



24 December 2015

Our ref: DHB/15-322

Secretary General  
Department of Planning and Environment  
22 Bridge Street  
Sydney NSW 2000

Dear Sir,

**re: Submission to Exhibition of the Mod 4 of the CBD & South-East Light Rail Project  
– SSI 6042 (MOD 4)**

We write in relation to Modification No 4 ("**Mod 4**") to the approved CBD and South East Light Rail Project exhibited CBD and South East Light Rail Project on behalf of:

- Foundation for Education and Training Limited;
- Kenvale College; and
- Creston College.

Foundation for Education and Training Limited (FFET) owns Lot 100 in DP836801 comprising 36 High Street (Creston College) and 38 High Street (Kenvale College). This land is referred to in this submission as "**the site**".

This submission objects to the proposed modification to the approved project relating to the

- The reconfiguration of the UNSW High Street stop arrangement;
- The consequential denial of access from High Street and the inadequate provision of a new access lane from Arthur Street.

The modification to the proposal is designed clearly to protect the interests of UNSW but in doing so will have a significant and as yet unassessed adverse financial and operational impact on FFET and its interests.

Mod 4 to the High Street stop should not be approved. As required by the conditions of approval of the critical infrastructure project, the design of the station as currently approved should be subject to on-going refinement without denying access to properties on the northern side of High Street between Wansey Road and Botany Street.

An alternative is proposed which sees the traffic lane located on the northern side of the street with provision for east bound traffic.

## **1. EXISTING OPERATIONS AT THE SITE**

**Kenvale College** at 38 High Street is a Registered Training Organisation delivering courses in hospitality management, commercial cookery and event management ranging from Certificate II to Advanced Diploma. Most students come to classes three days a week and work in industry the rest of the week. The college has a capacity of 300 students operating 8.30am to 5.30pm, five days a week.

Regular deliveries of materials and equipment for teaching (food, beverages, catering equipment etc) take place on site and using the loading zone in front of the building. All vehicles arrive via High Street and enter and leave the site in a forward direction.

Staff are mostly part time having other jobs in the industry and benefit from the provision of parking on the site to enable efficient access at irregular and varied hours. Thus the car parking on site is important to the function of the college.

**Creston College** at 36 High Street is a residential college for women providing supportive accommodation for 25 students of the University of NSW. Deliveries and garbage removal is from High Street with the garbage room and grease trap on the southern side of the building near High Street. Furthermore 8 bedrooms are close to the frontage (in addition to the other significant residential developments on the northern side of High Street between Wansey Road and Botany Street) making them susceptible to noise and vibration impacts.

Although on the same lot and under the direction of FFET, the above facilities operate independently with separate management. They have different access and operational requirements, including security, parking, garbage collection and deliveries.

Further details of these operations have been provided in the separate submissions of FFET, Creston College and Kenvale College.

## **2. GROUNDS FOR OBJECTION**

### **2.1 Inadequate consultation**

The document entitled *Additional Information provided to Department of Planning and Environment to support the assessment of the CBD and South East Light Rail Project* submitted in May 2014 in response to requests for further information requested by the Department of Planning and Environment since lodgement of the CSELR Submissions Report in March 2014 states as follows in relation to pedestrianisation of High Street between Wansey Road and Botany Street (as has been consistently proposed by UNSW):

*Whilst TfNSW can understand the benefits of providing a pedestrianised zone along High Street, this is not something that is required for the project. The design of the High Street stop (with an island platform) in the preferred infrastructure report provides a safe and operationally efficient design to provide for the forecast customer demand from UNSW and the future UAP at this stop. The island platform design does not preclude future pedestrianisation of the adjacent general traffic lanes.*

*Pedestrianising High Street would create flow on impacts additional to those of the CSELR proposal that would need to be resolved such as enabling access to properties that currently use High Street, access to surrounding streets as well as additional traffic flows in surrounding streets and the subsequent impacts to intersections.*

*Additionally, a number of bus routes use High Street to access the hospitals, these buses would need to be diverted to Arthur Street, which potentially limits their ability to provide direct access to the Hospitals on High Street.*

