

Our Ref: Project 48  
Your Ref: SSD 17\_8922

2 October 2018

Mr Scott Hay  
Assessment Officer  
NSW Department of Planning and Environment

(By email: [Scott.Hay@planning.nsw.gov.au](mailto:Scott.Hay@planning.nsw.gov.au))

Dear Mr Hay,

**Re: Alterations and additions to the Stevenson Library Building, The Scots College**  
**Property: 29-53 Victoria Road, Bellevue Hill NSW 2023**

We are instructed by Concerned Scots Neighbours Incorporated (CSN Inc.) (representing neighbours to The Scots College, (Scots or TSC)), to review the SSD application and make submissions for the consent authority's consideration under section 4.15(1)(d) of the *Environmental Planning and Assessment Act 1979* (EPA Act).

### **Executive Summary**

Scots' Victoria Road Campus occupies the eastern precinct at 29-53 Victoria Road and the western precinct at 19-25 Ginahgulla Road. The impacts of any additions to Scots must be assessed in terms of the cumulative impacts of Scots across both precincts and have regard to the 1120 student cap.

It is also important to acknowledge that Scots has further impacts in the locality with its Mansion Road Campus containing a further approved maximum of 500 students.

The cumulative impacts should be caused by a maximum student population of 1120 students at the Victoria Road Campus (across both eastern and western precincts).

Critical to this submission is that development consents issued under DA 528/2004 and DA545/2005, granted by Woollahra Municipal Council, contain a condition, in identical terms, which limits the maximum student numbers 'for Scots College':

Condition 2 of the Consents provides:

"...the maximum student numbers for Scots College shall not exceed 1120 students in accordance with the 1992 master plan. This condition has been imposed to ensure the proposed development does not alter the student numbers, which in turn, will alter the demand for on and off street car parking and the intensification of traffic for Scots College.

For clarity, the student cap at the main campus is 1,120.

Page 56 of the EIS states:

"Although the proposal will result in an increase in GFA in the Stevenson Library building from 2,786m<sup>2</sup> to 3,490m<sup>2</sup> [704m<sup>2</sup>], there will be no increase in either staff or students, therefore no increased demand for car parking will arise."

That is the proposal creates an additional 704m<sup>2</sup> of GFA for educational purposes.

The Department of Planning and Environment (DPE) are currently assessing two very similar SSD development applications. SSD 17\_8922 "Scots application" and SSD 17\_8812 "Cranbrook application". The applications both seek to provide additional facilities for these schools. Both are clearly aimed at allowing the growth of the schools.

The DPE assessment should compare these two proposals.

The Cranbrook application is best practice. The Cranbrook application seeks to "create a new 126 space car park beneath their oval to ease pressure on the surrounding road network for parking servicing the school" and "allow use of the internal driveway between Victoria Road and Rose Bay Avenue to accommodate an on campus 'kiss and ride' facility to reduce traffic congestion around the school" (p.v. of the Urbis EIS).

Cranbrook is commended by CSN Inc. for their consideration of the traffic and parking impacts and for their efforts to internalise the impacts of their school.

Critically, Cranbrook understand what Scots do not. When you add facilities to your school you must address the traffic, parking and noise impacts. The Scots and Cranbrook proposals are "chalk and cheese". It is indicative that to our knowledge, there was only one objection raised in relation to the Cranbrook application, were as there is significant disquiet amongst the same community, to fervently oppose the Scots application.

Cranbrook is a leading school that has regard to their environmental impacts upon its neighbours. Cranbrook's proposal seek to internalise their impacts.

Scots numerous proposals over near 20 years has continually increased the GFA of both their Senior and Junior campuses in Bellevue Hill. As a result of this uncontrolled expansion, it has externalised the impacts upon their neighbours. There is no proper contemporary Masterplan to address the uncontrolled growth and the unsatisfactory impacts arising from breaches of student caps, that were imposed specifically to limit traffic and parking impacts.

The reason for imposing the cap of 1,120 students on its Victoria Rd campus is as follows:

"This condition has been imposed to ensure the proposed development does not alter the student numbers, which in turn, will alter the demand for on and off street car parking and the intensification of traffic for Scots College."

We are instructed to make it clear to the DPE that CSN Inc. believes that if Scots designed facilities like Cranbrook Senior School, Kincoppal-Rose Bay, School of the Sacred Heart, Cranbrook's Junior School off Kent Road at Rose Bay, with internal drop-off and pick up facilities that the current 1,120 cap may be able to be reviewed within a proper environmental assessment.

