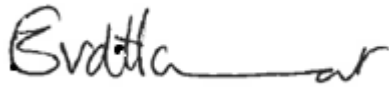


Modification of Development Consent

Section 4.55(1A) of the *Environmental Planning and Assessment Act 1979*

As delegate of the Minister for Planning, I approve the modification of the development consent referred to in Schedule 1, subject to the conditions in Schedule 2.



Erica van den Honert
Executive Director
Infrastructure Assessments

Sydney

12 April 2022

SCHEDULE 1

Development consent: **SSD 9343** granted by the Executive Director, Infrastructure Assessments on 21 May 2020.

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.

Applicant: NSW Department of Education

Consent Authority: Minister for Planning

The Land: 2 Rhodes Street, Meadowbank (Lot 10 DP 1232584)

Modification: **SSD 9343 MOD 4:** Changes to conditions relating to the shared user paths, pedestrian crossings, timing to deliver the required public domain works and submission of Works-As-Executed Plans and

SCHEDULE 2

The consent (SSD 9343) is modified as follows:

- a) Part B - Prior to Commencement of Construction – Condition B44 is amended by the deletion of the ~~bold and struck out words~~ and/or the insertion of **bold and underlined** words, as follows:

Pedestrian Infrastructure Improvements

B44. Within six months of the commencement of construction, **or other timeframe agreed by the Planning Secretary**, 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 **infrastructure locations** prior to commencement of operation of the schools unless otherwise agreed in writing by the Planning Secretary under condition B45:

- (a) **minimum of 1.2 metre and where feasible up to a maximum 1.5 metre footpath on** the western side of Hermitage Road;
- (b) **2.5 metre Shared User Path on** the southern side of Macpherson Street, between Mellor and Bowden Streets;
- (c) **2.5 metre Shared User Path on** the ~~eastern~~ **western** side of Bowden Street, from Victoria Road to Macpherson Street;
- (d) **1.35 metre footpath on** the southern side of Squire Street; and
- (e) **2.5 metre Shared User Path on** the southern side of Rhodes Street.

- b) Part C – During Construction – Condition C5 is amended by the insertion of **bold and underlined** words, as follows:

Construction Hours

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 if appropriate justification is provided for the works or to provide alignment to other approvals associated with the development such as a Section 138 Roads Act 1993 approval.**

- c) Part D – Prior to Commencement of Operation – Conditions D9, D12, part (f) of D14 and D15 are amended by the deletion of the ~~bold and struck out words~~ and/or the insertion of **bold and underlined** words and new Condition D36 is inserted, as follows:

Roadworks, Signposting and Associated Markings

D9. ~~Prior to the commencement of the operation of the new schools t~~ The following pedestrian infrastructure must be constructed/installed, subject to agreement and relevant approvals from Council and / or TfNSW:

- (a) the proposed wombat pedestrian crossing on Macpherson Street where it intersects Mellor Street, as identified in the Meadowbank Education and Employment Precinct Schools Project Transport and Accessibility Impact Assessment dated 28 February 2020 **prior to commencement of operation**;

- (b) the provision of a pedestrian crossing on See Street where it intersects with Macpherson Street **within 3 months of commencement of operation or timing otherwise agreed by the Planning Secretary;**
- (c) the upgrade of the existing pedestrian refuge at the Bowden Street roundabout to a wombat pedestrian crossing **prior to commencement of operation;** and
- (d) construct and implement the measures agreed to as part of the public domain enhancement strategy approved under condition B44 to encourage walking and cycling to the school **prior to commencement of operation, with the exception of the Hermitage Road footpath which must be delivered within 6 months of commencement of operation or timing otherwise agreed by the Planning Secretary.**

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. A pedestrian crossing on Rhodes near/at its intersection with Mellor Street must be provided, subject to agreement and relevant approvals from Council and/or TfNSW, within 3 months of commencement of operation or timing otherwise agreed by the Planning Secretary.~~

Public Domain Upgrades

D14. Prior to the commencement of the operation of the new schools, the Applicant must submit, for approval by Council as the Road Authority, full design engineering plans and specifications and complete the construction to Council's satisfaction for the following infrastructure works:

...

- (f) the construction of upgraded footpaths as detailed in the public domain enhancement strategy approved under condition B44, **with the exception of Hermitage Road which must be delivered within 6 months of commencement of operation or timing otherwise agreed by the Planning Secretary.** The proposed civil works must be in accordance with Council's Specification and Standard Drawing;

...

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 government 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.**

Pedestrian Safety Management Strategy

D36. Prior to the commencement of operation, a Pedestrian Safety Management Strategy prepared by an accredited (Level 3) road safety auditor and in consultation with Council, must be submitted to the Planning Secretary for approval. The Pedestrian Safety Management Strategy must include recommendations for the safe management of pedestrian movements to and from the site in the absence of completion of the following works:

- (a) the footpath on the western side of Hermitage Road;**
- (b) the pedestrian crossing on See Street where it intersects with Macpherson Street;**
and
- (c) the pedestrian crossing on Rhodes Street at/near Mellor Street.**

All applicable recommendations must be implemented by the Applicant at no cost to Council.

- d) Schedule 2 Part E – Post Occupation – Conditions E21 and E22 are amended by the deletion of the ~~bold and struck out words~~ and/or the insertion of **bold and underlined** words and new Conditions E23, E24 and E25 are inserted, as follows:

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, a **Conditional** Compliance Certificate must be obtained from Council confirming that all works **(except for the delayed public domain works specified in conditions D9 and D12)** in the **public** road reserve including all public domain improvement works, **alterations to Council assets** and restoration of infrastructure assets that have dilapidated as a result of the development works, have been **practically** 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.
- E23. **Prior to the issue of a Conditional Compliance Certificate by Council, the Applicant must demonstrate compliance with the following to the satisfaction of Council:**
- (a) all civil works within the public domain and associated with road widening, must be completed in accordance with Council requirements and provide safe and functional public access;**
 - (b) completion of a final inspection by Council, and rectification to Council satisfaction of any identified defects which are deemed to impact public safety or functional use of the road reserve;**
 - (c) submission of compliance documentation to Council from a road safety auditor confirming that all the new traffic facilities works have been completed and provide for functional and safe use for the public and that they have no objections to commencement of public use on commencement of operation of the new school; and**
 - (d) submission to Council of any asset handover documentation required to demonstrate that the completed works are adequate for safe and functional use by the public.**
- E24. **Prior to issue of the Final Compliance Certificate by Council confirming that all external works in the public road reserve and alteration to Council assets have been completed, compliance with the following requirements must be demonstrated by the Applicant to the satisfaction of Council:**
- (a) completion of an additional inspection to verify that all previously identified defects have been adequately addressed to Council's satisfaction and any additional defects identified in the interim have also been addressed;**

- (b) submission to Council of all documentation associated with asset handover and all documentation must meet Council standards and be resubmitted if required; and
(c) rectification or finalisation of any issue impacting Council assets.

Pedestrian Safety Management Strategy

E25. Until such time that all public domain works required under this consent have been completed to the satisfaction of the relevant roads authority, the approved Pedestrian Safety Management Strategy (Condition D36) must be implemented.

End of modification
(SSD 9343 MOD 4)