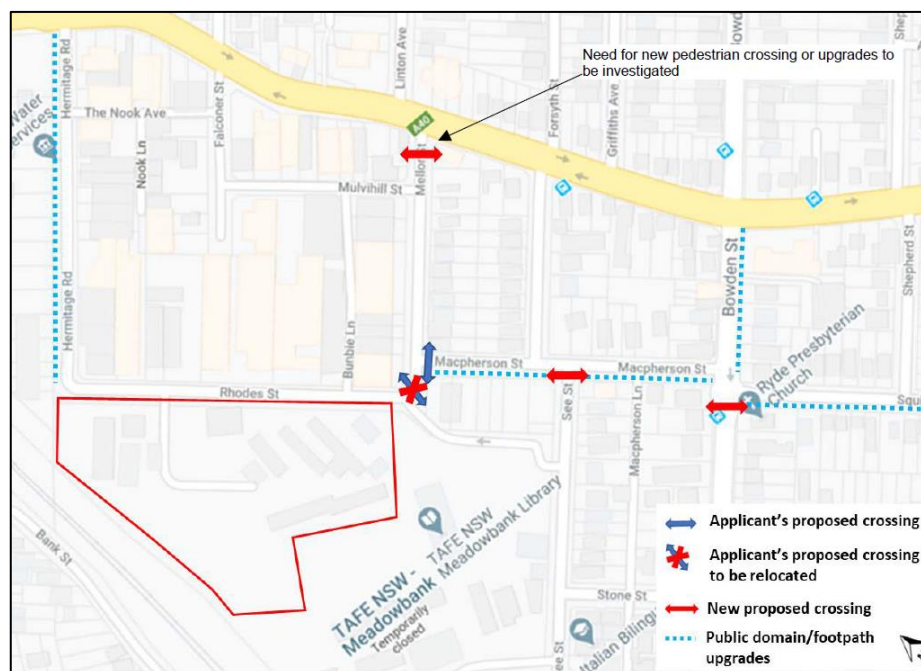
The key issue identified in the assessment of the modification is the proposed changes to the requirements for pedestrian infrastructure upgrades including the timeframe to deliver these works. Other issues considered during the assessment are discussed in **Section 6.3**.

### 6.1 Pedestrian infrastructure upgrades

#### Original assessment

The MEEP Master Plan 2020 encourages a mode shift away from private car use. To achieve the target mode share, the original SSD application included a STP which sets out a sustainable transport management strategy for the school to assist in reducing private vehicle use, car parking demand and traffic congestion. The Department's assessment of the original SSD application supported the implementation of the STP in order to encourage sustainable transport modes. In accordance with the conditions of consent, the final STP is required to be prepared in consultation with TfNSW and Council, implemented and updated annually.

The Department's assessment also found that pedestrian infrastructure improvements (footpaths and crossings) were essential to foster sustainable transport and encourage active transport options for students and staff. Consequently, the Department imposed conditions requiring various public domain upgrades (Error! Reference source not found.).



**Figure 5 | Pedestrian infrastructure upgrades required by conditions of consent**  
(Source: Department's original SSD assessment report, 2020)

Since determination of the original SSD application, the Applicant has consulted with TfNSW and Council and carried out onsite investigation works for the delivery of the required pedestrian infrastructure upgrades. Consequently, the Applicant has lodged the Modification Application seeking to alter various conditions relating to the requirements for delivery of the pedestrian infrastructure upgrades as described in **Section 2**. The Modification Application was supported by a Hermitage Road Active Transport Assessment (ATA) and supplementary ATA submitted with the RtS.

### 6.1.1 Shared User Paths / Footpaths

#### Hermitage Road

The exhibited original modification application proposed deletion of condition B44(a), requiring a 2.5m SUP along the western side of Hermitage Road. This item attracted the greatest number of public submissions including Council. Concerns raised in the submissions included the safety of pedestrians and cyclists having to use the existing path on the eastern side of Hermitage Road which crosses numerous industrial and commercial premises driveways.

As detailed in **Section 2.1**, the Applicant's RtS revised the application to construct a 1.2m -1.5m wide path along the western side of Hermitage Road rather than a 2.5m wide SUP. The Applicant states that due to the services running along the western side of Hermitage Road, it is not feasible to construct the path wider than 1.2m in some sections, however, it will be up to 1.5m wide where possible.