Unfortunately, despite decades of being encouraged by Council and the Community as well as failing to convince the Land and Environment Court that its expansion is acceptable, Scots failed to develop a Masterplan that would ameliorate the existing unsatisfactory traffic and parking impacts or take any serious attempt to solve the problem it had created. As a result of such uncontrolled growth Scots continues to be in breach of two development consents.

Adopting the 28,883m <sup>2</sup> GFA Scots state in the 2013 Master Plan and the additional 704m <sup>2</sup> of GFA under this proposal, the total proposed GFA is 29,587m <sup>2</sup> .
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## Background

We submit that the DPE should have regard, in its assessment of this proposal to the following Land & Environment Court appeals:

1. [The Presbyterian Church \(New South Wales\) Property Trust v Woollahra Municipal Council \[2014\] NSWLEC 1218](#) (Annexure 1),
2. [The Presbyterian Church \(New South Wales\) Property Trust v Woollahra Municipal Council \[2015\] NSWLEC 1245](#) (Annexure 2),
3. [The Presbyterian Church \(New South Wales\) Property Trust v Woollahra Municipal Council \[2015\] NSWLEC 47](#) (Annexure 3) to,

These cases and the evidence disclosed within them deals in detail with the facts that relate to the unacceptable traffic, parking and child safety issues that have accompanied the uncontrolled growth associated with ongoing breaches of the existing development consent caps relating to Scots.

These judgements of the Land and Environment Court, detail evidence provided by experts that existing traffic, parking and safety impacts are unacceptable. The Court has in dismissing these appeals, clearly concurred that the impacts are unacceptable and in the case of the section 56A appeal, that the Commission made no legal error in giving significant weight to the objections of neighbours and the neighbours observations of unsafe traffic and parking impacts.

These cases detail the evidence of CSN Inc. and individual neighbours of Scots, given significant weight by the Court, in dismissing the appeals seeking to increase the student numbers capable of safely occupying Scots and the changes that would have introduced new and unsafe uses.

Any further expansion of the school is not acceptable without existing unsatisfactory transport, traffic and parking impacts being addressed.

## Documentation Reviewed

In making this submission we have reviewed the following documents:

1. SSD 8922 - Secretary's Environmental Assessment Requirements
2. SSD 8922 – The Environmental Impact Statement and in particular [Appendix 14. Parking and Traffic Assessment.pdf](#)
3. [The Presbyterian Church \(New South Wales\) Property Trust v Woollahra Municipal Council \[2014\] NSWLEC 1218](#) (Annexure 1),
4. [The Presbyterian Church \(New South Wales\) Property Trust v Woollahra Municipal Council \[2015\] NSWLEC 1245](#) (Annexure 2),
5. [The Presbyterian Church \(New South Wales\) Property Trust v Woollahra Municipal Council \[2015\] NSWLEC 47](#) (Annexure 3)
6. DA 528/2004 Woollahra Municipal Council
7. DA545/2005 Woollahra Municipal Council
8. Scots Annual Report and Analysis of Report and My schools' data:  
[https://www.dropbox.com/sh/976qmgmfzf817ew/AACXSGdILh3IHQ\\_hgJsPFaGYa?dl=0](https://www.dropbox.com/sh/976qmgmfzf817ew/AACXSGdILh3IHQ_hgJsPFaGYa?dl=0)

## Traffic Generating Development

Pursuant to clause 57(a)(i) of *State Environmental Planning Policy (Educational Establishments and Child Care Facilities)* 2017 development for an educational establishment **able to accommodate** 50 or more additional students, that involves an enlargement or extension of existing premises, or new premises, is traffic generating development.

The Macquarie dictionary describes able in this context:

“4. **be able to**, to have the capability or capacity to:...”

Therefore, the test is not about an applicant's stated intention, rather it is about the capability or capacity of the additional 704m<sup>2</sup> of Gross Floor Area to enable Scots to sustain already breached student cap or further increase the breach and the impacts if that occurs.

The words in clause 57 “**able to accommodate**” provide a very important statutory and environmental planning assessment principle.

This principle is that irrespective of any statement of present intent that “*this proposal will not increase student or staff numbers*”, such statements of present intent are an irrelevant consideration as to whether the proposal is **able to accommodate** additional students.

The over 704m<sup>2</sup> of additional GFA is “**able to accommodate**” a significant increase in the student population, despite Scots long standing statements of present intent each time it lodges a new application, that “*this proposal will not increase student or staff numbers.*” (see attached timeline detailing Scots enrolment growth and statements that there will be no increase in students based on the increase in GFA).

