

Our Ref: BLM: 104725

t 02 8272 7100  
f 02 8272 7199

21 December 2021

Bridges Lawyers Pty Ltd  
ACN 160 506 114  
Level 2, 50 Margaret Street  
Sydney NSW 2000

Department of Planning, Industry and Environment  
Locked Bag 5022  
PARRAMATTA NSW 2124

PO Box R1115  
Royal Exchange  
NSW 1225

DX 10130 Sydney  
Stock Exchange

[www.bridgeslawyers.com.au](http://www.bridgeslawyers.com.au)

Dear Sir / Madam

**Alex Avenue Public School – State Significant Development – Application Number SSD\_9368 (“SSD\_9368”)**

We act for the registered proprietor of Lot 4 in Deposited Plan 1244925 (“**SNN5 Lot**”), Schofields Nominee No.5 Pty Ltd (“**SNN5**”).

We refer to the modification application (being modification no. 4) pursuant section 4.55(1A) of the *Environmental Planning and Assessment Act 1979* (NSW) (“**EP&A Act**”) being sought by the Department of Education (“**DoE**”) to modify SSD\_9368 in relation to the Alex Avenue / Galungara Public School (“**MOD 4**”).

We are instructed to raise a formal objection and make submissions in relation to MOD 4 on behalf of our client the particulars of which are set out below.

**Background and Modification 3**

1. As DPIE is aware:
  - a. the vast majority of the conditions which are now the subject of MOD 4 were previously the subject of modification no. 3 of SSD\_9368 (“**MOD 3**”); and
  - b. in our letter to the Department of Planning, Industry and Environment (“**DPIE**”) dated 24 November 2020, SNN5 made detailed submissions in relation to the MOD 3 (“**MOD 3 Objection Letter**”).
2. The Notice of Decision of DPIE in respect of MOD 3 dated 20 December 2020 confirms that key reason for the decision to grant MOD 3 was to accommodate the ‘fast-tracking’ of completion and operation of the school (see first item under ‘key reasons for granting the modification’) and it is presumed that it was for this reason that SNN5’s submissions provided under the MOD 3 Objection Letter were blatantly disregarded by DPIE.
3. It is also noted that many of the concerns and anticipated problems foreshadowed by SNN5 in the MOD 3 Objection Letter, particularly in relation to the DoE’s inability and/or unwillingness to comply with various conditions of SSD\_9368, have been borne out in the 12 months since MOD 3 was granted by DPIE. This should be most apparent to DPIE by the DoE having made no progress in the previous 12 months on the matters now the subject of the proposed further modifications and critically that the DoE is now seeking what are effectively indefinite extensions to the deadlines for the relevant conditions to be satisfied.
4. Now that the school is operational and the issues associated with the ‘fast-tracking’ should no longer be considerations, SNN5 trusts that in making a determination in relation to MOD 4, DPIE will this time

take into account all relevant considerations in particular safety concerns and impacts on the neighbouring land and access and traffic arrangements.

#### Application of section 4.55(1A) of the EP&A Act

5. Section 4.55(1A) of the EP&A Act provides that DPIE may only modify a consent where inter alia DPIE is satisfied that:
  - a. the proposed modification is of minimal environmental impact; and
  - b. the development to which the consent as modified relates is substantially the same development as the development for which the consent was originally granted and before that consent as originally granted was modified (if at all).
6. The modifications to SSD\_9368 sought pursuant to MOD 4 include:
  - a. A material increase to the student population of the school which would result in a substantially different development to the development for which SSD\_9368 was originally granted; and
  - b. What will effectively be an indefinite alternation to the access, safety, traffic and easement management arrangements for each of the school, the SNN5 Lot and other surrounding lots by seeking to defer the timing for satisfaction of the relevant conditions of SSD\_9368 in this regard until 12 months after dedication of Pelican Road (which by the DoE's own admission is on an unknown timeline) or any later date the Planning Secretary agrees.
7. Given the nature of the changes sought by the DoE under MOD 4 including the direct impacts of the proposed modifications on the environment as well as both safety and operational matters in connection with SSD\_9368, SNN5 submits that a modification under section 4.55 of the EP&A Act is not legally capable of being sustained and is therefore not appropriate and should not be accepted by DPIE.
8. If a modification under section 4.55 of the EP&A Act is considered appropriate by DPIE at all based on the modifications being sought by the DoE under MOD 4 (which appears highly questionable), SNN5 submits that MOD 4 could only be properly considered by the DPIE as an application under section 4.55(2) of the EP&A Act. Accordingly, this should have provided for a 28-day exhibition period and notification being provided to each person who made a submission to the original development application for SSD\_9368.

#### Specific submission on modifications being sought

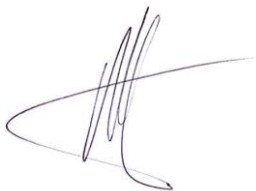
9. As noted above, SNN5 has previously made detailed submissions to DPIE in relation to MOD 3 via the MOD 3 Objection Letter. These submissions address the same facts and circumstances which are now the subject of MOD 4.
10. Rather than separately re-stating the identical submissions previously made to DPIE, we have **attached** an amended version of the MOD 3 Objection Letter which includes additional submissions which are shown in red text ("**Updated Submission**").
11. When considering SNN5's submissions in relation to MOD 4, DPIE is requested to consider both the Updated Submissions and the original submissions set out in the MOD 3 Objection Letter, as although the original submissions were made initially in relation to MOD 3, they remain equally relevant to MOD 4 as the underlying facts, circumstances and issues remain the same.

## Summary

12. The following key facts and circumstances in relation to MOD 4 are noted below by way of summary:
- a. the DoE is unwilling and/or unable to satisfy the conditions of consent the subject of MOD 4 discussed above, as clearly demonstrated by the fact that the DoE has made no progress towards satisfying these conditions in over 12 months since MOD 3 was granted (or indeed between the time SSD\_9368 was originally granted and MOD 3 being sought);
  - b. confirming the DoE's inability to satisfy the conditions of consent the subject of MOD 4 is the fact that due to the actions of the DoE, it is not currently possible for a public road to be designed and constructed in Easement B and until such time as this situation is rectified Easement A is incapable of being extinguished;
  - c. the DoE is now seeking an indefinite extension to the deadlines to satisfy the conditions of consent the subject of MOD 4 to delay and avoid completing a compliant development; and
  - d. as demonstrated by these submissions, the rationale put forward by the DoE as to why MOD 4 should be granted is fundamentally flawed, inaccurate and misleading.
13. Having regard to the facts and circumstances outlined above in addition to these which DPIE are already on notice, in particular the critical safety and operational matters raised, SNN5 respectfully submits as follows in relation to the modifications proposed by the DoE under MOD 4:
- a. the proposal as modified is not of minimal environmental impact;
  - b. the proposal as modified is not substantially the same development as that approved;
  - c. the proposal as modified does not satisfy the applicable planning controls and policies;
  - d. the proposal does not provide acceptable social and economic impacts;
  - e. the proposal as modified does not remain suitable for the site; and
  - f. the proposal as modified is not in the public interest.

Should you need to discuss the above please do not hesitate to contact the writer.

Yours faithfully



**Brett Moss**  
Partner

direct (02) 8272 7134  
email [bmoss@bridgeslawyers.com.au](mailto:bmoss@bridgeslawyers.com.au)

Encl.

Our Ref: BLM: 104725

t 02 8272 7100  
f 02 8272 7199

24 November 2020

Bridges Lawyers Pty Ltd  
ACN 160 506 114  
Level 2, 50 Margaret Street  
Sydney NSW 2000

Nick Hearfield  
Department of Planning, Industry and Environment  
Locked Bag 5022  
PARRAMATTA NSW 2124

PO Box R1115  
Royal Exchange  
NSW 1225

DX 10130 Sydney  
Stock Exchange

**By email: [nick.hearfield@dpie.nsw.gov.au](mailto:nick.hearfield@dpie.nsw.gov.au)**

[www.bridgeslawyers.com.au](http://www.bridgeslawyers.com.au)

Dear Mr Hearfield

**Alex Avenue Public School – State Significant Development – Application Number SSD\_9368 (“SSD\_9368”)**

We act for the registered proprietor of Lot 4 in Deposited Plan 1244925 (“**SNN5 Lot**”), Schofields Nominee No.5 Pty Ltd (“**SNN5**”).

We refer to the modification application (being modification no. 3) pursuant section 4.55(1A) of the *Environmental Planning and Assessment Act 1979* (NSW) (“**EP&A Act**”) to modify SSD\_9368 in relation to the Alex Avenue / Galungara Public School (“**MOD 3**”).

We are instructed to raise a formal objection and make submissions in relation to MOD 3 on behalf of our client the particulars of which are set out below.

**Extension of operation of Easement A**

***Background***

1. As the Department of Planning, Industry and Environment (“**DPIE**”) is aware, SNN5 (as registered proprietor of the SNN5 Lot) has the benefit of a registered right of access and easement for services 6m wide pursuant to registered dealing AN888804Y (“**Easement A**”). Easement A burdens part of Lot 2 in Deposited Plan 1244925 (“**DoE Lot 2**”) which is owned by the Department of Education (“**DoE**”).
2. The original Development Consent for SSD\_9368, at condition D11., provides as follows with respect to the extinguishment of Easement A:  
  
*“Prior to the commencement of operation of Stage 1, the Applicant must submit evidence to the satisfaction of the Planning Secretary that the temporary access and services easement has been extinguished in accordance with the terms of the easement and any legal agreement entered into between the parties which are subject to the easement.”*
3. In relation to condition D11., from the Alex Avenue Public School (SSD-9368) - Assessment Report dated May 2020 (“**Assessment Report**”), the following comments are noted at paragraph 6.3:
  - a. *“Council recommended that the temporary access and services easement be extinguished prior to the commencement of operation of Stage 1.”; and*
  - b. *“The Department agrees with Council that extinguishment of the temporary easement would provide for the orderly and safe operation of Stage 1. Accordingly, the Department has*

*recommended a condition that requires the temporary access and services easement to be extinguished prior to the commencement of operation of Stage 1, in accordance with the terms of the easement and any legal agreement entered into by the parties subject to the easement.”*

4. MOD 3 proposes to amend condition D11. to only require Easement A to be extinguished within a 12 month period of the School commencing to operate. In other words, that the School be permitted to operate for at least a 12 month period with Easement A remaining in place.
5. The reasoning given by the DoE as to why the proposed amendment to condition D11. is required, as outlined by on behalf of the DoE by Urbis in their letter to the DPIE dated 15 October 2020 (“**Urbis MOD 3 Letter**”) at paragraph 5.1, is that “*there remains uncertainty as to the timing of completion given the third-party construction*” of works associated with Pelican Road.
- 5A. The extension of time granted to the DoE pursuant to MOD 3 has done nothing to resolve the outstanding matters which are now the subject to MOD 4 and SNN5 objects to MOD 4 on the basis that it would allow the DoE, on an indefinite basis, to continue with an unsafe and unordered development.
- 5B. The unsafe and unordered arrangements currently in place will not only continue to prevail but will be exacerbated by a 30% increase in student numbers.
- 5C. The proposed timeline for satisfaction of conditions proposed by MOD 4 is (including by the DoE’s own admission that it no timeframe for dedication of Pelican Road) open ended and wholly uncertain., It is also fundamentally problematic as the timeline relies on the neighbouring developer who, as should now be apparent to DPIE, has proven themselves unreliable both as to timing and delivery of compliant works.
- 5D. If DPIE were to approve MOD 4 it would be rewarding the DoE for continuing to ignore the issues at hand. It would also enable the DoE to continue to make no effort to resolve the various outstanding issues with the development nor to adhere to any timeline nor engage with SNN5 in any way to resolve the outstanding issues.

### **Safety & Operational Concerns**

6. As both Blacktown City Council (“**Council**”) and the DPIE had previously correctly identified and as the DPIE correctly determined, Easement A remaining in place upon commencement of the operation of the School presents both safety and operational concerns. These concerns are currently appropriately dealt with by condition D11.
7. There have been no changes to the intended usage or either the DoE Lot 2 or the SNN5 Lot since the original Development Consent for SSD\_9368 was determined which would necessitate or warrant an amendment to condition D11.
8. Indeed, SNN5 intends to utilise Easement A for heavy vehicle movements during normal school hours. To have children and other members of the public accessing the School across the area of Easement A represents a critical safety concern both for the children and other members of the public as well as for SNN5 and its authorised users of Easement A.
9. The only mitigation of safety concerns offered by the DoE is a vague reference in the Urbis MOD 3 Letter to ‘traffic management’ measures being put in place. The following comments are noted in this regard:
  - a. SNN5 has grave concerns that any ‘traffic management’ measures put in place could appropriately prevent risks to safety, particularly in circumstances where children and other

members of the public will be forced to pass through an area being used for heavy vehicle movements.

- b. Under the terms of Easement A, the DoE has no legal right to impose 'traffic management' or other similar restrictions on SNN5's use of Easement A. The DoE's proposal to proceed to commence operation of the School with Easement A in place on the basis that 'traffic management' measures will be adopted has therefore been put to the DPIE on a false basis.
- 10. It seems apparent that the only reason the DoE is proposing to amend D11. is to seek to off-set its own mismanagement of its construction and other legal obligations including to SNN5. SNN5 respectfully submits that this would be an entirely inappropriate basis upon which for the DPIE to re-visit previously determined key safety and operational matters in relation to SSD\_9368.
- 11. Further, it would no doubt be of concern to the DPIE that the proposed amendment to condition D11. would effectively shift the onus of the ongoing management and risk of the relevant safety concerns from the DoE (who currently must address these safety concerns prior to commencement of operation of the School) back on to the DPIE until such future time as the DoE eventually addresses these safety concerns.
- 11A. Condition D11 operates to ensure that the DoE manages the safety and operational concerns before more students are permitted to occupy the School. The proposed MOD 4 amendments void this requirement altogether and increase the safety and operational concerns that were previously identified by DPIE, Council and SNN5. Again, these problems are exacerbated by the request to increase student number by 30%.

## Extinguishment of Easement A

### *Pre-condition to extinguishment of Easement A*

- 12. Under the terms of Easement A, the easement can only be extinguished once "Public Road Access" is activated.
- 13. In relation to the extinguishment of Easement A, from the updated Easement Management Plan being Annexure C to MOD 3 ("**Easement Management Plan**"), the following comment from the DoE is noted at paragraph 2.3:  
  
*"Easement A is formally extinguished when Easement B is constructed as a Public Road Access and dedicated to Blacktown City Council."*
- 13A. Due to works approved and/or now constructed by the DoE within the site of Easement B it is not currently possible to design and construct compliant Public Road Access. Until such time as the DoE rectifies this situation to allow Easement B to be constructed as a Public Road Access and dedicated to Blacktown City Council, Easement A cannot be formally extinguished.
- 13B. The design and construction of compliant Public Road Access in Easement B cannot currently be achieved due to, amongst other things:
  - a. the impact of the Bus bays, which preclude achieving safe lines of sight at the intersection;
  - b. the level changes in Easement B (some 2.5 m at the junction of Easement B and Pelican Road) precluding physical access from Pelican Road to SNN5 Lot;
  - c. the construction of stormwater and sewer services in Easement B at levels that preclude design and construction of a compliant public road and reticulation of services in Easement B necessary to key into the now constructed finished level of Pelican Road; and

- d. the requirement for significant retaining walls (2.5 m) in Easement B to get even temporary access into the SNN5 Lot given the changes in height of Pelican Road and construction of the detention tank at the boundary of Easement B some 2.5 m higher than the finished level of Pelican Road in this location.