The Applicant's Hermitage Road ATA predicted the pedestrian and cyclist usage of Hermitage Road based on the school catchment data and location of bus stops and bus routes. The Hermitage Road ATA predicts 48 pedestrians would use Hermitage Road in the AM and 32 in the PM. This is considered low when compared to the 532 students expected to cycle or walk to and from the site using the other surrounding streets.

Concerns were also raised in the submissions about the potential for a service station located near the intersection of Victoria Road and Hermitage Road to influence student behaviour and increase patronage along Hermitage Road. Consequently, the Department requested further information to address this concern. The Applicant provided a response in the RtS which analysed the businesses within the vicinity and determined that use of these sites would be low and school policies would be put in place to encourage school students to use the most appropriate and direct path of travel.

Council in its comments (**Table 3**) to the RtS, stated that the path should be a minimum of 1.3m wide from the kerb as any car parked along Hermitage Road would require 300mm separation to the pedestrian path under Austroad Standards. The Department considers Council's concerns regarding a 300mm separation of the path from the kerb would best be resolved through technical drawings, specifications and investigations under the Section 138 Roads Act approval.

The Department has reviewed the information provided by the Applicant and the amended scope of the modification in the RtS. The Department considers the change to the Hermitage Road SUP of 2.5m to a 1.2m minimum wide footpath (up to 1.5m wide) acceptable as:

- it allows safe travel on the western side of the Hermitage Road, clear of industrial driveways on the eastern side and associated traffic
- it is adequate for the level of patronage expected to utilise Hermitage Road, as demonstrated in the Hermitage Road ATA, and would be wider (up to 1.5m) where feasible



- a SUP continues to be provided along Rhodes Street, Macpherson Street and Bowden Street which connects the school's main entry point with the school's closest bus stop which is located on Victoria Road, 520m away (**Figure 6**)
- The closest train station (Meadowbank Station) is to the south of the site meaning Hermitage Road would generally not be used for those travelling to the schools by train (**Figure 6**)
- TfNSW is considering a bus connection from the West Ryde station to the north (**Figure 6**), which if it occurs, would further reduce the use of Hermitage Road to access the site
- All other upgrades to the public domain would remain.



**Figure 6 | Proposed active transport context map (Base source: Nearmap 2021)**



### Squire Street

Concern was raised in the submissions including Council that the reduction of the Squire Street SUP to a 1.35m path was unsafe. Council in its comment to the RtS (see **Table 3**) stated they no longer have an objection to the reduction of width to 1.35m as the existing path would be upgraded and concrete panels rectified to address trip hazards.

The Transport and Accessibility Impact Assessment submitted with the original SSD application outlined that the vast majority of pedestrian and cyclist activity would be to and from the closest bus stop and Meadowbank Train Station (**Figure 6**). The Supplementary ATA states that Austroads, *Guide to Road Design Part 6a: Pedestrian and Cyclist Paths (GRD 6A)* has a desired width requirement for the forecast demand along Squire Street of 1.2m to 1m (absolute minimum). Accordingly, the proposed 1.35m exceeds this requirement and based on its location, purpose and the anticipated demand on the facility, the proposed footpath dimensions would be acceptable and suitable to achieve the mode share targets of the STP.

The Department considers that the delivery of a 1.35m path instead of a 2.5m wide SUP along Squire Street is adequate for the level of patronage and would continue to provide a safe and convenient path for students.

### Bowden Street

The Department considers that the proposed relocation of the required SUP from the eastern side of Bowden Street to the western side would continue to encourage users to access the site from the nearest bus stop (**Figure 6**). This is reflected in the public submissions as no concerns were received regarding this and Council supported the change. Consequently, the Department supports the proposed relocation of the SUP from the eastern side to the western side of Bowden Street.

On balance, the Department finds that the three proposed changes to the paths listed above have merit and would ensure the continued focus on a shift to sustainable modes of transport by providing safe and convenient paths for pedestrians and cyclists.

## **6.1.2 Pedestrian Crossings**

Many public submissions made objections to the proposed deletion of the pedestrian crossings (see Error! Reference source not found.Error! Reference source not found.):

- Condition D9(b) - See Street with Macpherson Street
- Condition D10 - the northern end of Mellor Street at its intersection with Victoria Road
- Condition D12 - Rhodes Street school crossing near Mellor Street

As mentioned within **Section 2.1**, the Applicant has since revised the application as part of the RtS to withdraw the request to delete these conditions.

