

Department of Planning and Environment
4 Parramatta Square, 12 Darcy Street
Parramatta NSW 2124

Your Ref	SSD-10383
Our Ref	NCA/8/2019
Contact	Paul Sartor
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28 July 2022

ATTN: Jasmine Tranquille

COUNCIL SUBMISSION

NOTICE OF EXHIBITION OF MODIFICATION 1 REPORT FOR THE WESTMEAD CATHOLIC COMMUNITY EDUCATION CAMPUS (2 DARCY ROAD, WESTMEAD)

I refer to the above application and the request to provide advice on the proponent's modification report. Council staff have reviewed this report and **object** to the proposed changes to conditions as detailed further below:

Condition B1 – Future access arrangement

B1(a) – Council officers do not support the proposed removal of the lot and DP numbers; the need for this removal is not well justified in the modification report. Retaining the lot numbers ensures the location of the easement is adequately defined within the condition.

B1(b) – Council notes the legal advice provided from Addisons which states that the proposed future pedestrian link cannot legally be secured as it fails to provide sufficient certainty. However, it is disputed that the condition does not meet the Newbury test as follows:

- a. The conditions planning purpose is to ensure that the school's redevelopment is considered wholly in the context of the entire block which currently only has access via Darcy St. This was considered an acceptable solution by the IPC to ensure that the redevelopment does not exacerbate the existing traffic on Darcy Rd by promoting active and easy pedestrian links from Bridge Rd, which was a key component of Councils objection to the original SSD.
- b. The easement provision serves a clear purpose to serve the students and staff of the school who may live to the west of Bridge Rd, which is a residential area, and provide them with easy pedestrian access and reduce the pedestrian traffic on Darcy Rd.

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Condition B1(b) is therefore fair and ensures that the connection to the east relates directly to the orderly development of the entire block to ensure the site has adequate pedestrian access which is consistent with the Draft Westmead Place Strategy 2036 for their own students and staff. Its removal is not supported.

Condition B2

This amendment is not supported as the pedestrian link to the west should not be removed from condition B1(b) for the reasons stated above.

Condition E4

E4(b) – The removal of this condition is not supported. The reasoning that the Church users will be too hard to distinguish from general public is insufficient, and that Church users will only use vehicles to access the Church services completely defeats the purpose that the access easement is trying to achieve by encouraging active transport links and reduce the traffic impacts on Darcy St.

E4(c) - This condition should not be deleted as without the provision of an easement or positive covenant there is no way of ensuring that the access will be maintained via the pedestrian link in the future.

E4(d) – This condition is required as it allows for the orderly development of the site as detailed above in Council's objection to B1(b). Providing Public Access can be provided safely and has been demonstrated in similarly large campus schools such as [Leichhardt Secondary School](#), see below aerial map, which like the Westmead Catholic Campus is a large property which separates two parts of the suburb.



Condition E5

Council recommends that this condition of consent be maintained. The delivery of a vertical school and increasing density at the site should not compromise the quality of open space provided for students.

The school site should provide a minimum of 10sqm of open space per student. However, we note that the current proposal will provide 8.2sqm per child and this should be maintained via the existing condition.

Play is essential for the development of children, including healthy physical and emotional growth, intellectual and educational development, and for acquiring social and behavioural

skills. Therefore, the provision of high-quality open space is essential for promoting social and health outcomes for children.

Condition E43

Council does not support the removal of this condition and recommends that the applicant consider opportunities for shared use in this proposal.

Council's Community Infrastructure Strategy 2020 identifies the intention to investigate and pursue joint and shared use arrangements with schools. Whilst there is no MOU between City of Parramatta Council and Catholic Education, the principle remains that it is of benefit to the community to be able to access school assets when they are not being used for formal education purposes. The intention of joint use arrangements is primarily focused on access to open space.

A shared use arrangement would benefit students, who are likely to be members of the local community that would be utilising the site outside of school hours.

Condition F1

Similar to condition B1 and E4 the deletion of this condition is not supported and must be retained to ensure the orderly development of the site. It is related to the development proposed and does not infringe on the ability of the applicant to develop their site to its full potential in a reasonable timeframe.

Conclusion

It is noted that this is the recommendation of Council officers, and this submission has not been endorsed at a Council meeting.

Should you wish to discuss the above matters, please contact Paul Sartor on the details listed above.

Yours sincerely

Myfanwy McNally
CITY SIGNIFICANT DEVELOPMENT MANAGER