*TfNSW is currently considering the option to provide two side platforms for the High Street stop (rather than an island platform), which would be compatible with future pedestrianisation of High Street. **This design will be further considered during the detailed design phase in consultation with the relevant stakeholders in the area, including Randwick City Council, UNSW and Health Infrastructure.***

FFET, Kenvale College and Creston College express disappointment at the lack of meaningful consultation in relation to Mod 4. This is significant because the interests of these organisations and their operations have not been fully considered in the development of alternatives or in the assessment of impacts. The university on the other hand has been consulted throughout 2015 with the Mod 4 application clearly reflecting their interests.

## **2.2 Loss of Access to High Street**

Mod 4 removes the only vehicular access to the site. This has significant implications on the operations on the colleges on the site and is objected to for the following reasons.

### **2.2.1 Garbage collection and deliveries to Creston College**

The garbage storage area is at the front (High Street) end of the site with garbage wheeled to the street for collection. This is close to the kitchen and to other back of house functions creating waste. Re-locating the garbage storage and re-routing removal of bins for collection from a rear lane is problematic with no apparent workable solution.

Access to the grease trap is at the front of the building – the loss of this access during construction and operation is problematic with no apparent workable solution.

Delivery of goods is through the front of the building. This includes a range of deliveries required for a residential college that provides all services on site. Relocating deliveries to the rear is problematic as there is no land available for loading and access which is via the adjoining premises (Kenvale College). No workable solution has been identified.

### **2.2.2 Garbage collection and deliveries to Kenvale College**

Similar to Creston College, garbage pickup is from High Street. Whilst a rear lane hammer-head access would be closer to the main teaching spaces, re-locating the garbage storage and re-routing removal of bins for collection from a rear lane is problematic with no apparent workable solution. A location for a storage area has not been identified and there is no room available on the site as this area is used for car parking.

Delivery of goods is via the driveway off High Street. This includes a range of deliveries required for a delivery of a range of materials intensive courses in hospitality and cooking. Relocating deliveries to the rear is problematic as there is no land available for loading vehicle movement on site without interfering with the car parking area. No workable solution has been identified.

### 2.2.3 Inadequate resolution of rear lane access proposal

As stated in the Mod 4 application (Section 3.6 of the GTA Traffic Report), in order to maintain vehicle access to the site, *it is proposed that a new **public laneway** be provided from the rear of these properties to Arthur Street to provide a reconfigured driveway access to all four affected properties. The cul-de-sac would also be suitable to meet access requirements for vehicles such as garbage collection and removalist vehicles without the need to reverse along the new laneway.* (page 33)

*The revised laneway would provide access to the existing car parking spaces at the rear of the Kenvale College Hospitality and Event Management site. The laneway would also require revised storage space for garbage bins for the private properties affected by the proposed modification, similar to the current situation however at the rear of each property to provide access for garbage trucks via the new laneway. The location for this storage would be determined during detailed design, in consultation with the relevant property owners. Collection of these bins would continue to occur whereby the bins are collected from the storage locations within each property.* (page 33)

This is not considered adequate and there is no understanding of what changes are required and how workable these would be. The costs of any internal re-configuration of garbage rooms and collection points need to be addressed. The location of such storage areas and implications for activities already on site such as car parking need to be resolved.

In the absence of any identified solutions to these issues, the proposed solution is unworkable and unreasonable.

### 2.2.4 Inadequacies of proposed laneway dimensions

The new laneway access is proposed via Lot 1 in DP546495 with the existing driveway on this lot widened. It is clear that a significant proportion of traffic on this laneway would be delivery vehicles, service vehicles, garbage vehicles and the like in addition to private parking spaces. Providing a 6 metre wide laneway (presumably with splays at the intersection of Arthur Street and the laneway) is considered inadequate for the following reasons.