### Rhodes Street and Mellor Street

The delivery of a school crossing along Rhodes Street was not certain as it was coupled with the requirements of condition D10. Condition D10 requires the Applicant to consult with Council and TfNSW in relation to the need for provision of a wombat pedestrian crossing or alternative pedestrian infrastructure upgrade works at the northern end of Mellor Street at its intersection with Victoria Road.

Condition D12 sets out that any pedestrian crossing / upgrade identified as being required under condition D10 must be undertaken instead of the new pedestrian crossing on Rhodes Street where it intersects with Mellor Street (Error! Reference source not found.Error! Reference source not found.).

As detailed in **Section 2.1**, the Applicant in its RtS revised the application to retain conditions D10 and D12 and instead provide a pedestrian crossing along Rhodes Street within three months of commencement of operation. This pedestrian crossing would be subject to consultation with Council and TfNSW and decoupled from the requirements of condition D10.

The Department considers the change to condition D12 from a school crossing to a pedestrian crossing acceptable given a pedestrian crossing could cater for all users and would remain at the intended location. The Department also accepts that the crossing is no longer conditional on the outcome of condition D10 (Victoria Road intersection with Mellor Street) and instead upon approvals and consultation with Council and TfNSW.

The Department is satisfied that the proposed modifications to the crossings are adequate as the Applicant has continued to demonstrate that there is an appropriate and safe network for all directions of pedestrian traffic arriving and leaving the schools.

## **6.2 Extension of timeframes**

### **6.2.1 Pedestrian infrastructure upgrades**

The conditions of consent currently require all public domain works to be completed prior to commencement of operation of the schools. Due to construction delays, the Applicant proposes to amend the conditions of consent to allow for the:

- Hermitage Road footpath to be delivered within six months of commencement of operation or other timeframe agreed by the Planning Secretary
- See Street pedestrian crossing (where it intersects with Macpherson Street) to be delivered within three months of commencement of operation or other timeframe agreed by the Planning Secretary
- Rhodes Street pedestrian crossing (where it intersects with Mellor Street) to be delivered within three months of commencement of operation or other timeframe agreed by the Planning Secretary.

The Applicant outlines that due to the schools planned opening on Day 1 Term 2, 2022, the above pedestrian upgrades works cannot be constructed in time. The Applicant states that delaying the schools opening and operation to construct the outstanding works would have a major impact on the school community while the delayed the pedestrian crossings and footpath form just a small part of a very large precinct. The Applicant's RtS states that during this period, traffic controllers would be engaged to manage pedestrian, cyclist and traffic movements to ensure safe passage to the school.

Council in its response to the RtS requested a Pedestrian Safety Management Strategy (PSMS) be prepared and implemented to safely manage pedestrian movements until the outstanding pedestrian infrastructure upgrades are completed. Council requested that the PSMS is prepared by a Level 3 accredited road safety auditor.

The Department agrees with Council's request for a PSMS to be implemented to safely manage pedestrian movements as an interim solution until the delayed pedestrian infrastructure upgrades are completed. The Department has recommended new conditions requiring the preparation of the PSMS by a Level 3 road safety auditor in consultation with Council with the final PSMS requiring approval of the Planning Secretary prior to commencement of operation. The PSMS must be implemented until such time that all pedestrian infrastructure upgrades are completed.

The Department is satisfied that the Applicant will deliver the outstanding public domain works in a timely manner. If any exceptional circumstances arise that result in any further delays to delivering the outstanding pedestrian infrastructure upgrades, the Applicant would be required to justify this in order for the Planning Secretary to vary the required timeframe. Compliance action can be undertaken by the Department if the Applicant fails to meet the requirements of the conditions of consent.

Given pedestrian safety can be adequately managed through the PSMS in the interim, the Department considers that it would be in the public interest to allow the school to open as planned rather than requiring all outstanding works to be completed which could potentially delay the school opening for 6 months. On balance, in this particular circumstance, the Department concludes that the short-term delay in delivery the outstanding pedestrian infrastructure upgrades prior to commencement of operation is acceptable subject to implementation of the PSMS.

#### Council Certification and documentation

The Applicant seeks flexibility in the timing to complete the public domain works, by modifying condition D15 to allow for delays due to any overhead/inground services.

The Applicant also seeks to modify the timing for submission of public domain WAE plans (condition E21) and External Works completion certificate (condition E22) from 'prior to the commencement of operation' to 'upon completion of the public domain works'.