### **Easement B**

14. As the DPIE is aware, SNN5 (as registered proprietor of the SNN5 Lot) has the benefit of a registered right of access and easement for services 18m wide pursuant to registered dealing AN888805W ("**Easement B**"). Easement B burdens part of Lot 1 in Deposited Plan 1244925 ("**DoE Lot 1**") which is also owned by the DoE.
15. Under the terms of Easement B, per clause 1.1(m)(ii), "Public Road Access" within the area of Easement B is only to be constructed if SNN5 "*elects in its sole discretion*" to do so. As the DoE has itself confirmed (as detailed below), the DoE has no legal right to construct "Public Road Access" within the area of Easement B.
16. The fundamental purpose of Easement B is to provide SNN5 with an unfettered right to install services and design, construct and require dedication to Council of a road which meets the specific design requirements for a future residential redevelopment of the SNN5 Lot. In this regard the following comments are noted:
  - a. The subdivision and sale of DoE Lot 2 to the DoE resulted in the SNN5 Lot becoming 'landlocked' as the previously unfettered access to Farmland Drive enjoyed by SNN5's land was taken away. This in turn resulted in a significant reduction in the value of the SNN5 Lot which was not reflected in the sale price for DoE Lot 2 and this was expressly acknowledged by the DoE in the sale of land contract.
  - b. In order to preserve the future useability and development potential of the SNN5 Lot, as part of the sale of the DoE Lot to the DoE, Easement B was negotiated.
  - c. Without the ability for SNN5 to install services and design, construct and require dedication to Council of a road which meets the specific design requirements for a future residential redevelopment, the SNN5 Lot will effectively remain 'landlocked' and will be stripped of its future useability and development potential.
17. For abundant clarity, SNN5 will not be able to construct "Public Road Access" within the area of Easement B unless and until SNN5 is able to procure a rezoning and development consent for the SNN5 Lot. This is because until SNN5 has been able to procure a rezoning and development consent for the SNN5 Lot, there will be no way to determine the specific design requirements necessary to accommodate the future residential redevelopment.
- 17A. The construction of a compliant public road in Easement B as contemplated in the SNN5 contract and Easement A and Easement B is not currently possible for the reasons stated in paragraphs 13A and 13B above.

### **Construction of Public Road Access**

18. The original Development Consent for SSD\_9368, at condition D12., provides as follows with respect to public road access to the SNN5 Lot:  
*"The design and construction of a road within the permanent access and services easement shall be undertaken to the satisfaction of Council in accordance with the terms of the easement and any legal agreement entered into between the parties subject to the easement."*



19. In relation to condition D12., from the Assessment Report, the following comments are noted at paragraph 6.3:

- a. *"Concerns were raised in one of the public submissions [by SNN5] in relation to the impact of the proposal on ongoing access to and the future development of Lot 4 DP1244925.";*
- b. *"The Applicant provided the following advice in response to these concerns.... the permanent access and services easement for Lot 4 to the south of the proposed school site would be able to be constructed under the terms of the easement as a local road once Pelican Road has been constructed.";* and
- c. *"The Department has also recommended a condition that the design and construction of a road over the permanent access and services easement be undertaken to the satisfaction of Council and in accordance with the terms of the easement and any legal agreement entered into by the parties subject to the easement [our emphasis added]."*

20. In correspondence from Mr Jim Lewis (Project Director) of the DoE to SNN5 dated 11 June 2020 (a copy of which is **enclosed**), the following statements were provided:

- a. *"It is noted that there is a condition of consent in the State Significant Development approval, condition D12, which relates to the construction of the relevant easement works along the 18m wide easement.";* and
- b. *"We confirm that, under the terms of the easement [Easement B], any such works are the responsibility of Catalina [SNN5] and understand that the design and building of such works is a matter for you [SNN5]. The condition, D12 merely reiterates that the design and construction of a road within that easement is to be undertaken in accordance with the terms of the easement and any other legal agreement between the parties."*

The position outlined by the DoE above was then confirmed again in correspondence from HWL Ebsworth (acting for the DoE) to our office dated 1 July 2020.

21. SNN5 also agrees with the position outlined by the DoE at paragraph 20 above, namely that under the terms of Easement B, only SNN5 has the legal right to construct and require dedication of "Public Road Access" within the area of Easement B.

22. Drawing together the above matters regarding construction of "Public Road Access" in order for Easement A to be extinguished, it should now be uncontroversial that:

- a. Per condition D12., it is a requirement of the DPIE that a public road is constructed in accordance with the requirements of Council within the area of Easement B.
- b. As confirmed by the DoE's own Easement Management Plan, "Public Road Access" is activated in order to formally extinguish Easement A when a public road is constructed and dedicated across the area of Easement B.
- c. As confirmed in correspondence from both the DoE and the DoE's legal representative, SNN5 is the only party permitted to construct "Public Road Access" within the area of Easement B.
- d. Despite any prior representations to the contrary made by the DoE, the DoE has no direct ability to control the timeframe in which "Public Road Access" is constructed within the area of Easement B and therefore has no direct control of the extinguishment of Easement A on this basis.



22A. Again, the construction of a compliant public road in Easement B as contemplated in the SNN5 contract and Easement A and Easement B is not currently possible for the reasons stated in paragraphs 13A and 13B above.

### **Easement Management Concerns**

23. The DoE's entire scheme for procuring extinguishment of Easement A (and presumably compliance with condition D12.), as detailed in the Easement Management Plan, is reliant on the DoE constructing and dedicating "Public Road Access" within the area of Easement B.
  24. However, as set out above in detail, the DoE has no legal right to construct "Public Road Access" within the area of Easement B under the terms of Easement B. The only way in which the DoE could construct "Public Road Access" within the area of Easement B would be with the express consent of SNN5, however, it is noted that the DoE has never sought such consent from SNN5 nor has SNN5 provided such consent to the DoE. Further, even if the DoE were to seek consent from SNN5 to construct "Public Road Access" within the area of Easement B such consent could not currently be provided due to the fact that, as noted above, unless and until SNN5 has procured rezoning and a development consent for the SNN5 Lot there is no way to determine the road design requirements necessary to accommodate the future residential development of the SNN5 Lot.
  25. The DoE's proposal to procure extinguishment of Easement A by constructing and dedicating "Public Road Access" within the area of Easement B has therefore been put to the DPIE on a false basis. Put another way, the DoE are not legally capable under the terms of Easement B of carrying out the proposal under MOD 3 for extinguishing Easement A.
  26. Having regard to the above matters in particular that the DoE is plainly not capable of carrying out its own proposal under MOD 3 for extinguishing Easement A, SNN5 respectfully submits that it would be inappropriate for the DPIE to approve the DoE's requested modification of condition D11. to provide a 12 month extension to the deadline for extinguishing Easement A. Such an extension would only serve to reward the DoE for its lack of engagement and cooperation to date with SNN5 and to delay resolution of the issue created by the DoE, rather than forcing the DoE to act sensibly and cooperatively now to resolve the issue.
  27. The Easement Management Plan contains various other inconsistencies, incomplete detail and factual inaccuracies, which if required by the DPIE can be expanded upon further by SNN5, however SNN5 trusts that the critical flaw with Easement Management Plan and strategy for extinguishing Easement A as outlined above will provide the DPIE with more than sufficient grounds for rejecting the DoE's proposed modification of condition D11.
  28. Again, SNN5 notes that it will not be in a position to approve a road within Easement B, whether to be constructed by the DoE, SNN5 or any other person, until a rezoning and development consent for the SNN5 Lot is obtained in order for the design requirements necessary to accommodate the future residential development of the SNN5 Lot to be determined. SNN5 wishes to reiterate that this is not a matter of costs nor is SNN5 seeking to be obstructive to SSD\_9368. Rather, SNN5 is simply seeking to protect its legal rights under the agreements previously negotiated with the DoE (including Easement A and Easement B) and the future development potential and value of the SNN5 Lot.
- 28A. SNN5 continues to wish to lodge a rezoning application with Council over the SNN5 Lot in accordance with DPIE's' LEP Practice Note PN 10-001 (specifically Principle 5.1) being that it has formally been declared excess to the DoE's needs. The surrounding land uses are zoned R3.
- 28B. Council has written to SNN5 stating that for a rezoning application to be lodged "The site must have adequate public road access. The proposed access you indicated via a battle axe handle or easement over Lot 1 DP 1244925 (west of the site) is not acceptable".

- 28C. For the reasons stated in paragraphs 13A and 13B above, a compliant public road cannot currently be designed in Easement B or dedicated (as was required by the sale of land contract between the DoE and SNN5).
- 28D. The Easement Management Plan submitted with MOD 4 is not realistic or achievable.
- 28E. Clause 2.4 of the Easement Management Plan submitted with MOD 4 states that the document is predicated on two scenarios:

*At paragraph 2.4.1 "...Pelican Road works not completed, thus Easement B not active – No works along Easement A..."*

The following comments are noted in relation to this statement:

- a. This is the current scenario which will remain until the DoE rectifies the relevant issues caused by its own works for the reasons stated in paragraphs 13A and 13B above. This clause does not deal with this eventuality.
- b. Despite being headed "no works in Easement A" the third sentence states that *"The temporary car park driveway will be used to construct works along easement A"*.
- c. This scenario should be explained in realistic terms.

*At paragraph 2.4.2 "Pelican Road works complete, thus Easement B dedicated to Council..."*

This scenario is baseless and will never result, for the following reasons:

- a. A road in Easement B can only be dedicated to Council once built.
  - b. A road in Easement B can only be built once the specifications for the road are designed and approved by Council.
  - c. The specifications for the road cannot be designed until the use of the SNN5 Lot is known, by way of rezoning.
  - d. A rezoning application cannot be lodged and therefore considered by Council without ensuring there is adequate public road access.
  - e. Adequate public road access cannot currently be provided to Easement B for the reasons outlined in paragraphs 13A and 13B above.
  - f. Without the DoE rectifying the aforementioned issues, the road is not capable of being built in this location.
  - g. Without the DoE rectifying the aforementioned issues, his scenario can never prevail.
- 28F. The balance of the Easement Management Plan submitted with MOD 4 refers to works that will not be possible due to the scenarios upon which the document is based. These are unrealistic as noted above. In particular, 3.1 states that *"The forecast program will achieve the completion of the works prior to the opening of the school, to ensure any potential delays do not hamper school operations"*. This is wholly unrealistic.
- 28G. Table 1: as per the previous Easement Management Plan, the staging items in the back of the document (specifically in this case, items 3-5) are not based on fact and are wholly unrealistic.

28H. It should now be plainly apparent to DPIE that MOD 4 and particularly the stated rationale for the proposed modifications to the management of Easement A, Easement B and the timing for completion of relevant works and other obligations, if not intentionally misleading, has been extremely poorly formulated.

## Drainage Easement

29. The original Development Consent for SSD\_9368, at conditions D45. And D46., provides as follows with respect to the requirement for the DoE to register a drainage easement over DoE Lot 1:

*"Prior to commencement of operation of Stage 1, the Applicant must provide and register a minimum 1.5 m wide drainage easement with a Restriction to User along the line of the 450 mm outlet pipe from the detention system to the outlet in accordance with the requirements of the Council's Engineering Guide for Development 2005. The easement is to burden Lot 1/1209060 and be in favour of lot 2/1244925. The Restriction to User and drainage easement must be registered with Land Registry Services NSW prior to operation."*

*"Prior to the commencement of operation of Stage 1, the Applicant must provide and register a suitably worded instrument pursuant to Section 88B of the Conveyancing Act 1911 to provide an appropriate restriction on the use of the land with respect to the area indicated as 'Proposed Council Easement' on the plan titled Proposed Site and Roof Plan Drawing Number AA-AR1100 Issue 5 dated 21/02/2020 as an area that is not to be built upon to ensure no additional stormwater flows are directed offsite given the existing state of nature of this area. The Section 88B Instrument must contain a provision that it may not be extinguished or altered except with the Consent of Blacktown City Council. Details of the Restriction as to User must be indicated on the Section 88B Application to Council."*

30. The following comments are noted in regard to these conditions and the modifications to same being sought by the DoE:

- a. MOD 3 proposes to amend conditions D45. And D46. to only require the DoE to "apply to" register the drainage easement with NSW Land Registry Services prior to commencement of operation of the School.
- b. The DoE is currently undertaking works within the area of Easement B, however, the DoE has to date not undertaken any consultation with SNN5 regarding the nature or location of these works nor how any services will interface with the Lot SNN5 nor how these works may impact on SNN5's legal rights under Easement B.
- c. The DoE has not consulted with SNN5 regarding the creation or registration of any further easements impacting the area of Easement B. SNN5 would therefore currently be withholding its consent to the registration of any easement to be registered over any part of the area of Easement B.
- d. The DoE's proposed amendments to conditions D45. and D46. appear to serve the sole purpose of facilitating the DoE continuing to delay in engaging with SNN5 in relation to the above matters. SNN5 respectfully submits there is no reasonable basis for the DoE further delaying in complying with the requirements of conditions D45. and D46.

30A. This concern remains relevant as stated above.

30B. The School's private sewer and stormwater services cross the future public road in Easement B and it is Council and Sydney Water's policy not to permit private facilities to cross a public road.

30C. Compliance with this condition, if achieved, would further preclude the use of Easement B as a public road and hamper the provision of services to the SNN5 Lot.

## Additional Matters

31. SNN5 is not aware whether the following matters are directly relevant to MOD 3, however, these are matters which continue to be an issue in relation to SSD\_9368:
- a. As previously raised with the DPIE (and by Council), the increase in flows of stormwater from the southern portion of the School site onto the SNN5 Lot continue to remain unresolved (i.e. drainage of all areas south of the “Stormwater Pipe”, shown blue and white on the “Siteworks and Stormwater Management Plan” – Sheets 1 and 2, C04.01 C and C04.02D respectively – as exhibited on the DPIE’s major project webpage for SSD\_9368).
  - b. As previously raised with the DPIE, the management and design of significant level changes resulting from the construction of the School at the southern boundary, adjacent to the SNN5 Lot and the lower portion of DoE Lot 1.
  - c. As previously raised with the DPIE, SSD\_9368 contemplates the construction of a bus layaway bay on and/or immediately adjacent to Pelican Road. SNN5 has been advised by its traffic experts that the bus layaway bay materially and detrimentally impact access to arterial roads from the SNN5 Lot as well as public road access to or from the SNN5 Lot. The DoE has not consulted with nor sought consent from SNN5 to the bus layaway bay which is inconsistent with both the DoE’s obligations under the terms of Easement B as well as its contractual obligations under the sale of land contract between the DoE and SNN5.
  - d. A Traffic Management Committee approval was sort by the DoE from Council and handed down on 26 Aug 2020. The approval was sort, and approved, on an erroneous basis, that is, without considering the “Austroad Safe Intersection Sight Distance Requirements” for safe access to and from Easement B at its intersection with Pelican Road **with the bus bays in place** (the bus bays were excluded from the analysis that BCC relied upon). This oversight was raised with the DoE and has since been confirmed by the DoE in letter prepared by traffic consultants, ASON, dated 19 Nov 2020 (a copy which is **enclosed**). The letter was provided to SNN5 by the DoE on the same day. The justification for the non-compliance is that Pelican Road will be maintained exclusively for use by school buses. This is in direct contravention to the local planning strategies, Blacktown Council’s Growth Centres DCP and the DoE’s own planning documents as submitted with SSD 9368 (letter from GTA dated 11 June 2020 - “Lot 4 Review”, for example - a copy of which is **enclosed**).