- rear lane access of this width would be purely utilitarian with no consideration to it being a pleasant and safe element of the street network, with sufficient 'address' to create activity and provide passive surveillance;
- no provision has been made for pedestrian access which is considered necessary given the use by larger vehicles;
- no allowance is made for drop-off of students or visitors;
- no provision is made for and form of landscaping along the length of the laneway;
- no consideration has been given to the principles of crime prevention through environmental design with a 6 meter laneway being potentially unsafe.

A significant increase in the width of the laneway would be required so that it can function as a properly designed element of the urban form with appropriate amenity and an appropriate address. The new public street should be designed in accordance with current streetscape urban design standards. Provision should be made for pedestrian access along the laneway

to provide access to Arthur Street. These matters should not be deferred to detailed design as it affects the width of land to be “dedicated”<sup>1</sup> by the university. Any laneway should be designed as a functioning street in accordance with modern urban design standards with provision for landscaping, footpath and lighting. The costs of this should be identified prior to any decision being made.

An important factor for consideration in the design of the street is the development potential for the lots on the north side of High Street that would rely on the laneway for vehicular access. This includes FFET, the two adjoining residential flat buildings and the other sites currently owned by UNSW which rely on the lane for effective access. The laneway should be designed to accommodate existing and expected future growth (say to 2021 or 2036) potentially occurring on these sites. This requires a more significant street design.

### **2.2.5 Inadequate address from rear lane**

A rear lane is totally inappropriate as the main vehicular address for Creston and Kenvale. There is no provision of, or opportunity for, wayfinding signage to these uses. The laneway access is some 340 metres from the current vehicular entrance and is from a residential street in a residential area. There is no sense of arrival or presence for the facilities on the site and nowhere for student, visitor or resident drop-off. The new vehicular address is a narrow lane designed to serve garbage collection areas.

The address of the site is 36 and 38 High Street. However the modification expects suppliers, couriers, taxis, visitors, prospective students, high school teachers, short course students, prospective new staff, industry people, sales representative etc. to find the colleges and access the site via a laneway off Arthur Street. Kenvale College's first point of contact for all new parties is the administration building fronting High Street. The distance from Arthur Street to the administration building for Kenvale College is 160 metres with no identified footpath and no clear wayfinding on or off site.

Similarly the entrance to Creston College is at the front of the building at 36 High Street. There is no clear path of travel from the location of the rear lane to the entrance to the facility.

This is operationally extremely difficult and is strongly objected to.

### **2.2.6 Downgraded footpath access**

In addition to the loss of vehicular access, there would be the effective loss of footpath access as Mod 4 proposes that the footpath would become part of the light rail platform thus making it difficult for students, staff and visitor to access the site given that this access would be via a light rail platform. No details are provided of how this integration would be achieved and how welcoming it would be as a public footpath.

### **2.2.7 Security Implications**

The loss of access from High Street to the site and the requirement for access from a new laneway off Arthur Street has security implications for the colleges. The current access to

---

<sup>1</sup> UNSW submission to Mod 4 refers to the university dedicating land to TfNSW. The modification application also states that this would be a public road. This is not clear however as discussed below.

Kenvale College from High Street is currently gated and traffic and people entering and leaving the site can be monitored from the administration building. The modification would expose the building and require additional security measures at the new entrance from the new laneway. This will impede operations and require a significant investment in more security for the premises.

Creston College is completely isolated from the back part of the property and the proposed lane and is able to control movements into the residential college via the front door. Additional access of a narrow laneway that would be unsafe (based on current design information) cannot be easily controlled or monitored.

The integration of the public footpath into the station platform would further reduce privacy and security by light rail patrons waiting around the entrances to Creston College and Kenvale College.

## 2.2.8 Traffic and parking considerations

Consideration should be given to the performance of the intersection of Wansey Road and Arthur Street. The removal of the east bound lane on High Street would significantly increase traffic through this intersection. Improvements to this intersection may be required.

The provision of access from a rear lane would inevitably result in the reduction of car parking spaces on the site which would need to be reinstated.