Council in its submission stated it supports the Applicant in allowing for delays due to service relocation however, that the delay should be agreed to by "Council and the Planning Secretary" not solely the Planning Secretary. The Department notes that the Planning Secretary would liaise with Council together with any relevant Government agency as required should a request for a variation to the timeframe be received from the Applicant. As the consent authority, the Department recommends that any variation to the timeframe should be approved by the Planning Secretary.

With regards to the WAE and certification requirements, Council supports the amendment to condition E21 to allow the schools to operate without having submitted the WAE plans, only where condition E22 is amended to allow a two-step process. This two-step process suggested by Council allows the Council to issue a conditional certification prior to commencement of operation, with a final certification then required post-commencement of operation.

The Applicant in the RtS agreed to Council's wording of condition E22 noting it allows the schools to operate whilst defects and/or unfinished works are completed post-commencement of operation. The Department accepts the proposed modifications to conditions D15, E21 and E22 as requested by the Applicant in the RtS and has recommended amendments to these conditions and insertion of new conditions consistent with Council's requirements.

The Department notes that one submission stated that both the WAE plans and External Works certification need to be submitted to Council prior to the commencement of operation to ensure there is accountability of the Applicant delivering the project. The proposed amended wording to the subject

conditions does not remove the responsibility for the Applicant to deliver the required pedestrian infrastructure upgrades. Compliance action can be undertaken by the Department if the Applicant fails to meet the requirements of the conditions of consent.

### 6.3 Other issues

Issue	Findings	Department's conclusion
<b>Construction Hours</b>	<p>The proposed modification to condition C5 would allow for the construction hours to be varied by the Planning Secretary if sufficient justification is provided, or to align with other legislation such as a Section 138 approval issued by Council under the <i>Roads Act 1993</i>.</p> <p>Public submissions including Council's submission raised concerns that the amenity of adjoining residents would be diminished if further relaxation to the construction hours was granted. Objections also reiterated that the construction noise to date has affected their amenity.</p> <p>The Applicant's RtS states that the purpose of the request to modify condition C5 is to include a mechanism in the consent to be used in the event that out of hours works are required, such as night works to complete works that cannot reasonably be undertaken during normal working hours. An example of this is construction work to the public domain that cannot be completed during the day as the disruption to local traffic and businesses would not be acceptable.</p> <p>The construction of the schools is nearing completion, meaning the bulk of construction has finished. The remaining construction of infrastructure would be the items subject to this modification: the footpath on Hermitage Road and the two pedestrian crossings on See Street and Rhodes Street.</p>	<p>The Department acknowledges the concerns raised in the public submissions and by Council.</p> <p>The Department acknowledges that it is practical to allow the development consent to reflect other approvals for transparency and to reduce confusion.</p> <p>If a variation to the construction hours is sought under proposed part (d) of condition C5, the Applicant would be required to update the Construction Noise and Vibration Management Sub-Plan required by condition B14. The Construction Noise and Vibration Management Sub-Plan must be prepared by a qualified noise expert and include a number of mitigation measures.</p> <p>The Department notes that the majority of the construction works have been completed. Any outstanding work required to be completed outside the approved construction hours would be limited and short term. The Department notes that the outstanding works</p>

with the longest construction program is the Hermitage Road footpath. There are no residential properties adjacent to the Hermitage Road footpath.

Consequently, the Department considers the proposed modification is unlikely to unreasonably impact on the amenity of the surrounding area and the proposed amendment to condition C5 is supported.

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**Consultation**

Concerns were raised in the public submissions regarding the adequacy of the Department of Education's consultation.

Objections stated that the process to make a submission on the Department's website is lengthy and subsequently the number of submissions is not a true reflection of the community concerns.

The Department accepts hard copy submissions as well as online submissions. The Department considers applications on their merits and issues raised in submissions, not the sole number of submissions received.

The Department exhibited the application in accordance with statutory requirements (**Section 5**).

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**Ability to  
modify  
Consent**

Public submissions raised concerns regarding either the Department or Applicant's ability to amend or seek amendments to the original consent, stating that if the condition was imposed initially, there was an evident nexus for such conditions and the consent should not be modified. Submissions also mention that the cost to deliver items should not be a matter for consideration.

Section 4.55 of the EP&A Act allows for modifications to development consents in certain instances (**Section 4.1**). This application has been assessed in

The Department is satisfied that the statutory considerations for the modification application have been met in accordance with the EP&A Act.



accordance with the provisions of 4.55(1A) of the EP&A Act.