Further, Transport for NSW has expressly sort acknowledgement from the DoE as part of SSD\_9368 that Pelican Road would be used by local busses in the future, as indicated in their request for comments letter (dated 2 May 2019) and subsequent discussions (‘Response to Submissions’ main report prepared by Urbis dated June 2019, page 43) (copies of which are **enclosed**):

*“Future Bus Service Planning:*

**TfNSW:** *Bus services are planned to be expanded in the local area in coming years as roads are opened and development progresses. Future regular route bus services in the vicinity of the school are currently planned for Jerralong Drive and Pelican Road with increased bus services connecting to the Schofields town centre and railway station. The Applicant and the Department of Planning & Environment should note the above.*

**DoE:** *Noted.”*

## Modification Application Process and Conclusion

32. The following additional comments are noted in relation to the Urbis MOD 3 Letter and the modification process generally:

- e. At paragraph 7.6 (Suitability of Site) it is stated that the “*proposed modification for changes to construction changes only*”. This statement is incorrect. MOD 3 undermines the underlying operation effectiveness of the Development Consent for SSD\_9368 and the ability for the School to function properly (i.e. to provide for the safe care and education of students).
- f. At paragraph 7.7 (Submissions) it is stated that “*Section 117(3B) of the EP&A Regulation specifies that the notification requirements do not apply to State significant development*”. The following comments are noted in this regard:
  - i. Section 177(3B) of the *Environmental Planning and Assessment Regulation 2000* [NSW] (“**EP&A Regulation**”) applies only to applications made under section 4.55(1A) of the EP&A Act.
  - ii. Applications made under section 4.55(1A) of the EP&A Act are for modifications involving minor changes with minimal impact only. As is clear from the matters set out above, MOD 3 could not properly be considered an application under section 4.55(1A) of the EP&A Act.
  - iii. If a modification under section 4.55 of the EP&A Act is appropriate at all based on the changes being sought by the DoE under MOD 3 (which appears questionable), SNN5 respectfully submits that MOD 3 could only be properly considered by the DPIE as an application under section 4.55(2) of the EP&A Act. Accordingly, this should have provided for a 28 day exhibition period and notification being provided to each person who made a submission to the original development application for SSD\_9368.
  - iv. Given the nature of the changes sought by the DoE under MOD 3 and their direct impacts on both safety and operational matters in connection with SSD\_9368, it is of concern that MOD 3 was not automatically deemed as an application under section 4.55(2) of the EP&A Act. Further, regardless of the application classification of MOD 3, for SNN5 as a party directly and substantially impacted by MOD 3 to not be directly notified is entirely inappropriate and emblematic of the DoE’s approach to SSD\_9368.
- g. At paragraph 7.8 (Public Interest) it is stated that “*The modification is consistent with the approval and therefore remains in the public interest.*”. As is clear from the matters set out above that MOD 3 is not consistent with the Development Consent for SSD\_9368 in a number of critical respects.
- h. At paragraph 8 (Conclusion) it is stated that “*The proposed modifications have been assessed in accordance with section 4.55(1)*”. This statement is obviously incorrect as MOD 3 is not a modification involving a minor error, misdescription or miscalculation.
- i. SNN5 submits that the above matters demonstrate that MOD 3 has failed to comply with the relevant statutory requirements of the EP&A Act.

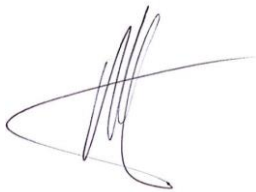
32A. MOD 4 is not a minor variation and should have been advertised appropriately.

32B. The SEE states that the MOD 4 has no impact on the neighbourhood or adjoining uses when it clearly does.

- 32C. The Annexures to the MOD 4 application do not properly consider or account for the situation that exists. The Easement Management Plan for the reasons noted above, and the Transport Assessment, do not consider the impact of the increased student numbers on the traffic and transport networks which already are not designed to handle the school. Further, neither consider the impact on neighbours, the community or the school if Easement A remains. The General Arrangements Plan does not include the eastern portion of the school, the Easement A area nor the changes to the temporary onsite carpark at all.
- 32D. The impacts on traffic, transport and safety are substantial and the MOD 4 application should have been referred to all government agencies.
33. If, notwithstanding the above matters, the DPIE still intends to treat MOD 3 as a valid modification application under section 4.55 of the EP&A Act then SNN5 reminds the DPIE of its obligation to take into consideration the reasons given by the DPIE in relation to the grant of the Development Consent for SSD\_9368. This includes reasons set out in the Assessment Report such as those set out above at paragraphs 3 and 19.
34. Having regard to the facts and circumstances outlined above, in particular the critical safety and operational matters raised, SNN5 respectfully submits as follows in relation to the modifications proposed by the DoE under MOD 3:
- j. the proposal as modified is not of minimal environmental impact;
  - k. the proposal as modified is not substantially the same development as that approved;
  - l. the proposal as modified does not satisfy the applicable planning controls and policies;
  - m. the proposal does not provide acceptable social and economic impacts;
  - n. the proposal as modified does not remain suitable for the site; and
  - o. the proposal as modified is not in the public interest.

Should you need to discuss the above please do not hesitate to contact the writer.

Yours faithfully



**Brett Moss**  
Partner

direct (02) 8272 7134  
email [bmoss@bridgeslawyers.com.au](mailto:bmoss@bridgeslawyers.com.au)

Encl.



11 June 2020

DOC20/546528

Attention: The Directors  
Suite 1, The Upper Deck  
26-32 Pirrama Road  
Jones Bay Wharf  
Sydney NSW 2000

By Email: [lara@catalinadevelopments.com.au](mailto:lara@catalinadevelopments.com.au)

Dear Madam

Premises: Lot 1 and 2 DP 1244925, Farmland Drive, Schofields

Alex Avenue Primary School

We refer to the recent telephone meeting between representatives of the Department of Education, yourself and your solicitors.

You raised several concerns on that occasion. We write to address and respond to those concerns to facilitate further discussions and assist in continued cooperation in the development of the two neighbouring properties.

### Background

1. We note that the Department has recently obtained a State Significant Development approval for application SSD-9368 in relation to the construction and operation of a new school, referred to as Alex Avenue Primary School, at Lot 1 and 2 DP 1244925.
2. We understand that you have reviewed a copy of this approval. We are also able to provide you with a final copy if you do not have one.
3. Biodiversity Certification
  - 3.1. We understand from the recent meeting that you are suggesting that there is an issue with biodiversity certification and works being undertaken on areas of the site which in your view cannot be authorised.
  - 3.2. The site being developed which is the subject of the State Significant Development approval has had the benefit of biodiversity certification since 2007 as part of certification of the north-west growth centre under order of the Minister who conferred biodiversity certification on the State Environmental Planning Policy

(Sydney Region Growth Centres) 2006.<sup>1</sup> This Order was subsequently incorporated into the Threatened Species Conservation Amendment (Special Provisions) Act 2008.

3.3. The effect of biodiversity certification is set out in s8.4(2) of the Biodiversity Conservation Act 2016 as follows:

#### 8.4 Effect of biodiversity certification

(2) Development (including State significant development) under Part 4 of the Planning Act An assessment of the likely impact on biodiversity of development on biodiversity certified land is not required for the purposes of Part 4 of the Environmental Planning and Assessment Act 1979.

3.4. As such, no biodiversity assessment was required as part of the State Significant Development approval.

3.5. We note that there are works proposed under a separate planning approval to the remainder of Lot 1 to facilitate the Stormwater solution for the site. These works terminate between 5.7metres and 9.4metres before our boundary to the south. Further, we note that the area to the south of the site has been identified in the Growth Centres SEPP as a drainage reserve to facilitate the development of the Alex Ave Precinct.

#### 4. Sight Lines on Pelican Road

4.1. We understand that Catalina is concerned about the location of a bus bay along proposed Pelican Road.

4.2. This location was agreed with Blacktown Council and relevant roads authority as the appropriate location for a bus bay. We understand that Blacktown Council has long term plans in relation to local bus routes which required this location for the bus bay.

4.3. As part of the State Significant Development application, the Department considered the traffic impact and relevant sight lines. Sight line assessment was provided to, and approved, by Council.

4.4. We enclose separate letter from the Department summarising these investigations and concluding that the proposed bus bay has acceptable impact. Regard was had to the Catalina site and future development of it.

#### 5. Anticipated Traffic Volume on Pelican Road

5.1. The Department has undertaken appropriate modelling of the anticipated traffic generation from the Catalina property if it were to be re-zoned R3 and redeveloped in line with such rezoning as well as if it were to remain in its current zoning.

5.2. We enclose separate letter from the Department summarising those models and their outcomes.

---

<sup>1</sup> <https://www.environment.nsw.gov.au/-/media/OEH/Corporate-Site/Documents/Animals-and-plants/Biodiversity/Orders-register/western-sydney-growth-centres-order.pdf?la=en&hash=18163D2D08ECEA8B5BF9394E77299A102CFF9F47>

5.3. The conclusion from this study is that, if the Catalina property were to be re-zoned R3 and to be developed in accordance with that zoning, the traffic generated could easily be accommodated along Pelican Road.

#### 6. Condition of consent relating to the 18m wide easement

6.1. It is noted that there is a condition of consent in the State Significant Development approval, condition D12, which relates to the construction of the relevant easement works along the 18m wide easement.

6.2. We confirm that, under the terms of the easement, any such works are the responsibility of Catalina and understand that the design and building of such works is a matter for you. The condition, D12 merely reiterates that the design and construction of a road within that easement is to be undertaken in accordance with the terms of the easement and any other legal agreement between the parties.

6.3. The condition is merely an operational condition, with no details limiting the design or putting time frames on the works, which ensures that the easement is recognised in the consent. It is a matter for Catalina to put together a more detailed design. Such a design could be easily submitted in accordance with this consent via the Department of Education which would facilitate quicker turnaround of an approval. The condition was included to reduce the steps that Catalina would need to undertake.

6.4. Otherwise Catalina can separately apply for approval of those works and undertake them separately to the Department of Education's works. It is a matter for Catalina to decide which avenue it wishes to take.

6.5. Whilst condition D12 is in the general section for 'prior to the commencement of operation', the condition itself does not impose any such time restrictions.

#### 7. Drainage along the south eastern corner of your site

7.1. The proposed easement for the south east corner of the site was proposed to address concerns about stormwater being directed off site. All built structures on the site have stormwater flows that are directed to the on-site detention system to ensure that the remainder of the site in the south east corner remains undeveloped and to ensure stormwater flows are not directed to Catalina's site.

Yours sincerely,



Jim Lewis  
**Project Director**  
**School Infrastructure NSW**

11 June 2020



19 November 2020

ABN 81 168 423 872

info@asongroup.com.au

+61 2 9083 6601

Suite 5.02, Level 5, 1 Castlereagh Street  
Sydney NSW 2000

School Infrastructure  
Level 1, 1 Oxford Street  
SYDNEY NSW 2000

Attention: Jim Lewis (Project Director)

RE: Galungara (Alex Avenue) Public School, Schofields – Lot 4 Review

Dear Jim,

Ason Group has been engaged by the Department of Education to respond to comments received from Catalina Developments via e-mail received 26 October 2020.

Specifically, item 2 of the e-mail noted:

*Our traffic consultant, Varga Traffic, has undertaken a peer review of the letter dated 15 January 2020 from GTA Consultants, and the following is an extract from that peer review:*

***Extract from peer review by Varga Traffic of the GTA report upon which Council has assessed the DET application:***

*"The outcome of that sightline assessment was provided on Sheet 02 of 10 attached to the GTA letter and is reproduced in the following pages, revealing that the sightlines required to achieve safe intersection sight distance in accordance with Austroads was 160.5m. Significantly however, **the GTA sightline assessment did not take into account the proposed bus bay which is illustrated on Sheet 03 of 10 in the GTA letter (also reproduced in the following pages) which has now been approved under SSD 9368.**"*

*If analysis exists which shows a sightline assessment that does take into account the proposed bus bay, please provide us with a copy of that analysis. If such analysis does not exist, please confirm this is the case.*

We offer the following response to Varga Traffic's peer review comments.

**GTA Assessment**

Upon review of the GTA letter dated 15 January 2020, the Safe Intersection Site Distance Assessment (SISD) was not shown in the bus bay concept options detailed in the letter, as the purpose of the letter was to peer review available bus bay locations along the Pelican Road frontage of the school.

The GTA assessment was prepared in response to Blacktown City Council's comments requirement for a wombat profile crossing as well as school bus bays being required to be provided along Pelican Road, due to the narrow carriageway width along Farmland Drive, and considerations of functional classification of the road network.

Details of the sightline assessment was outlined in page 5 of the GTA Letter on the basis of adopting 70km/h being the design speed in its calculation of the SISD value, with 160.5m being the sightlines required. It is also noted that the proposed indented bus bay is intended for school bus use only. The GTA letter also stipulated the following:

*"During school zone hours it is envisaged that 40km/h school zone controls will be applicable for this stretch of Pelican Road, reducing the extent of the SISD triangle. Outside of school zone hours, buses are not expected in the bus bays, hence providing full line of sight (subject to road grades, trees or other roadside infrastructure)".*

At the time when the GTA report was compiled, it is understood that final Road Design drawings for Pelican Road was not available, whereby the SISD assessment adopted a longitudinal grade of 1% in its calculations.

## SISD Assessment

A revised SISD assessment has been completed based on approved Northrop Civil Design Drawings (which incorporates the approved Toplace road construction drawings) based on three scenarios:

Scenario 1 – GTA's assessment scenario adopting a **Design Speed** of **70km/h**

Scenario 2 – Assessment based on **Operating Speed** (85<sup>th</sup> percentile speed) of **60km/h**

Scenario 3 – Assessment based on **School Zone Speed** of **40km/h**

A summary of the assessment is summarised in the following table:

	Scenario 1	Scenario 2	Scenario 3
Speed	70km/h	60km/h	40km/h
Coefficient of deceleration	0.36		
Longitudinal Grade	4%		
Set Back	5 metres		
SISD	160.5m	131m	78.6m

Details of the SISD incorporating the bus bay for the three scenarios identified have been prepared and included in **Attachment 1**.