## 2.3 Inadequate Justification for the Modification

The justification for the modification to the design of the High Street stop is given in Table 3.1 of the Mod 4 application report. This justification is presented below together with comments indicating the inadequacy of the justification for the change:

Justification in Mod 4 Report	Comment
During ongoing discussions with the UNSW following Project approval, the use of the UNSW High Street stop as a key trip generator was further considered, and additional opportunities identified to improve the safety for customers during peak periods. The opportunities identified included:	It is acknowledged that UNSW is a major trip generator for the light rail. However the limited consultation with key stakeholders is objected to. There has been no on-going discussions with FFET, Creston College or Kenvale College as there apparently has been with UNSW. The impacts on the operation of these facilities is significant and warrants further consideration and discussion.
<ul style="list-style-type: none"> <li>incorporating the morning peak disembarking platform into the northern pedestrian footpath, removing the need for large numbers of customers to wait on the island platform before crossing High Street to the UNSW campus</li> </ul>	<p>The morning peak disembarking patrons would still have to cross the west bound lane of High Street. Safety would be improved if the east bound lane was retained and the west bound lane removed resulting in the stop being totally pedestrianised on the university side.</p> <p>TfNSW has previously considered a</p>



Justification in Mod 4 Report	Comment
	<p>pedestrianised option and dismissed it by saying that:</p> <p><i>Whilst TfNSW can understand the benefits of providing a pedestrianised zone along High Street, this is not something that is required for the project. The design of the High Street stop (with an island platform) in the preferred infrastructure report provides a safe and operationally efficient design to provide for the forecast customer demand from UNSW and the future UAP at this stop. The island platform design does not preclude future pedestrianisation of the adjacent general traffic lanes.</i></p> <p>There is nothing in the information submitted with Mod 4 (or in any submission from the UNSW regarding the application, Mod 1 or Mod 4) suggesting that the above assessment is now incorrect.</p> <p>In any event, irrespective of patronage if the east bound vehicle land was retained, there would be no traffic lanes for patrons to cross with obvious safety benefits.</p> <p>UNSW demand predictions should be treated with due caution. The various responses to submissions reports for the application and the Mod 1 indicate that the patronage predictions are inflated.</p> <p>There remains considerable uncertainty on patronage numbers particularly as travel pricing has not been decided. Student demand for light rail is likely to be highly elastic and responsive to price.</p>
<ul style="list-style-type: none"> <li>providing segregated boarding and alighting allowing for flexibility to accommodate higher volumes of customers</li> </ul>	<p>As stated above in the quote from TfNSW, this flexibility can be provided if required in the future.</p> <p>Further, if required now, this can be achieved to a greater extent with the eastbound vehicle lane retained.</p>
<ul style="list-style-type: none"> <li>providing increased platform widths for afternoon peak period, including additional customer waiting area for peak periods.</li> </ul>	<p>The afternoon peak period is smaller than the morning peak and can be accommodated in any event on the university side of High Street.</p>

Justification in Mod 4 Report	Comment
<p>The consideration of these opportunities has resulted in the approved stop design being amended to move the location of the light rail track alignment slightly north of its approved location and provide a widened (westbound) platform. Additional benefits that would occur as a result of the modified design would include:</p>	
<ul style="list-style-type: none"> <li>reduced impact to the main UNSW campus to the south of High Street</li> </ul>	<p>This is at a significant impact on Creston College and Kenvale College. Impacts on the university have been previously assessed by the Department as being acceptable. The light rail is a significant benefit to the university and consequently it can accommodate impacts on the campus to the south of High Street. Further there is a significant impact on university land to the northern side of High Street by the dedication of land for the laneway, the construction of the laneway and the consequential impacts on this residential block.</p>
<ul style="list-style-type: none"> <li>improved compatibility with the overall UNSW campus masterplan for the precinct</li> </ul>	<p>The UNSW campus masterplan principles include greater pedestrianisation of High Street. As discussed above TfNSW is of the view that a pedestrianised zone along High Street is not something that is required for the project and that the island platform design does not preclude future pedestrianisation of the adjacent general traffic lanes. There is nothing in the modification application that indicates this assessment is incorrect.</p>
<ul style="list-style-type: none"> <li>potentially reduced conflict between the light rail and sensitive equipment utilised by the UNSW, in particular the Lowy Cancer Research Centre.</li> </ul>	<p>To our knowledge, there has been no investigations, measurements or testing as part of any application for project approval or modification of the approval or as part of any submission to these applications into the effects of the project on sensitive equipment at the Lowy Cancer Research Centre or any other facility. Furthermore there have been no investigations into solutions for any such issues that arise as a consequence of the project. There is nothing to suggest that the project as</p>