The EIS and the supporting reports appended to the EIS, all rely heavily upon the assumption by those providing reports that “*this proposal will not increase student or staff numbers.*”

Clause 57 of *State Environmental Planning Policy (Educational Establishments and Child Care Facilities)* 2017 mandates that the basis for the proper assessment of traffic and parking impacts is the ability of the proposal to accommodate more students. Ability stems from the building's capability or capacity.

Clause 57(3)(c) requires among other statutory considerations that the consent authority must take into consideration:

“**any** potential traffic safety, road congestion or parking implications of the development.”

The EIS and the Appendix 14 Traffic and Parking report do not allow the DPE to properly consider traffic safety, road congestion or parking implications, and the additional GFA is **able to accommodate** a significant increase in the student population.

## Woollahra Development Control Plan 2015 (DCP)

Chapter F2 provide the DCP requirements for Educational Establishments. Clause F2.6 of the DCP is relevant. The DCP differentiates between "minor" development and other educational development that requires more detailed considerations.

This proposal is "State Significant Development" has a value over \$30,000,000.00 and must therefore be "significant" rather than "minor", in the application of the DCP's objectives and controls.

The core objectives (clause F2.1.4) are:

O1 To encourage well designed educational establishments that balance the requirements of students and staff, with the amenity of the adjacent properties.

O2 To protect views and vistas.

O3 To protect and conserve heritage conservation areas, and heritage items located on or adjacent to an educational establishment.

O4 To encourage all schools to provide sufficient open spaces on site, and protect existing open spaces.

O5 To encourage a safe, efficient and co-ordinated traffic network which considers all users.

O6 To encourage community uses of educational establishments that do not unreasonably impact on surrounding residents.

We submit that this submission and those of individual community members, demonstrates that Objectives 5 and 6 of the clause F2.1.4 are not achieved and this is a valid reason to refuse this application to further expand facilities at Scots.

As CSN Inc. primary objections relate to Transport, Traffic and Parking impact, and CSN does also acknowledge some neighbours are impacted by noise as well, Clause F2.6 of the DCP is most relevant to this submission.

We ask that the DPE Assessment includes a detailed review of Clause F2.6 of the DCP.

We submit that the following DCP objectives and controls are not achieved:

O1 & C1 - Scots as existing does and as proposed will unreasonably impact on the surrounding road network, specifically in relation to pedestrian safety and vehicle traffic.

A traffic and pedestrian management plan is required by the DCP to demonstrate impacts. No traffic and pedestrian management plan has been provided.

O2 – C4 – Scots have not demonstrated equitable access is provided in accordance with Part E of this DCP, Chapter E1 Parking and Access.

O3 – C6 – This is a major "State Significant Development" development of an existing educational establishment — an internal driveway for vehicles is provided for picking-up and dropping-off students is required and has not been provided.

O4 – C7 - This is a major "State Significant Development" development and the proposal does not provide parking complying with parking requirements in Part E of this DCP, Chapter E1 Parking and Access.

O5 – C8 This is a major "State Significant Development" development and the proposal does not provide adequate on-site parking for staff, visitors, disabled persons, delivery, service, emergency vehicles, and tertiary students.

O6 – C9 & 10 – Appendix 14 of the EIS does not address bicycle provision or parking.

We note the DCP objectives and controls above, cross over with the SEARs requiring "**a transport and accessibility impact assessment**", with a long list of matters to be addressed by that assessment.

Appendix 14 does not address all the issues required by the SEARs and in fact is not titled nor does it appear to be a complete "transport and accessibility impact assessment".

The "traffic and parking report" at Appendix 14 of the EIS is a report not an assessment as required by the SEARs.

The EIS has not only failed to address the SEARs but the issues to be addressed by the SEARs that would for the most part address similar objectives of the DCP are simply not assessed.

The proposal in terms of transport, traffic and parking will not achieve the objectives of the DCP and this is ground upon which the proposed further expansion of Scots should be refused.
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## Staff Numbers

The 2017 Scots Annual Report states it has a total workforce of 338, but does not break up the numbers across its campuses.

The <https://myschool.edu.au/school/43821> webpage for Scots 2017 data provides:

Teaching staff = 247  
Non-teaching staff = 217  
Total staff = 464

There is no available data on the number of staff at the Victoria Road campus (eastern and western sides of Victoria Road). There is no data in the EIS or supporting reports that provides a break-up of the staff occupying the Victoria Road campus.

The DPE should request this information from Scots.