As identified previously in GTA's assessment, the indented bus bay are for school bus use only. Further consultation undertaken with the local bus operator and TfNSW further confirmed that if a school bus is to be introduced, the school bus will only access the bus bay during the AM drop off and PM pick up period as part of a modified, linked public transport route. Buses are typically not expected to dwell within the indented bus bays for extended periods of time.

Given that when school buses are in operation, the School Zone speed limit of 40km/h will be applicable, the SISD assessment clearly demonstrate that the SISD of 78.6m applicable is unobstructed by the bus bay. Therefore, the bus bay is not expected to pose any impact to future intersection performance or result in any capacity constraint to the Easement / Pelican Road intersection.

Naturally, should you have any questions or require any further information, please do not hesitate to contact me on (02) 9083 6601.

Yours sincerely,



Dora Choi

**Principal Lead Traffic Management & Operations – Ason Group**

Email: [dora.choi@asongroup.com.au](mailto:dora.choi@asongroup.com.au)

## Attachment 1



LEGEND

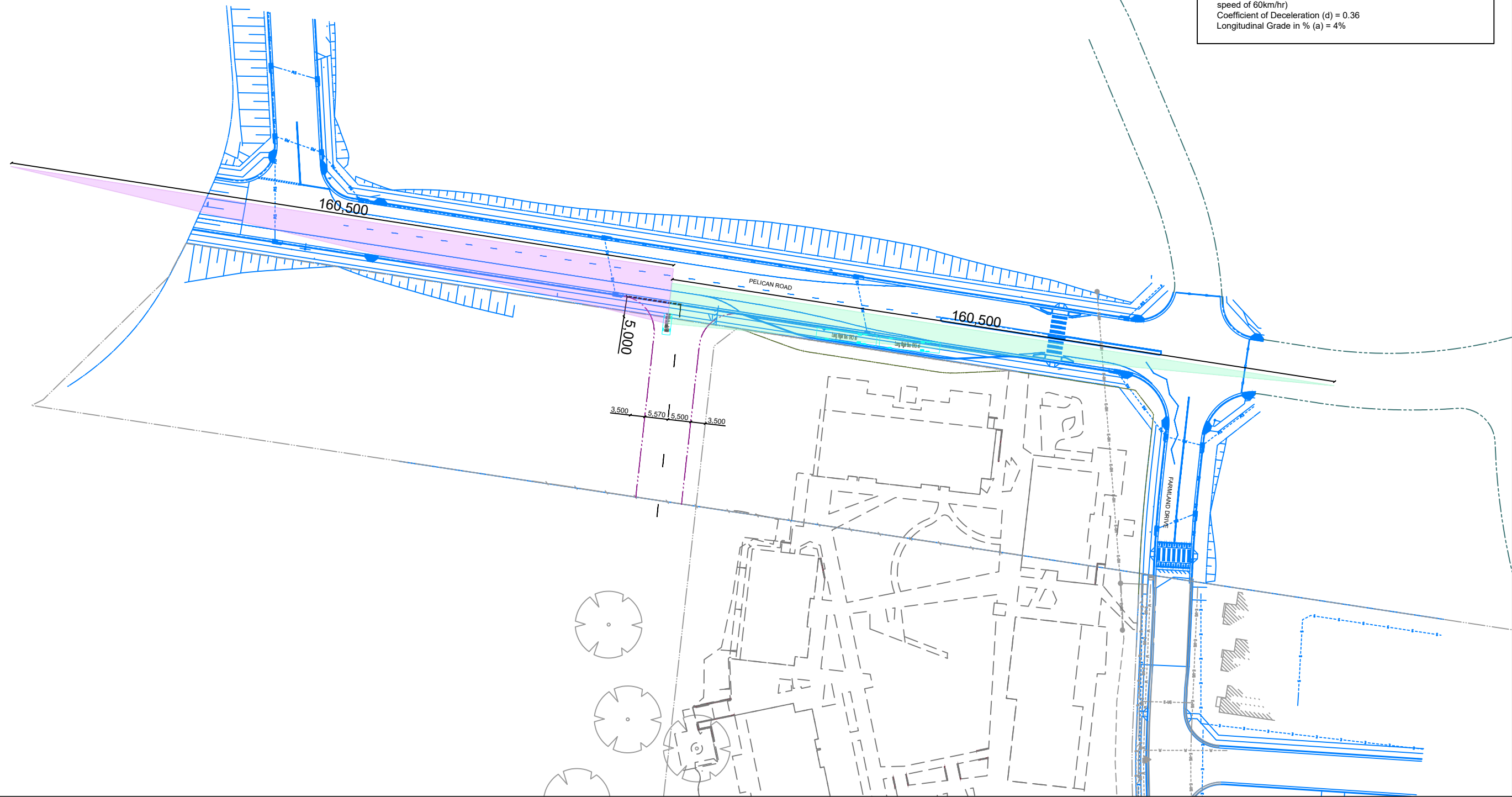
SAFE INTERSECTION SIGHT  
DISTANCE (LEFT OF INTERSECTION)

SAFE INTERSECTION SIGHT  
DISTANCE (RIGHT OF INTERSECTION)

SSID = 160.5m

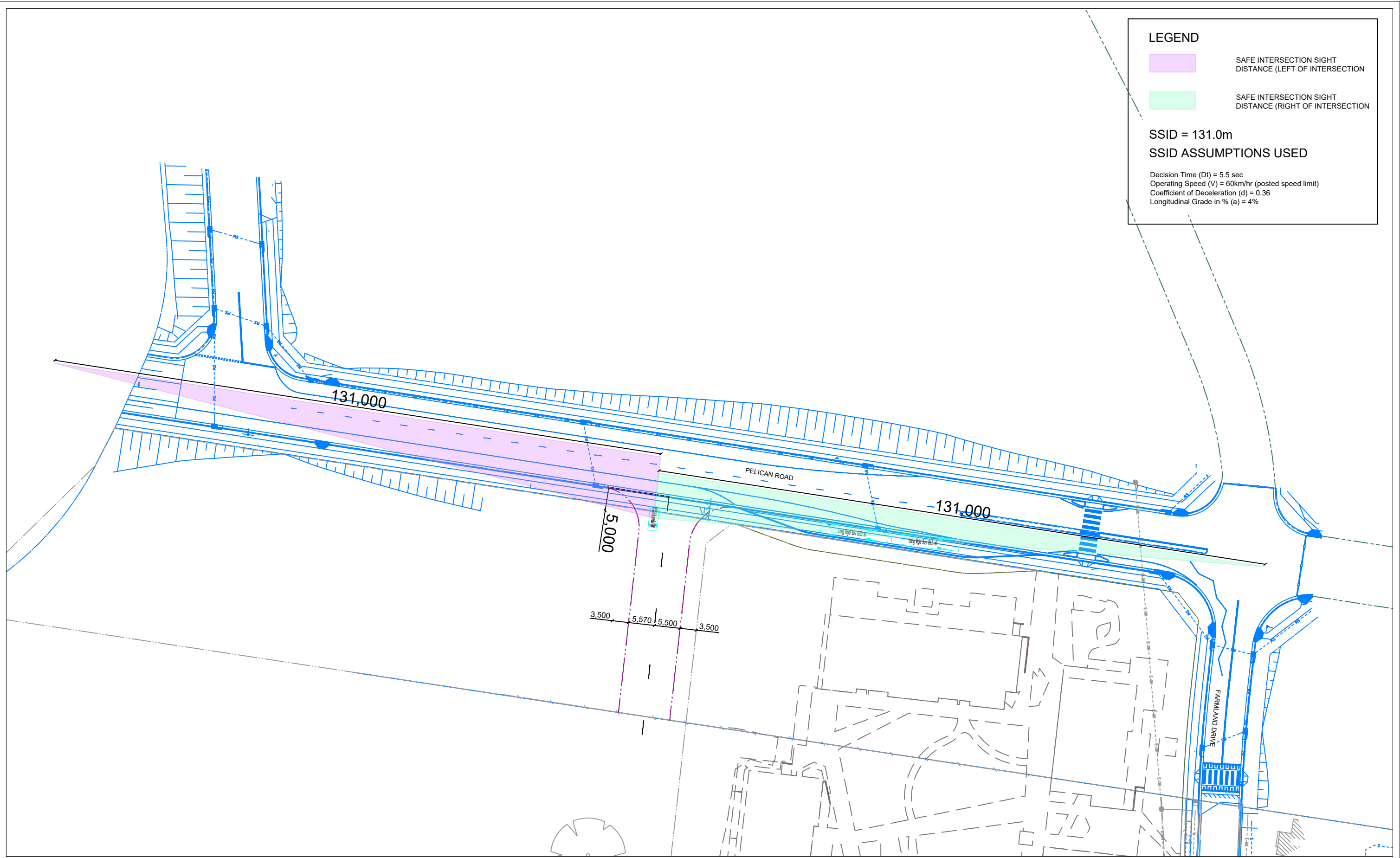
SSID ASSUMPTIONS USED

Decision Time (Dt) = 5.5 sec  
Design Speed (V) = 70km/hr (conservative estimate for operating  
speed of 60km/hr)  
Coefficient of Deceleration (d) = 0.36  
Longitudinal Grade in % (a) = 4%



<b>Notes:</b> This drawing is provided for information purposes only and should not be used for construction.	<b>Document Info:</b> Drawn by: Wendy Zheng File name: AG1470-01-v1.dwg	<b>Project:</b> 1470 PELICAN ROAD SCHOFIELDS	<b>Date:</b> 18.11.2020	  Suite 5.02, Level 5, 1 Castlereagh St Sydney NSW 2000 info@asongroup.com.au
	<b>Client:</b> NSW DEPARTMENT OF EDUCATION	<b>Drawing Title:</b> ALEX AVENUE PRIMARY SCHOOL SIGHTLINE ASSESSMENT NON SCHOOL TIMES	<b>Scale @ A3:</b> 1:1000  <b>Drawing Number:</b> AG1470-01-01	





LEGEND

SAFE INTERSECTION SIGHT DISTANCE (LEFT OF INTERSECTION)

SAFE INTERSECTION SIGHT DISTANCE (RIGHT OF INTERSECTION)

SSID = 131.0m

SSID ASSUMPTIONS USED

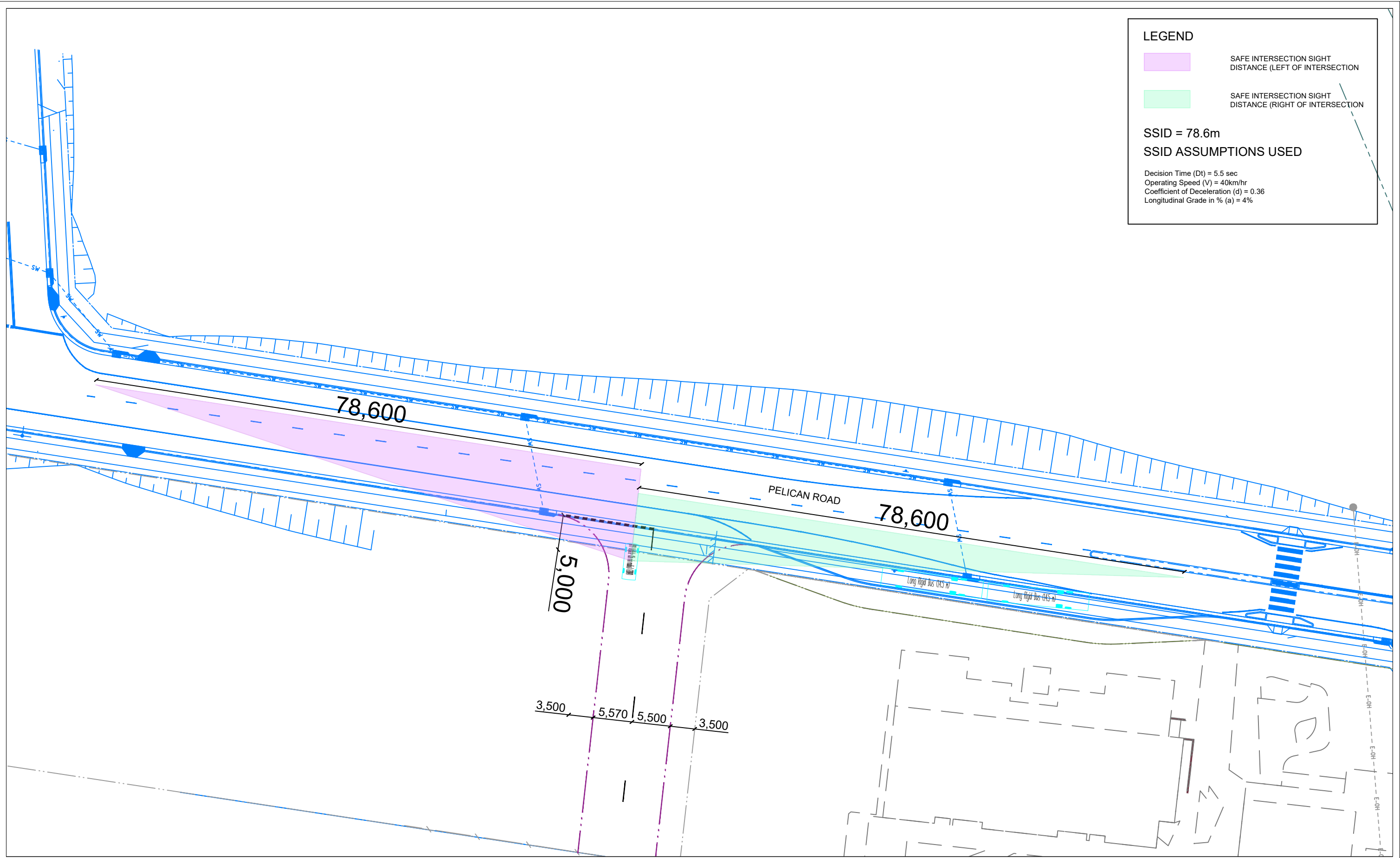
Decision Time (Dt) = 5.5 sec

Operating Speed (V) = 60km/hr (posted speed limit)

Coefficient of Deceleration (d) = 0.36

Longitudinal Grade in % (a) = 4%

Notes: This drawing is provided for information purposes only and should not be used for construction.	Document Info: Drawn by: Wendy Zheng File name: AG1470-01-v1.dwg	Project: 1470 PELICAN ROAD SCHOFIELDS	Date: 18.11.2020	<div>asongroup</div> <div>Suite 5.02, Level 5, 1 Castlereagh St Sydney NSW 2000</div> <div>info@asongroup.com.au</div>
	Client: NSW DEPARTMENT OF EDUCATION	Drawing Title: ALEX AVENUE PRIMARY SCHOOL SIGHTLINE ASSESSMENT NON SCHOOL TIMES	Scale @ A3: 1:750	
			Drawing Number: AG1470-01-03	



**LEGEND**

SAFE INTERSECTION SIGHT  
DISTANCE (LEFT OF INTERSECTION)

SAFE INTERSECTION SIGHT  
DISTANCE (RIGHT OF INTERSECTION)

**SSID = 78.6m**

**SSID ASSUMPTIONS USED**

Decision Time (Dt) = 5.5 sec  
Operating Speed (V) = 40km/hr  
Coefficient of Deceleration (d) = 0.36  
Longitudinal Grade in % (a) = 4%

<b>Notes:</b> This drawing is provided for information purposes only and should not be used for construction.	<b>Document Info:</b> Drawn by: Wendy Zheng File name: AG1470-01-v1.dwg	<b>Project:</b> 1470 PELICAN ROAD SCHOFIELDS	<b>Date:</b> 18.11.2020	  Suite 5.02, Level 5, 1 Castlereagh St Sydney NSW 2000 info@asongroup.com.au
	<b>Client:</b> NSW DEPARTMENT OF EDUCATION	<b>Drawing Title:</b> ALEX AVENUE PRIMARY SCHOOL SIGHTLINE ASSESSMENT SCHOOL TIMES	<b>Scale @ A3:</b> 1:500	
			<b>Drawing Number:</b> AG1470-01-04	

## Transport Engineering & Technical Design

**REF:** N185450

**DATE:** 11 June 2020

School Infrastructure  
Level 1, 1 Oxford Street  
SYDNEY NSW 2000

**Attention: Mr. Jim Lewis (Project Director)**

Dear Jim,

### RE: ALEX AVENUE PUBLIC SCHOOL, SCHOFIELDS – LOT 4 REVIEW

GTA Consultants (NSW) Pty Ltd has been engaged by the Department of Education to investigate whether there is material impact to Lot 4 of DP1244925 (herein referred to as 'Lot 4') as a result of the proposed bus bay along the Pelican Road frontage of the Alex Avenue Public School frontage. As part of this engagement, GTA has reviewed the following:

- Original intent of Pelican Road set out in Blacktown City Council (BCC) Growth Centre Precincts Development Control Plan (DCP) July 2018,
- sight line assessment of the proposed bus bay
- adequacy of the easement to cater for the future traffic generated by the Lot 4 development.