Justification in Mod 4 Report	Comment
	approved would cause any problem for the university resulting from electromagnetic interference (EMI) and radio frequency interference (RFI) or that any issues cannot be readily resolved.

It is considered that the modification addresses the interests of the university and its long term master planning with no regard to privately owned properties on the northern side of High Street.

## 2.4 Uncertainty on delivery of laneway, its cost and who pays

There is considerable uncertainty over the delivery of the proposed laneway sufficient to question the validity of this alternative.

The Mod 4 application states that:

*In addition to the proposed changes to road traffic, the proposed new rear access lane is proposed to operate as a public road.*

*The creation of the proposed access lane from Arthur Street would involve the subdivision of some private land, currently owned by UNSW. In seeking approval for the proposed modification, approval would be sought for a revised subdivision arrangement for the proposed lane. A detailed Deposited Plan of the subdivision layout would be prepared and lodged at Land and Property Information NSW for the subdivision of such land.*

More specific references are provided in the GTA traffic report accompanying the Mod 4 application:

*The revised driveway access is also proposed to be classified as a formal public road following completion of the project. The formal creation of this road would be undertaken by Transport for NSW in accordance with the Roads Act 1993. Under Clause 9 of the Roads Act 1993, a public road may be created through registration of a plan of subdivision. This registration, including any supporting information, would be included as part of the detailed Deposited Plan of the subdivision prepared during detailed design.*

This is not quite as the UNSW see it however. The UNSW submission to the Mod 4 application states in part:

*UNSW support in principle the change in access to the affected High Street properties as a result of the modification, as well as the removal of any parking in front of our properties, however the design development of the new laneway and reinstatement of residual areas will be subject to UNSW consultation and approval.*

*Minimising the impact and land use of the new laneway is important, to ensure the amenity of the existing uses are retained as a result of the proposed modification.*

### **Property Access Changes**

*UNSW supports the provision of alternative access to the properties affected by the modification by allowing the use of UNSW owned land to create the new access via Arthur Street.*

*The series of alternatives access scenarios assessed and referred to in the modification report were undertaken without full engagement of UNSW and the avlidity [sic] of the current*

*proposal as shown is questioned. The proposal would benefit from further consideration of the following key principles:*

- *Confirmation of access and design vehicle assumptions*
- *Ensure garbage collection occurs at existing street and road frontages only.*
- *Eliminates the need for garbage trucks to enter and reverse in the quieter residential areas.*
- *Restrict furniture removal vehicle size at Arthur street entry*
- *Reduce the access lane width as well as the need for the large hammerhead turning area, and hence reduce UNSW land take and interruption to existing infrastructure and prevailing environment.*
- *Gains support from RCC*

It is clear that UNSW participation in the transfer of land for a road is conditional and does not envisage a public road (only the use of university land). The conditions are unacceptable. It is totally unreasonable for the colleges and other properties to take garbage to Arthur Street for collection. It is also totally unreasonable to reduce access lane width. This width should be dictated by urban design considerations and guides for the design of streets of which there are many. The road should be designed to function as a public road irrespective of immediate use. It should be designed with total flexibility for future development on affected lots taking a similar development time horizon to the UNSW and traffic projections (2021 and 2036).

Given the conditions of the UNSW, it is likely that this land would have to be acquired by TfNSW as a public road. As stated above the road would need to be designed as a fully functioning public road with appropriate consideration given to urban design, crime management, pedestrian safety, lighting and access for vehicles.