<b>Student facilities</b>	<p>Public submissions raised concerns relating to:</p> <ul style="list-style-type: none"><li>• the grass playing oval on-site being insufficient for all-year round play of students</li><li>• insufficient shaded spaces for students</li><li>• insufficient covered outdoor learning areas (COLAs).</li></ul>	<p>These objections relate to the original development consent. Changes to the playing oval, shaded spaces or COLAs are outside of the scope of the amendments sought.</p>
<b>Victoria Road</b>	<p>Public submissions raised concerns relating to traffic light timing on Victoria Road being too short and jeopardising the safety of motorists and pedestrians as it is said to cause erratic behaviour by motorists and pedestrians.</p> <p>Public submissions requested that physical barriers be constructed along Victoria Road to prohibit pedestrians crossing Victoria Road outside of the dedicated crossing points. The submissions assert that students would likely be the pedestrians making such crossings and this presents a safety risk.</p>	<p>The Department notes the concerns raised in the objections related to Victoria Road. However, the concerns raised relate to changes to Victoria Road which is outside the scope of the amendments sought.</p>
<b>Street lighting</b>	<p>Initially the Applicant proposed to delete condition D14(h) which requires existing streetlights be upgraded where they are impacted by the development and new streetlighting to meet specified standards.</p> <p>Public submissions objected on the basis that deletion would create dark and unsafe areas on the surrounding streets.</p> <p>The Applicant as part of the RtS modified the application to withdraw the request to delete the condition.</p>	<p>Changes to existing street lighting not impacted by the development are outside the scope of the amendments sought.</p>

## 7 Evaluation

The Department has reviewed the information provided by the Applicant and has assessed the merits of the modification, taking into consideration the issues raised in public submissions, including Council and government agency advice.

Issues raised in public submissions have been considered and issues associated with the modification have been addressed by the Applicant and through the recommended conditions. The Department is satisfied that the Applicant has endeavoured to limit, as practically as possible, the impact on the community while balancing the operational needs of the schools.

The Department considers that the proposed modifications to the pedestrian infrastructure upgrades would not reduce the continued focus on improving access to the site and a shift to sustainable modes of transport by providing safe and convenient paths and crossings for pedestrians and cyclists. While the modification would allow for minor delays in the delivery of outstanding pedestrian infrastructure upgrades, it would allow the school to commence operation on Day 1, Term 2 2022 which the Department considers to be in the public interest. Pedestrian safety would be adequately managed through the implementation of a Pedestrian Safety Management Strategy while the outstanding pedestrian infrastructure works are being completed.

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

- the proposal would not alter the nature of the development as provided in the original approval
- the proposal would ensure the timely and effective operation of an essential service to the community
- the proposal would not result in any additional unacceptable environmental impacts.

Accordingly, the proposal is in the public interest and it is recommended that the modification be approved.

## 8 Recommendation

It is recommended that the Executive Director, Infrastructure Assessments, as delegate of the Minister for Planning:

- **considers** the findings and recommendations of this report
- **determines** that the application Meadowbank Education Precinct Schools Project, SSD 9343 Mod 4 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
- **modifies** the consent SSD 9343
- **signs** the attached approval of the modification (**Appendix A**).

**Prepared by:**

**Patrick Andrade**

Planning Officer

Social and Infrastructure Assessments

**Recommended by:**



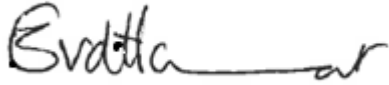
**Tahlia Alexander**

A/Team Leader

School Infrastructure Assessments

## 9 Determination

The recommendation is **Adopted** by:

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

**Erica Van Den Honert**

Executive Director

Infrastructure Assessments

as delegate of the Minister for Planning

# Appendices

## Appendix A – List of referenced documents

### 1. Modification report

<https://www.planningportal.nsw.gov.au/major-projects/project/43326>

### 2. Submissions

<https://www.planningportal.nsw.gov.au/major-projects/project/43326>

### 3. Applicant's Response to Submissions

<https://www.planningportal.nsw.gov.au/major-projects/project/43326>

### 4. Instrument of modification

<https://www.planningportal.nsw.gov.au/major-projects/project/43326>

### 5. Consolidated consent

<https://www.planningportal.nsw.gov.au/major-projects/project/43326>