Outcomes of our review are outlined in this letter.

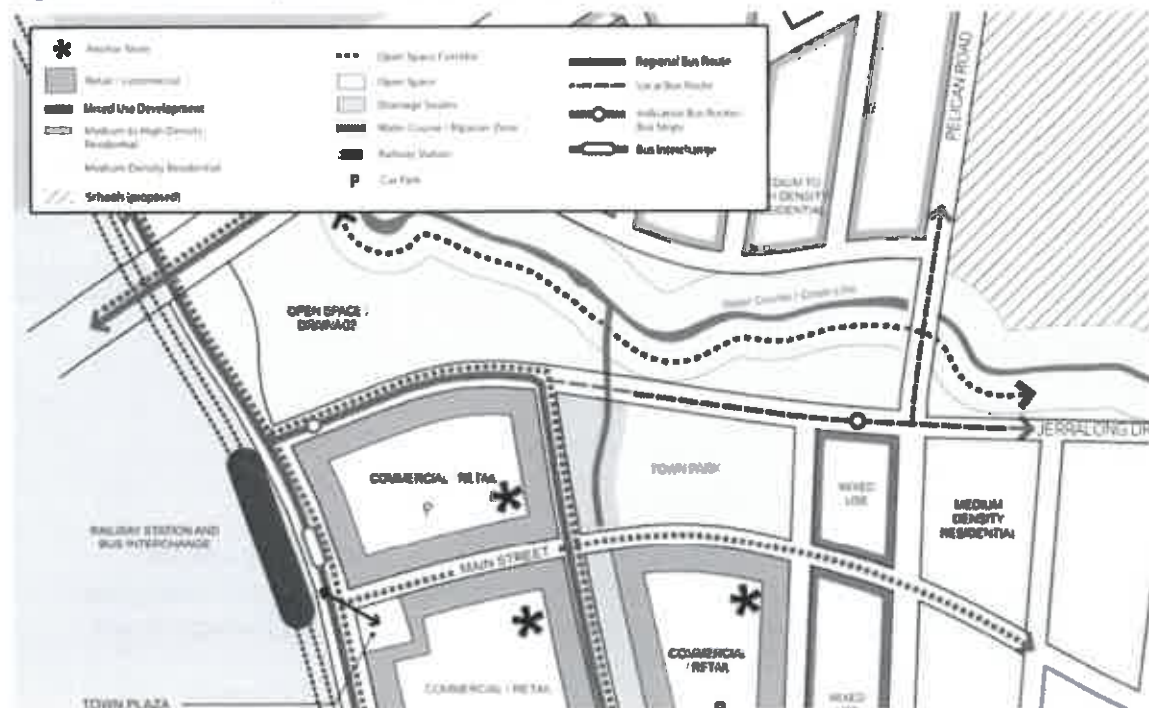
### DCP intent for Pelican Road

Planning controls for the Alex Avenue Precinct were adopted in 2018 (amended in May 2020), with the release of the BCC Growth Centre Precincts Development Control Plan 2018 Schedule 1 (DCP 2018).

DCP 2018 sets out the road network and hierarchy for the Alex Avenue Precinct, indicating that Pelican Road is intended to be a Collector Road. The DCP 2018 also sets out the desired future layout of the Local Centre, indicating the desired future intention for a local bus route to travel from the town centre along Pelican Road, assumed to service the school and medium to high density residential development near Schofields Road. Figure 1 and Figure 2 have been reproduced from the DCP illustrating the desired future bus route.

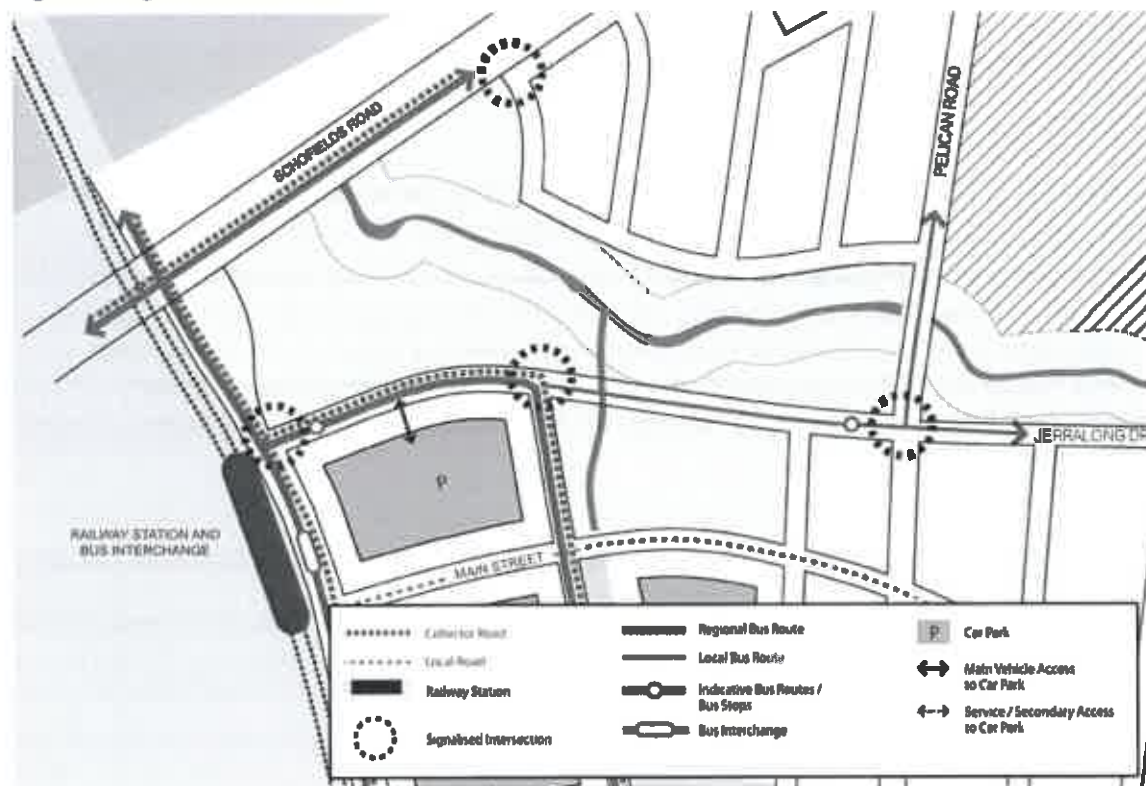


Figure 1: Figure 3-3 Desired future layout of the Local Centre



Source: Figure 3-3, Blacktown City Council Growth Centre Precincts Development Control Plan Schedule 1 Alex Avenue Precinct (2018), Blacktown City Council and Department of Planning

Figure 2: Figure 3-2 Traffic circulation and parking within the centre



Source: Figure 3-2, Blacktown City Council Growth Centre Precincts Development Control Plan Schedule 1 Alex Avenue Precinct (2018), Blacktown City Council and Department of Planning



Pelican Road has therefore been identified as a local bus route, whereby bus movements can be expected, but location of bus stops unidentified in published documentations. Given the location of the school, bus stops along Pelican Road within immediate vicinity of the school can be expected upon construction of the bridge connecting Pelican Road to Jerralong Drive.

## Sight Line Assessment Pelican Road

GTA submitted a sight line assessment to BCC in January 2020<sup>1</sup> and received Council's In principal support as being appropriate and meet relevant road design guidelines.

## Lot 4 Traffic Generating Characteristics

GTA has prepared a high-level assessment of the potential development yield and traffic generating characteristics of Lot 4. Currently, the site is zoned SP2 however it is understood that the landowners have indicated their desire to potentially develop the site as medium density residential (R3 land use classification).

GTA have therefore completed this assessment based on a medium density housing (R3 land use classification).

No information on the likely yield of the site as a medium density residential development has been provided to GTA. Therefore, GTA have reviewed the likely development yield based on the permissible residential dwelling density as follows:

- Table 3-2 of BCC Growth Centre Precincts DCP indicates that R3 sites net density bands range between a minimum of 25 dwellings per hectare and 45 dwellings per hectare
- Review of SEPP (Sydney Region Growth Centres) 2006 North West Growth Centre Residential Density Map Sheet RDN\_005 (Current from November 2019) and RDN\_009 (current from May 2019) also indicates permissible dwelling density surrounding the site of 20 dwellings per hectare east of the site, 40 dwellings per hectare at the 14 Schofields Road development site (north-west of the site) and 45 dwellings per hectare at the railway station
- This is also confirmed through review of Table 1 from the West Schofield Traffic Study<sup>2</sup>, indicating residential yields in West Schofield's of up to 45 dwellings per hectare.

It is noted that dwelling density includes allowance for roads, footpaths and services. Adopting the highest likely permissible dwelling density of 45 dwellings per hectare results in the site yielding up to 120 residential dwellings.

Traffic generation estimates for the indicative development have been sourced from the *Guide to Traffic Generating Developments* (Roads and Maritime, 2002) and *Technical Direction TDT 2013/ 04 Updated traffic surveys* (TDT 2013/ 04). Review of the sources indicates the following:

- TDT 2013/04a provides rates for low density housing (one to two floors), being 0.95 and 0.99 trips per dwelling respectively in the AM and PM peak hours
- TDT 2013/04a does not provide a rate for medium density housing
- Roads and Maritime 2002 provides rates for low density and medium density housing as follows:
  - low density, 0.85 trips per dwelling in each peak

<sup>1</sup> Alex Avenue Public School, Schofields, SSD-9368, Transport Engineering Peer Review – Pelican Road bus bay and pedestrian crossing, GTA Consultants, January 2020

<sup>2</sup> West Schofield Traffic Study, ARUP, May 2018

- o medium density, 0.4-0.65 per dwelling in each peak depending on number of bedrooms per dwelling.

To provide a conservative assessment, the TDT 2013/04a rate for low density housing has been adopted. Application of the traffic generation rate results in **up to 120 trips being generated by the development in any peak hour**. Assuming a peak to daily ratio of 10 per cent, this results in **1,200 daily trips**.

It is noted that a high level review of the current proposed development at 14 Schofield's Road indicates that a higher density than 45 dwellings per hectare may have been approved. GTA does not have access to relevant planning documents. Notwithstanding, review of BCC website indicates that 1,381 dwelling have been approved and a high level estimate of site area indicates the site may be between 9 to 12 hectares, resulting in a dwelling density of 115 to 153 dwellings per hectare.

Application of this higher dwelling density to our site area results in a development yield of between 300 to 400 dwellings. Noting the higher density of dwellings, application of the TDT 2013/04a traffic generation rate for low density housing is no longer appropriate. The Roads and Maritime 2002 traffic generation rate for medium density housing of 0.4 and 0.65 trips per dwelling in the AM and PM peak hour respectively, has therefore been adopted. This results in the site generating up to **160 and 260 vehicle trips respectively in the AM and PM peak hours and between 1,600 to 2,600 daily trips**.

## Summary

The development scenario results in between 1,000 and 3,000 daily vehicles generated by the site. This is well within the Transport for NSW functional road class of local roads that carry between 500 and 4,000 vehicles per day along the easement, unaffected by the introduction of the bus bay along Pelican Road. It is also considered that given Pelican Road is identified as a Collector Road, the level of traffic anticipated for the site based on the R3 zoning and associated traffic requirements should have reasonably been accounted for. The installation of the bus stop is also expected along Pelican Road given the identification of Pelican Road being a future local bus route.

On the basis of our review, we do not believe the introduction of the bus bay resulted in any material change to Pelican Road that impacts on the future development potential of Lot 4.

I trust this provides the information you require. Naturally, should you have any questions or require any further information, please do not hesitate to contact me on (02) 8448 1800.

Yours sincerely

**GTA CONSULTANTS**



**Dora Choi**  
Associate Director

# LETTER

## Business Group



REF: N185450

DATE: 3 April 2020

Department of Education  
C/- TSA Management  
Level 15, 207 Kent Street  
SYDNEY NSW 2000

Attention: Mr. Jaron Hoffenberg (Project Manager)

Dear Jaron,

**RE: ALEX AVENUE PUBLIC SCHOOL, SCHOFIELDS, SSD-9368, TRANSPORT ENGINEERING ASSESSMENT – RESPONSE TO SUBMISSION**

GTA Consultants (NSW) Pty Ltd has been engaged by the Department of Education (DoE) to review and prepare a transport engineering assessment to accompany the response to submission, in response to Request for Further Information received from the Department of Planning, Industry and Environment (DPIE), outlined in the letter dated 30 September 2019.

Specifically, the DPIE letter required a response to the following comments. Items that form part of our traffic and transport assessment are identified in bold:

1. The temporary treatment (including levels, pathways, landscaping and fencing) proposed in the north-east corner of the site along with the access and management arrangements to:
  - o Allow unfettered access along the temporary access and services easement that runs along the eastern boundary of the site.
  - o Ensure the safety of school users and the wider community.
2. The proposed temporary and permanent levels along the eastern boundary and in the south-eastern corner of the site having regard to the existing and proposed levels of adjoining land.
3. The proposed use of the south-eastern corner of the site and interface with the adjoining land.
4. Garbage vehicle access arrangements.
5. Temporary and permanent drainage arrangements, including discharge, prior to and following the construction of Pelican Road.
6. Compliance of proposed access/ egress locations with relevant standards.