There is no mention of acquisition costs in the Mod 4 application or in the consideration of alternatives. The new access lane would be expensive to acquire and construct. Additional reinstatement works on the site would further add to the cost of the changes. There is no consideration in the Mod 4 application of the cost and benefits of this change, its equity in terms of who benefits and who bears the cost or any assessment of the potential compensation which might be claimed by the affected properties by reason of loss of access to a main road - see, for example, *Tanner v Minister for Education and Training 2002 119 LGERA 321*.

## **2.5 No consideration of reinstatement works provided**

The removal of access from High Street to the site would require significant works to enable the uses on the site to adjust to new access arrangements. These would include:

- Provision of replacement car parking for any lost on site as a result of the changed access arrangements, including, if necessary, the provision of land for such parking;
- Provision of new entrances and internal loading areas and pathways for the delivery and movement of goods and services to Creston and Kenvale colleges;

- Provision of new site security including security cameras connected to the admin office to enable surveillance of entry and communication with deliveries prior to entry, entry structures and gates with sufficient capacity on site for waiting vehicles;
- Appropriate signage for the colleges;
- Internal redesign of uses and functions to enable efficient operations of garbage collection, surveillance of visitors and deliveries, efficient internal movement of goods from the rear lane to Creston College and Kenvale College including loading areas and paths of travel having regard to the need to maintain efficient college operations;
- replacing any lost trees and reinstatement of landscaping;
- Provision of an attractive new entrance with a sense of presence and address. Properly lit and signposted.

It is submitted that these reasonable requirements to enable the colleges to function is some way similar to present operations with no increase in ongoing operating costs would be difficult to implement and would require considerable additional land acquisition for the purposes of a new access.

Whilst the laneway and associated reinstatement works may be a consideration in the long run, it is completely unnecessary for the project at this point in time and an unreasonable burden on the public purse for the primary benefit of UNSW.

### 3. CONSIDERATION OF ALTERNATIVES

FFET are strongly of the view that the approved station design provides a workable solution that protects the interests of all parties. As acknowledged by TfNSW and as agreed by the Minister in approving the project:

*Whilst TfNSW can understand the benefits of providing a pedestrianised zone along High Street, this is not something that is required for the project. The design of the High Street stop (with an island platform) in the preferred infrastructure report provides a safe and operationally efficient design to provide for the forecast customer demand from UNSW and the future UAP at this stop. The island platform design does not preclude future pedestrianisation of the adjacent general traffic lanes.*

The approved station design is workable and equitable and contains sufficient flexibility to enable change in the future if demand resulting from further development on the UNSW campus and of adjacent landholdings warrants.

The Mod 4 application changes to High Street stop should be rejected.

Appendix A of the Mod 4 did not include any consideration of a viable alternative being the removal of the west bound lane on High Street and retaining the one way east bound lane as currently approved. This would have a number of significant benefits:

- It would ensure the safety of patrons by enabling all loading and unloading for the university to take place in a traffic free environment (except for buses and trains);
- The removal of the west bound lane would enable lights to be phased to favour pedestrian crossing from the eastbound platform improving efficiency of operation;

- Platform design and associated hard landscaping and access to the university can be designed as an integrated whole with the interface integrated into the design of the university space;
- It provides an area where the university can design the appropriate platform width and waiting areas to suite its needs;
- It is completely consistent with UNSW long term plans of pedestrianisation of this section of High Street which can be achieved in the longer term if required;
- It facilitates improved cycle accessibility on the university side of High Street;
- Access to properties on the northern side of High Street would be retained;
- There would be no need for the acquisition and construction of a public road off Arthur Street;
- There would be minimal additional impacts on the colleges.

#### **4. CONCLUSION**

The proposed change to the design of the High Street stop and the removal of the east bound traffic lane and the provision of rear lane access of Arthur Street are strongly objected to for the reasons outlined above.

The Minister is requested to take these matters into consideration in determining this Mod 4 application. Further consultation is required on this matter and FFET and the colleges reserve the right to make further detailed submissions in relation to traffic impacts and noise.

Yours faithfully,  
**BBC Consulting Planners**



**Dan Brindle**  
**Director**