It is understood that DoE received further comments from DPIE, where clarifications are sought on the following items:

1. Contingency arrangements for parking, temporary car park, special needs pick up/ set down arrangement should there be a delay in completion of the Joint Use Car Park with Reserve 885, or a delay in the completion of road works associated with Pelican Road.
2. Status of footpath network within the immediate vicinity of the school, footpath connectivity and the suitability of walking/ walking school bus as part of Term 1 Day 1 operations.
3. Status of cycling facilities within the immediate vicinity of the school, connectivity to the broader precinct and the suitability of cycling as a mode of transport as part of Term 1 Day 1 operation.

GTA offers the following assessment in response to the above identified matters.

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Level 16, 207 Kent Street  
SYDNEY NSW 2000  
t// +612 8448 1800  
ABN 31 131 369 376  
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## Contingency Parking Arrangement/ Garbage Vehicle Access Arrangement

At the time of preparation of this assessment, it is understood that DoE and Blacktown City Council have entered into joint use agreement associated with the car parking area located to the north of Reserve 885. Reserve 885 caters for parking requirements associated with the school as per the Transport Impact Assessment Report.

Whilst it is understood that works associated with Reserve 885 are expected to be completed and ready for Term 1, Day 1 operations of the school, a contingency concept design has been prepared. This contingency concept design is now available for implementation should there be a delay in the completion of the joint use car park. Refer to Attachment 1: Contingent Car Park Concept Design.

### Car Parking Requirements for Term 1, Day 1 Operations

For Term 1, Day 1 operations, it is understood that up to 600 students will be enrolled at Alex Avenue Public School. The School Principal has confirmed that 22 staff are expected as part of Term 1, Day 1 operations.

The level of parking provided has been assessed against Table 4-11 of the *Blacktown City Council Growth Centre Precincts Development Control Plan (July 2018)* and Clause 6.3 of the Blacktown DCP 2015, which sets parking requirements for primary and secondary schools as:

- 1 space per staff member; plus
- 1 space per 100 students.

Applying the DCP rates, for Term 1, Day 1 operation requires a total of 28 parking space. A total of 31 spaces have been included in the concept temporary car park design, exceeding the minimum parking requirements outlined in the DCP.

Upon further considerations of the operational arrangement associated with special needs, the special needs component of the school has been deferred to Stage 2 works, where a separate pick-up / set-down arrangement is being prepared and will form part of the Stage 2 proposal.

### Contingent Car Park Concept Design

The concept car park consists of:

- 6 metres wide access, off-set 1 metre from the temporary easement providing access to Lot 4 via Farmland Drive
- Crossover designed in accordance with Blacktown City Council's Engineering Guide for Development 2005
- 25 parking spaces for staff parking, designed in accordance with Figure 2.2 of AS/NZS29890.1:2004 for a Class 2 Parking facility
- 5 parking spaces for pick-up / set-down, designed in accordance with Figure 2.5 of AS/NZS29890.1:2004
- An accessible parking space, designed in accordance with Clause 2.2.2 of AS/NZS29890.6:2009
- Bin storage area, which will be serviced by DoE's Private Waste Collection Contractors outside school operations hours located in the south-eastern corner of the temporary car park.

Waste collection is expected to occur outside school hours to minimise any potential conflict with students. A swept path assessment has been completed and this demonstrates a 10.5m long garbage truck can access the waste collection point and circulate as required. Refer to Attachment 1 for details.

Gradients of roadways, accessways, crossfall form part of the Civil Design package of the project and form part of the RTS submission and is prepared by others.

## Walking and Cycling Connectivity and Safety Considerations

### Footpath

The school is located in a new residential subdivision that is drive currently under development. Residential lots generally located to the east and north of the school site have been substantially developed. Farmland Drive currently terminates approximately 39 metres west of Hyde Street, and construction of Pelican Road has commenced recently.

Based on our review of road design drawings for the Construction Certification provided by Toplace Group, it is understood that a network of footpath is proposed, and forms part of the subdivision works. Refer to Appendix 2 for details of proposed footpath layout.

Consultation with Blacktown City Council's Traffic Engineers has also confirmed that:

- Footpaths along the south side of Farmland Drive, between Antonia Parade and the school forms part of Reserve 885 works
- Footpath along the Farmland Drive and Pelican Road frontages of the school will form part of the works of the school
- Timing of construction of footpaths in new residential subdivisions are typically triggered when the precinct is substantially developed (around 80%)
- Footpaths in general are required on both sides of Collector Roads and as a minimum, on one side of local roads based on the table in Section 1.2 Road Hierarchy of the Blacktown City Council Path Paving Policy 2009 (Appendix to the *Blacktown City Council Engineering Guide for Development 2005*)

Upon review of the site and its surrounds, considering much of the school's catchment are located to the east of the school (refer to GTA's Green Travel Plan for further detail), and the area is substantially developed, it is expected that construction of footpaths are expected, with the timing of completion of footpaths unknown.

For Term 1, Day 1, it is expected that as a minimum, a footpath along the south side of Farmland Drive, between Antonia Parade and Pelican Road will be accessible for pedestrians.

Further investigations over the timing of footpath works along Farmland Drive and the subdivision are being undertaken at the time of preparation of this assessment. It is anticipated that whilst a complete constructed and sealed footpath network may not be available on Term 1, Day 1, there is sufficient verge that offers a relatively safe environment to enable walking as a mode of transport to / from the school, on the basis that:

- Roadways within the immediate vicinity of the school have been designed generally in accordance with the objectives of Section 3.4.1 of the Blacktown City Council's Growth Centre Precincts Development Control Plan (July 2018), where the design of the street layout embeds pedestrian connectivity and safety considerations.
- Along Farmland Drive, it is understood that a verge width of 3m has been provided along the residential frontages, with completed footpath being 1.5 metres wide.
- Local roads within the vicinity of the site have a verge provided on each side of the road.
- Considering much of the residential areas to the east of the school is constructed and occupied, the condition of verge within the immediate vicinity of the school is considered to be suitable for walking, away from vehicular traffic. We note that this is not optimal to promote active modes of travel, like walking and cycling to school. Given the low density, low speed nature of the road network, it is considered that the main difference to pedestrian safety between having a constructed and sealed footpath in comparison to walking on a grass verge is an increased risk to trip, slip and fall walking on grass verge and does not present any increased severity in crash risk to pedestrian movement. It is less attractive to local residents to walk or ride and that car usage may be a more attractive option to residents when making travel decisions.

Considering that the proposed school is a primary school where students are typically between the age of 5 and 12, the lack of constructed and connected bicycle facility at Term 1, Day 1 means that cycling as a mode of transport for students will not be attractive, or appropriate, until infrastructure works within the immediate vicinity and catchment area of the school are completed. This will be identified in the School Transport Plan, which will be developed in consultation with the School Principal, and relevant stakeholders.

### Crossing Facility

Forming part of the school development is the provision of two wombat profile crossings, located on:

- o Farmland Drive, west of Hyde Street to provide north – south connectivity
- o Pelican Road, south of intersection with Farmland Drive to provide east – west connectivity

The proposed wombat crossings have received in principle agreement from Blacktown City Council and will be subject to a separate approval process with BCC Local Traffic Committee. This will require detailed design documentation to be submitted to BCC.

The proposed crossing facilities will allow for the connection to new land lots located to the west of the school and connect to the future footpaths along Pelican Road, and intended to provide safe pedestrian connectivity within close proximity to the school's main entrances.

### Pelican Road – Bus Turnaround Area

Pelican Road in its ultimate condition is a collector road that provide north-south connectivity between Schofields Road and Jerralong Drive.

The road works that form part of Toplace Group construction extend generally to the southern boundary of the DoE Lot 1 land. A bridge that connects Pelican Road and Jerralong Drive will be delivered by Blacktown City Council, with timing of works unknown.

As a contingency, a concept design has been prepared to provide a temporary bus turnaround bay at Lot 1 DoE land to allow for the operation of a school bus on Term 1, Day 1. Refer to Attachment 3 for details.

The contingency bus turnaround area has been assessed using a 14.5m Long Rigid Bus and has received in principle support from Blacktown City Council, subject to confirmation of cross-fall associated with Lot 1.

### Conclusion

It is considered that transport engineering aspects of the proposed development has now been refined, with contingency measures identified to facilitate Term 1, Day 1 operations of the school.

Naturally, should you have any questions or require any further information, please do not hesitate to contact me on (02) 8448 1800.

Yours sincerely  
**GTA CONSULTANTS**



**Dora Chol**  
**Associate Director**

encl.

Attachment 1 – Contingent Car Park Concept Design

Attachment 2 – Footpath Network

Attachment 3 – Pelican Road – Bus Turnaround Area

# ATTACHMENT 1 – CONTINGENT CAR PARK





# LEGEND

- BOUNDARY
- FUTURE PERMANENT EASEMENT TO LOT 4
- SCHOOL CAR PARK ACCESS DRIVEWAY
- TEMPORARY EASEMENT TO LOT 4

STAGE 1 ON-SITE PRELIMINARY / ST-JOHN OPTION  
ASSUMING SCHOOL CAR PARK NOT COMPLETED ON DAY 1 OF SCHOOL  
OPERATION

**SOURCES**  
SURVEY BASE IN GREY EXTRACTED FROM CIVIL DRAWING  
DRAWING CML-01  
BY NORTHROP  
DATED 07.02.2020  
CIVIL DESIGN IN GREEN  
DRAWING CML-01  
BY NORTHROP  
DATED 07.02.2020  
ARCHITECTURAL BASE IN BLUE DETAIL LIMITED TO SITE BOUNDARY  
DRAWING AA-00-000  
BY SHARP USA  
DATED 21.02.2020

+ RL 41.38

BUILDING 'B4'  
12 HOMEBASES  
G/F FFL 41.50

COVERED  
STAIRS

SPORTS COURTS

BM  
STORAGE

TEMPORARY EASEMENT WIDE LOT 4

LINE 11' 0" WIDE EASEMENT

OF PROPOSED EASEMENT



WE HAVE 2000  
SQUARE METERS  
OF SITE AREA  
FOR BUILDING

**PRELIMINARY PLAN**  
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**WARNING**  
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DESIGNED  
BY  
CHECKED  
BY  
DATE  
BY

SCALE  
1:500  
AS SHOWN  
ON SHEET

ALEX AVENUE PUBLIC SCHOOL  
STAGE 1  
ON-SITE PARKING  
CONCEPT LAYOUT  
DRAWING NO. N185-050-11-03  
SHEET 03 OF 11  
DATE P2

# LEGEND

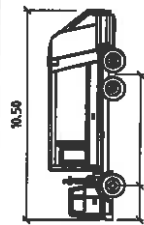
- BOUNDARY
- FUTURE PERMANENT EASEMENT TO LOT 4
- SCHOOL CAR PARK ACCESS DRIVEWAY
- TEMPORARY EASEMENT TO LOT 4

STAGE 1 ON-SITE PICK-UP / SET-DOWN (STOPPING)  
ASSURE COUNCIL CAR PARK NOT COMPLETED ON DAY 1 OF SCHOOL  
OPERATION

**SOURCES**  
SURVEY BASE IN GREY EXTRACTED FROM CIVIL DRAWING  
DRAWING CNA-01  
BY NORTHROP  
DATED 07.02.2020  
CIVIL DESIGNER IN GREEN  
DRAWING CNA-01  
BY NORTHROP  
DATED 07.02.2020  
ARCHITECTURAL BASE IN BLUE (DETAIL LIMITED TO SITE BOUNDARY)  
DRAWING AA-AR-100  
REVISION 5  
BY GROUP GSA  
DATED 21.02.2020

## SWEPT PATH KEY

- VEHICLE CENTRE LINE
- VEHICLE TYPE PATH
- VEHICLE BODY PATH
- 600mm CLEARANCE FROM VEHICLE BODY
- ASSUMED SPEED 30km/h



Garbage 10.5m

Width : 2.50  
Track : 2.50  
Lock in Lock Time : 4.0  
Steering Angle : 36.0

**BUILDING 'B3'**  
8 HOMEBASES  
G/F FFL 41.50

**BUILDING 'B4'**  
12 HOMEBASES  
G/F FFL 41.50

**COVERED MAIN ENTRY**

**BUILDING 'C'**  
COMMUNAL HALL  
G/F FFL 43.90

**COVERED STAIRS**

**TEMPORARY EASEMENT TO LOT 4**



GP 1000 7000  
GP 1100 1000  
GP 1200 1200  
GP 1300 1300  
GP 1400 1400  
GP 1500 1500  
GP 1600 1600  
GP 1700 1700  
GP 1800 1800  
GP 1900 1900  
GP 2000 2000

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BY  
D. CHOI

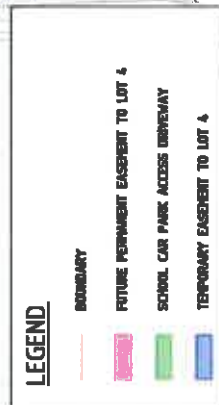
APPROVED BY  
D. CHOI

EXTERNAL CHECK  
D. CHOI

DATE ISSUED  
19.03.2020

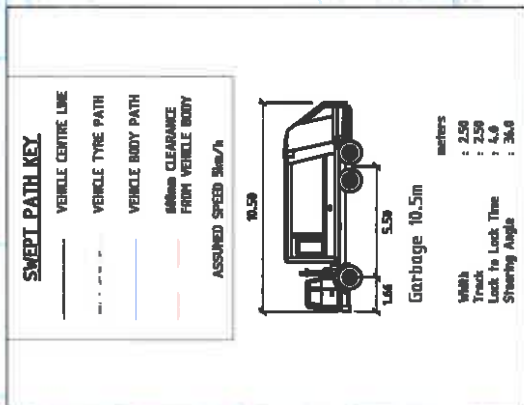
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1:1000

ALEX AVENUE PUBLIC SCHOOL  
STAGE 1  
ON-SITE PARKING  
SWEPT PATH ASSESSMENT  
DRAWING NO. N185460-11-04  
SHEET 04 OF 11  
REV P2



**STAGE 1 ON-SITE PICK-UP / SET-DOWN OPTIONS  
ASSURE COUNCIL CAR PARK NOT COMPLETED ON DAY 1 OF SCHOOL  
OPERATION**

SOURCE:   
SUNSHINE BASE IN GREY EXTRACTED FROM CIVIL DRAWINGS   
DRAWINGS CNA-01   
REVISION 4   
BY HORTHROP   
DATED 01.02.2009   
CIVIL DESIGN IN GREEN   
DRAWINGS CNA-01   
REVISION 4   
BY HORTHROP   
DATED 01.02.2009   
ARCHITECTURAL BASE IN BLUE METAL LIMITED TO SITE BOUNDARY   
DRAWINGS AA-00-100   
REVISION 5   
BY GROUP 65A   
DATED 21.02.2009



**APPROVED BY**

**EAT**

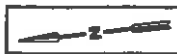
**COMMISSION**

**PERSON CHECK**  
D. CHEN

NO FILE	SCALE

**ALEX AVENUE PUBLIC SCHOOL  
STAGE 1  
ON-SITE PARKING  
SWEEP PATH ASSESSMENT**





ALEX AVENUE PUBLIC SCHOOL  
STAGE 1  
ON-SITE PARKING  
SWEEPED PATH ASSESSMENT  
DRAWING NO. N185450-11-06

A horizontal scale bar with markings at 0, 25, 50, and 100. The unit is not explicitly labeled but corresponds to the values in the table.

DESIGNED BY E. E. VE	DESIGN CHECK D. CHOI
APPROVED BY D. CHOI	DATE ISSUED 10.03.2009

**WARNING**

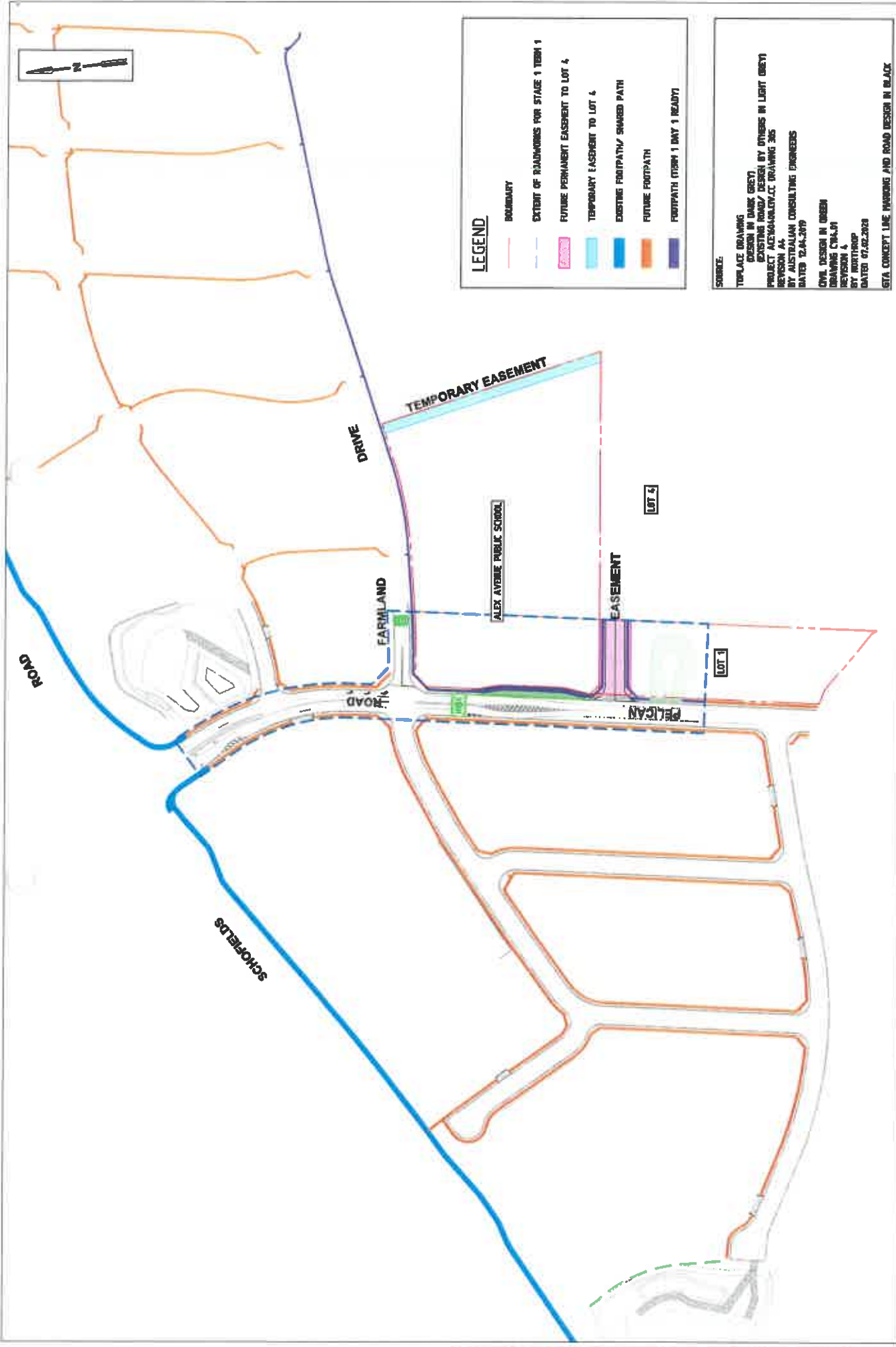
**PRELIMINARY PLAN**  
FOR THE 2002 POWERS-HUT  
ELECTRONICS TRIMAT  
MATHS-COM

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Architects  
Plumbing

011 9851 9670  
02 8448 1000  
07 3113 5900  
08 8534 3800  
08 4449 1200

# ATTACHMENT 2 – FOOTPATH NETWORK



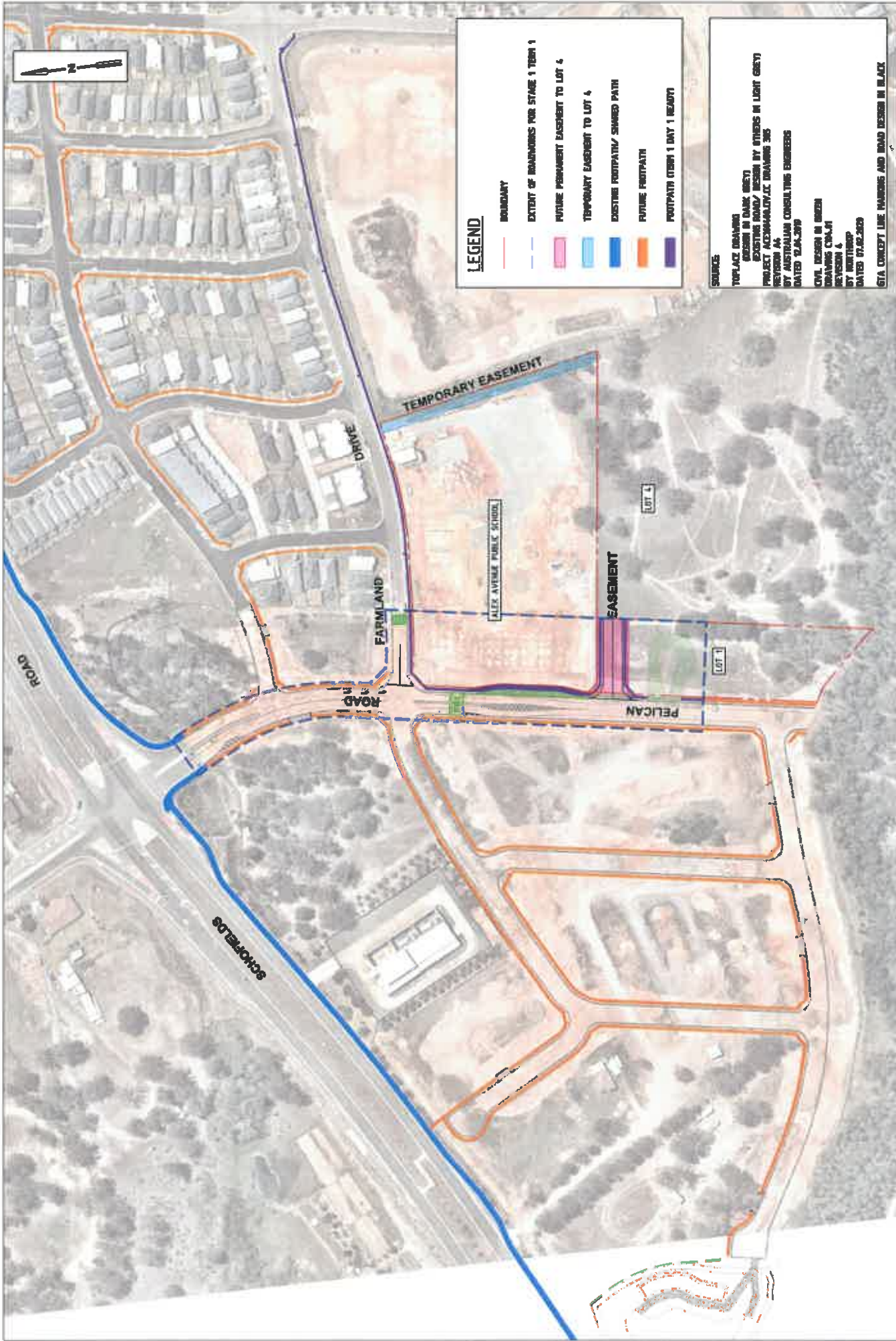
**LEGEND**

- BOUNDARY
- EXTENT OF ROADWORKS FOR STAGE 1 TERN 1
- FUTURE PERMANENT EASEMENT TO LOT 4
- TEMPORARY EASEMENT TO LOT 4
- EXISTING FOOTPATH/ SHARED PATH
- FUTURE FOOTPATH
- FOOTPATH (TERN 1 DAY 1 READY)

**SOURCE:**  
 TOP/LATE DRAWING  
 DESIGN IN DARK GREY  
 EXISTING ROAD/ DESIGN BY OTHERS IN LIGHT GREY  
 PROJECT ACESMAN/ALTA/IC DRAWING 305  
 REVISION A4  
 BY AUSTRALIAN CONSULTING ENGINEERS  
 DATED 12.04.2019  
 CIVIL DESIGN IN GREEN  
 DRAWING CNA.01  
 REVISION 4  
 BY NORTHROP  
 DATED 07.02.2020  
 GTA CONCEPT LINE MARKING AND ROAD DESIGN IN BLACK

	65 9521 9400 65 9408 0800 65 9521 9400 65 9521 9400 65 9521 9400	Architects Engineers Planners Surveyors	<b>WARNING</b> THIS DOCUMENT IS PRELIMINARY AND NOT FOR CONSTRUCTION IT IS NOT TO BE USED FOR ANY PURPOSES WITHOUT THE WRITTEN PERMISSION OF GTA CONSULTANTS	DESIGNED E. YEE APPROVED BY D. CHEN	DESIGN CHECK D. CHEN DATE ISSUED 04.04.2020	SCALE AS SHOWN CONFIRMED 11/05/2020 10:41 AM	ALEX AVENUE PUBLIC SCHOOL STAGE 1 FOOTPATHS DRAWING NO. NTB6460-12-06 SHEET 06 OF 07 ISSUE P4
	PRELIMINARY PLAN FOR INFORMATION ONLY NOT TO BE USED FOR CONSTRUCTION NOT TO BE USED FOR ANY PURPOSES WITHOUT THE WRITTEN PERMISSION OF GTA CONSULTANTS						





**LEGEND**

- BOUNDARY
- EXTENT OF EASEMENTS FOR STAGE 1 TERM 1
- FUTURE PERMANENT EASEMENT TO LOT 4
- TEMPORARY EASEMENT TO LOT 4
- EXISTING FOOTPATH/ SEAMED PATH
- FUTURE FOOTPATH
- FOOTPATH ITEM 1 DAY 1 READY

**SOURCES**

TOPOLAR DRAWING  
DESIGN IN DARK GREY  
EXISTING ROAD/ DESIGN BY OTHERS IN LIGHT GREY  
PROJECT: ALEXAVENUE/ALC DRAWING 305  
REVISION A4  
BY: AUSTRALIAN CONSULTING ENGINEERS  
DATED: 12.04.2019

CIVIL DESIGN IN GREEN  
DRAWING CNA.01  
REVISION 4  
BY: NORTHROP  
DATED: 07.02.2020

GTA CONCEPT LINE MARKING AND ROAD DESIGN IN BLACK

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DESIGNED BY: [Name]  
CHECKED BY: [Name]  
APPROVED BY: [Name]

PROJECT NO: [Number]  
DATE: [Date]

**ALEX AVENUE PUBLIC SCHOOL**  
**STAGE 1**

**FOOTPATHS**  
DRAWING NO. N186450-12-07

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1:1000

**DATE**  
07 OF 07

**PAGE**  
P4

# ATTACHMENT 3 – PELICAN ROAD - BUS TURNAROUND AREA





**LEGEND**

- BOUNDARY
- EXTENT OF ROADWORKS FOR STAGE 1 TERM 1
- FUTURE PERMANENT EASEMENT TO LOT 4
- TEMPORARY EASEMENT TO LOT 4

**SOURCE**  
 TOPOLACE DRAWING  
 DESIGN IN DARK GREY  
 EXISTING ROAD  
 PROJECT AUTOMATED/OLIVE DRAWING 315  
 REVISION A1  
 BY AUSTRALIAN CONSULTING ENGINEERS  
 DATED 12.04.2019

CIVIL DESIGN IN GREEN  
 DRAWING CNA-01  
 REVISION 4  
 BY MATHIEP  
 DATED 07.02.2020

STA CONCEPT LINE MAJOR AND ROAD DESIGN IN BLACK

**SWEPT PATH KEY**

- VEHICLE CENTRE LINE
- VEHICLE TYRE PATH
- VEHICLE BODY PATH
- SWEEP CLEARANCE FROM VEHICLE BODY
- ASSUMED SPEED 90km/h

**LONG RIGID BUS**

Width : 2.50  
 Track : 2.50  
 Lock to Lock Time : 6.0  
 Steering Angle : 44.4

metres

14.50 8.40 2.60

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03 9651 1000  
 03 9651 1001  
 03 9651 1002  
 03 9651 1003

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DESIGNED  
 E.T.C.

APPROVED BY  
 D. CHOI

DESIGNED  
 D. CHOI

DATE ISSUED  
 03.04.2020

SCALE  
 1:1000

CAD FILE  
 N185460-12-04.dwg

ALEX AVENUE PUBLIC SCHOOL  
 STAGE 1

SWEPT PATH ASSESSMENT





Mr. Andrew Beattie  
Team Leader – School Infrastructure Assessments  
Department of Planning & Environment  
GPO Box 39  
Sydney NSW 2001

**Attention: Iona Cameron**

Dear Mr. Beattie,

**Alex Avenue Public School (SSD 9368) – Farmland Drive, Schofields  
Notice of Exhibition**

Thank you for your letter dated 25 March 2019 requesting Transport for NSW (TfNSW) comment on the subject State Significant Development (SSD) application. The application seeks approval for the development of the Alex Avenue Public School to accommodate 1,000 students and 70 full-time staff.

TfNSW has reviewed the exhibited documentation provided. Comments on the SSD application are provided in **TAB A**.

Suggested conditions of consent and advice in the preparation of a Green Travel Plan for the school is provided in **TAB B**.

If you require any further information regarding this matter, please do not hesitate to contact Ken Ho, Transport Planner, via email, at [ken.ho@transport.nsw.gov.au](mailto:ken.ho@transport.nsw.gov.au).

Yours sincerely



2/5/2019

Mark Ozinga  
Principal Manager, Land Use Planning & Development  
Freight, Strategy & Planning

CD19/02555



## **TAB A – Comments on SSD application for the Alex Avenue Public School**

### **Bus access**

#### Comment

Temporary school bus access would be necessary on Farmland Drive until Pelican Road is open. Bus access would be required for school excursion and sports buses, in addition to regular school buses. During the temporary period, it is anticipated that a limited number of buses would operate on Farmland Drive during daylight hours on school days only. No permanent bus services are planned for Farmland Drive.

#### Recommendation

Consideration should be given to:

- Accommodating a temporary school bus stop within the joint-use car park, with appropriate design for turning buses exiting at the Glacier Street temporary roundabout.
- Providing temporary bus zones on Farmland Drive with the use of nearby local roads to allow buses to return towards Alex Avenue.

The temporary bus stop and turning areas can be returned to car parking when bus services are relocated to Pelican Road.

### **Future bus service planning**

#### Comment

Bus services are planned to be expanded in the local area in coming years as roads are opened and development progresses. Future regular route bus services in the vicinity of the school are currently planned for Jerralong Drive and Pelican Road with increased bus services connecting to the Schofields town centre and railway station.

#### Recommendation

The Applicant and the Department of Planning & Environment should note the above.

### **Pedestrian/children's crossing on Farmland Drive**

#### Comment

A diverse range of parking demands would be generated by this school development. It is likely that there would be a proportion of parents who would use on-street parking along Farmland Drive or nearby streets to walk their child to the front gate and interact with staff and/or other parents. As such, there may be a need for a pedestrian/children's crossing on Farmland Drive.

#### Recommendation

A suitable pedestrian/children's crossing should be considered on Farmland Drive to accommodate walking movements from the north of the site due to on-street parking demands and walking trips to the school. This should be considered in consultation with Blacktown City Council.

## **TAB B – Suggested conditions of consent**

TfNSW suggests the inclusion of the following conditions of consent should the development be approved.

### **Green Travel Plan**

#### Recommended Condition:

As part of the ongoing operation of the school, a detailed Green Travel Plan (GTP), which includes target mode shares for both staff and students to reduce the reliance on private vehicles, shall be prepared in consultation with Blacktown City Council. The GTP must be implemented accordingly and updated annually.

#### Reason:

To ensure sustainable transport outcomes and achieve the strategic planning objectives of:

- Future Transport 2056 Strategy;
- Sydney's Bus Future 2013;
- Sydney's Cycling Future 2013; and
- Sydney's Walking Future 2013.

#### Advice on the preparation further development of the Green Travel Plan

While the proposed school has yet to recruit a Principal and executive management it is recommended that a Steering Group (led by Department of Education/SINSW) is formed to oversee the development of the Travel Plan until the school is staffed.

The GTP should provide a statement demonstrating the future school's commitment to the ongoing development and management of a Travel Plan. It is recommended that a one page summary of key components of the Travel Plan is provided to include:

- Statement demonstrating ongoing commitment of the future school to the:
  - Promotion of sustainable transport and operating practices.
  - Ongoing development, implementation, monitoring, evaluation, reporting and management of a site specific Travel Plan.
- Governance structure:
  - Details of Steering Group and intent to form a Working Group with a nominated Travel Plan coordinator following recruitment of Principal (interim arrangements need to be established prior to occupation).
- Agreed Action Plan:
  - As agreed by Steering Group, overview of Travel Plan outcomes, goals and objectives, mode share targets and action plan including proposed measures, initiatives, monitoring, evaluation, reporting and stakeholder engagement strategies with indicative timeline and individual / group / agency responsible to action.

Furthermore, it is recommended that:

- Monitoring of travel behaviour is undertaken upon occupation and at termly intervals rather than '12 months after opening' (GTP references: page 9, Section 4, Travel Targets and page 11, Section 5, Strategies Action 4). This will provide a better understanding of actual mode share and assist the Steering/Working Group identify potential Travel Plan initiatives to help influence increased use of sustainable modes before travel patterns become established.
- The travel survey should question users about existing and preferred mode. On-going

monitoring, education and awareness activities should be planned to promote sustainable travel from the outset and there is potential to incorporate weekly 'hands-up' surveys to maintain student interest.

- a Travel Information Pack (reference: page 9, Section 5 Strategies, Action 1) is prepared to inform known students, parents/carers, staff and visitors, community users prior to school opening/occupation. There is an opportunity to provide information to future users of the school for example during student registration, staff recruitment, procurement of servicing, maintenance, catering, cleaning, caretaking, regular deliveries, OOSH operator/staff/users, community groups/members upon registration to use school premises.
- The Steering Group establishes a stakeholder engagement strategy as soon as possible, identifying and consulting with key partners at the earliest opportunity to assist with the progression of identified actions prior to occupation e.g. State government, local council, local community, transport operators.

### **Traffic and Parking Management Plan**

#### **Recommended Condition:**

The Applicant shall prepare a Traffic and Parking Management Plan, which details the measures to safely manage the daily transport task to/from the school. Traffic management measures that need to be addressed include:

- vehicle pick-up/drop-off management and orderly vehicle queuing;
- maintaining bus accessibility and student waiting areas;
- safe parent and student behaviour during pick-up/drop-off; and
- safe pedestrian movements to the school entrances, minimising vehicle-pedestrian conflicts.

The plan shall also detail the responsibilities of various personnel executing the plan and include measures to monitor, review the performance and make improvements to the plan. This plan should be implemented as part of the ongoing operation of the new school.

#### **Reason:**

To manage the high volume of traffic (vehicular and pedestrian) movements, which generally occur within a short timeframe before and after school hours.

### **Road Safety Audit**

#### **Recommended Condition:**

A Road Safety Audit (RSA), refer Austroads Guide to Road Safety Part 6 and Part 6a, shall be conducted for all the proposed measures including any traffic management facilities, bus and private vehicle pick-up and drop-off arrangements, and signage and line-marking plan, prior to the issue of construction certificate.

The findings of the RSA need to be incorporated into the proposed measures mentioned above in consultation with Blacktown City Council.

Note: the audit needs to be undertaken by an independent TfNSW accredited auditor.

#### **Reason:**

The traffic and parking demands associated with the school has the potential to adversely impact road safety and exacerbate any existing road safety issues. The implementation of the road safety audit findings will facilitate road safety outcomes, and contribute to the delivery of the Road Safety Plan 2021.

# RESPONSE TO SUBMISSIONS REPORT

ALEX AVENUE PUBLIC SCHOOL\_SSD\_9368



JUNE 2019

P4090

PREPARED FOR DEPARTMENT OF EDUCATION



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Issue	Comment	DoE Response	Reference
	A Construction Traffic Management Plan detailing construction vehicle routes, number of trucks, hours of operation, access arrangements and traffic control should be submitted to Council for approval prior to the issue of a Construction Certificate.	A CTMP was already provided as part of formal lodgement and will be further developed. Conditions of consent can be imposed in relation to this comment.	
	All vehicles are to enter and leave the site in a forward direction.	Noted. All vehicles can enter and exit the site in a forward direction. Refer to the amended TIA for swept paths.	Appendix E
	All vehicles are to be wholly contained on site before being required to stop.	Noted. The special needs drop-off zone has been relocated from Farmland Drive to be wholly contained within the school site. Refer to amended site plan.	Appendix A
	The proposed development will generate additional pedestrian movements in the area. Pedestrian safety is to be considered in the vicinity.	Pedestrian safety has been considered in both the amended TIA and Green Travel Plan. There will be continuous pedestrian connectivity between the future drop-off / pick-up zone located in the joint use car park and the school entrance. However, until this infrastructure is delivered by Council, a 'Walking School Bus' program will be implemented to ensure the safe movement of student pedestrians to and from the school site.  Furthermore, a pedestrian crossing is proposed on the southern approach to the Glacier Street intersection, spanning the egress roadway from the joint use car park. This is intended to provide connectivity for pedestrians walking to the School from the east and will enhance pedestrian safety especially during the peak hours where there will be large volumes of vehicles entering and exiting the joint car park to access the drop-off / pick-up zone.  For pedestrians utilising the special needs drop-off bay off Farmland Drive, there is a continuous footpath along the south side of the road into the school. This provides a direct connection between the zone and the school entrances; therefore, no road crossing movements are required.	Appendix E



Issue	Comment	DoE Response	Reference
		<p>The future bus layby is located on Pelican Road, adjacent to the west side of the school. A pedestrian entry is planned immediately next to the bus layby, providing direct access for students arriving or leaving school via public transport. Due to limited carriageway width and volume of vehicular traffic on Farmland Drive, the school bus service is expected to operate via Pelican Road.</p> <p>Noted. No further response required at this stage. Roads and Maritime is the only authority capable of implementing speed zones, including temporary speed limits (including roadworks speed zones). If required to by project scheduling, Bitzios recommends liaising with Roads and Maritime in advance to confirm an early implementation of school zones.</p>	
	<p>Roads and Maritime is responsible for speed limits along all roads within the state of New South Wales. That is, Roads and Maritime is the only authorised organisation that can approve speed zoning changes and authorise installation of speed limit/ school zone signs. Roads and Maritime will arrange for site inspection close to the completion of all construction works to determine the appropriate location of any new school zones or modification to existing zones. The applicant is to notify Roads and Maritime close to the competition of all construction works to allow enough time (8 weeks) for Roads and Maritime to gain approval for the speed limit changes.</p> <p>Roads and Maritime has noted that the proposal does not include any onsite car parking. Car parking for the school is proposed via the Council car park to be built directly adjacent to the site. The Council car park is intended to be shared between school staff and the community. Roads and Maritime request that the car parking be operational before the school is open to the public.</p>	<p>Noted. As indicated in earlier comments, in lieu of Council's car park being ready in time for the School's opening, alternative temporary parking and waste arrangements have been prepared with plans provided at <b>Appendix R</b>.</p>	<b>Appendix R</b>

TNSW:

Issue	Comment	DoE Response	Reference
Bus access	<p>Temporary school bus access would be necessary on Farmland Drive until Pelican Road is open. Bus access would be required for school excursion and sports buses, in addition to regular school buses. During the temporary period, it is anticipated that a limited number of buses would operate on Farmland Drive during daylight hours on school days only. No permanent bus services are planned for Farmland Drive.</p> <p>Consideration should be given to:</p> <ul style="list-style-type: none"> <li>Accommodating a temporary school bus stop within the joint-use car park, with appropriate design for turning buses exiting at the Glacier Street temporary roundabout.</li> <li>Providing temporary bus zones on Farmland Drive with the use of nearby local roads to allow buses to return towards Alex Avenue. The temporary bus stop and turning areas can be returned to car parking when bus services are relocated to Pelican Road.</li> </ul>	<p>Until Pelican Road is constructed, there will be a 'Walking School Bus' in place, operating from the closest existing bus stop. This is outlined the amended TIA and Green Travel Plan. No temporary bus zone has been proposed down Farmland Drive. The time between the School opening and the construction of Pelican Road will be relatively short period.</p>	<p>Appendix E &amp; Appendix F</p>
Future bus service planning	<p>Bus services are planned to be expanded in the local area in coming years as roads are opened and development progresses. Future regular route bus services in the vicinity of the school are currently planned for Jerralong Drive and Pelican Road with increased bus services connecting to the Schofields town centre and railway station. The Applicant and the Department of Planning &amp; Environment should note the above.</p>	<p>Noted. No further response required.</p>	<p>Appendix E</p>
Pedestrian/children's crossing on Farmland Drive	<p>A diverse range of parking demands would be generated by this school development. It is likely that there would be a proportion of parents who would use on-street parking along Farmland Drive or nearby</p>	<p>A pedestrian crossing over Farmland Drive has been considered by SINSW. In their amended TIA, Bitzios has undertaken an assessment of future pedestrian movements which concluded</p>	<p>Appendix E</p>

Issue	Comment	DoE Response	Reference
	streets to walk their child to the front gate and interact with staff and/or other parents. As such, there may be a need for a pedestrian/children's crossing on Farmland Drive. A suitable pedestrian/children's crossing should be considered on Farmland Drive to accommodate walking movements from the north of the site due to on-street parking demands and walking trips to the school. This should be considered in consultation with Blacktown City Council.	that at this stage a pedestrian/ signalised crossing will not be required in this area.  Bitzios has further advised that given Farmland Drive is narrow with a small pedestrian catchment, and that Pelican Road and Farmland Drive will be signalised in the future, it is unlikely that there will be a need for a permanent pedestrian crossing in this location. Notwithstanding, further consultation will be undertaken with Council on this matter.	
Green Travel Plan	As part of the ongoing operation of the school, a detailed Green Travel Plan (GTP), which includes target mode shares for both staff and students to reduce the reliance on private vehicles, shall be prepared in consultation with Blacktown City Council. The GTP must be implemented accordingly and updated annually.	An amended GTP has been provided which identifies target mode shares and identifies an annual review process. Consultation with BCC can be undertaken separately prior to the opening of the School.	Appendix F
Traffic and Parking Management Plan	The Applicant shall prepare a Traffic and Parking Management Plan, which details the measures to safely manage the daily transport task to/from the school. Traffic management measures that need to be addressed include: <ul style="list-style-type: none"> <li>• vehicle pick-up/drop-off management and orderly vehicle queuing;</li> <li>• maintaining bus accessibility and student waiting areas;</li> <li>• safe parent and student behaviour during pick-up/drop-off; and</li> </ul>	Noted. Conditions of consent can be imposed in relation to this comment.	

Issue	Comment	DoE Response	Reference
	<ul style="list-style-type: none"> <li>safe pedestrian movements to the school entrances, minimising vehicle-pedestrian conflicts.</li> </ul> <p>The plan shall also detail the responsibilities of various personnel executing the plan and include measures to monitor, review the performance and make improvements to the plan. This plan should be implemented as part of the ongoing operation of the new school.</p>		
Road Safety Audit	<p>A Road Safety Audit (RSA), refer Austroads Guide to Road Safety Part 6 and Part 6a, shall be conducted for all the proposed measures including any traffic management facilities, bus and private vehicle pick-up and drop-off arrangements, and signage and line-marking plan, prior to the issue of construction certificate. The findings of the RSA need to be incorporated into the proposed measures mentioned above in consultation with Blacktown City Council. Note: the audit needs to be undertaken by an independent TfNSW accredited auditor.</p>	Noted. Conditions of consent can be imposed in relation to this comment.	
<b>NSW Rural Fire Service (RFS):</b>			
	<p>The existing grassland hazard adjacent to the site has not been dealt with sufficiently within the bush fire report dated 25 January 2019. The bush fire report should be updated to address the grassland hazard and demonstrate how the proposed buildings will achieve a minimum 10 kW/m2 setback at the time of construction.</p>	<p>Paterson Bushfire Consultants have prepared a letter (refer to <b>Appendix O</b>) which addresses this comment.</p>	<b>Appendix O</b>