The Victoria Road campus is the main campus and administration centre for Scots. If not less than two thirds of the staff reported by the Federal Government as being 464 work from the main campus, then the number of staff would be 306.24.

This work force would require significant parking.

## Student Numbers

Scots 2017 Annual Report provides:

### Bursaries

The College offers general tuition and boarding bursaries, which are means-tested and open to all students from Years 7 to 11. All bursary applicants need to have made an application before submitting all financial and supporting documentation. Following the closing date, all bursary applications are forwarded to the Director of Finance for assessment and, where applicable, the awarding of a bursary.

**Table of Enrolment Data as at Census Date 4 August 2017**

Year Group	As at Census Date 4 August 2017	FFPOS*	Boarder	Indigenous
Rose Bay Cubs 2 Days FTE*	0.4	0	0	0
Rose Bay Cubs 3 Days FTE	6	0	0	0
Rose Bay Cubs 5 Days FTE	5	0	0	0
Rose Bay Lions 2 Days FTE	0.8	0	0	0
Rose Bay Lions 3 Days FTE	3.6	0	0	0
Rose Bay Lions 5 Days FTE	11	0	0	0
Transition Cubs 2 Days FTE	2.4	0	0	0
Transition Cubs 3 Days FTE	6	0	0	0
Transition Cubs 5 Days	12	0	0	0
Transition Lions 5 Days	52	0	0	0
Kindergarten	64	1	0	0
Year 1	80	1	0	0
Year 2	81	0	0	0
Year 3	97	3	0	0
Year 4	102	2	0	0
Year 5	129	1	0	0
Year 6	127	1	2	0
Year 7	217	0	25	3
Year 8	197	4	36	4
Year 9	203	6	37	3
Year 10	207	4	32	3
Year 11	201	5	42	3
Year 12	200	5	45	4
<b>FTE Total</b>	<b>2004.2</b>	<b>33</b>	<b>219</b>	<b>20</b>
<b>FTE Including FFPOS Total</b>	<b>2037.2</b>			

\* Full Time Equivalent

\* Full Fee Paying Overseas Student

## SUMMARY OF STUDENTS ENROLLED AT VICTORIA ROAD CAMPUS

Year	Students	Cap	Breach of Cap	Change	% Increase	Notes
2006	1078	1120	-42	No Data		Year 6 already present
2007	1171	1120	51	93	4.7%	Year 5 from Mansion Road
2008	1192	1120	72	21	6.1%	
2009	1214	1120	94	22	7.9%	
2010	1263	1120	143	49	11.8%	
2011	1376	1120	256	113	20.3%	
2012	1416	1120	296	40	21.5%	
2013	1453	1120	333	37	23.5%	
2014	1459	1120	339	6	23.3%	
2015	1451	1120	331	(8)	22.7%	Only decrease over 12 years
2016	1476	1120	356	25	24.5%	
2017	1507	1120	387	31	26.2%	

**Note:** This Summary counts the number of Equivalent Full Time (EFT) Students and the Full Fee Paying Overseas Student. This does not count the number of physical students that may be present. This summary has been taken from Scots Annual Reports. We note that Scots Reports are not consistent with the data available on the MySchools website site.

The number of student at the Victoria Road Campus in years 5 to 12 inclusive in 2017 was 1,507. As the cap is 1,120, Scots exceeded the cap by not less than 361 Equivalent Full Time students. Noting that the cap relates to a measure of students not FTE, the extent to which the cap is breached is likely to be physically higher than 361.

These figures do not address the current number of students in 2018 which have not been reported by Scots or the My-Schools website at the date of this submission.

We annex to this submission:

-  Scots Annual Report 2006.pdf
-  Scots Annual Report 2007.pdf
-  Scots Annual Report 2008.pdf
-  Scots Annual Report 2009.pdf
-  Scots Annual Report 2010.pdf
-  Scots Annual Report 2011.pdf
-  Scots Annual Report 2012.pdf
-  Scots Annual Report 2013.pdf
-  Scots Annual Report 2014.pdf
-  Scots Annual Report 2015.pdf
-  Scots Annual Report 2016.pdf
-  Scots Annual Report 2017.pdf
-  Scots student population 2006-17.xlsx

Link to Scots Annual Report and Analysis of Report and My schools' data:

[https://www.dropbox.com/sh/976qmgmfz817ew/AACXSGdiLh3IHQ\\_hgJsPFaGYa?dl=0](https://www.dropbox.com/sh/976qmgmfz817ew/AACXSGdiLh3IHQ_hgJsPFaGYa?dl=0)

The following chart shows that statements of present intent actual result in increased students.

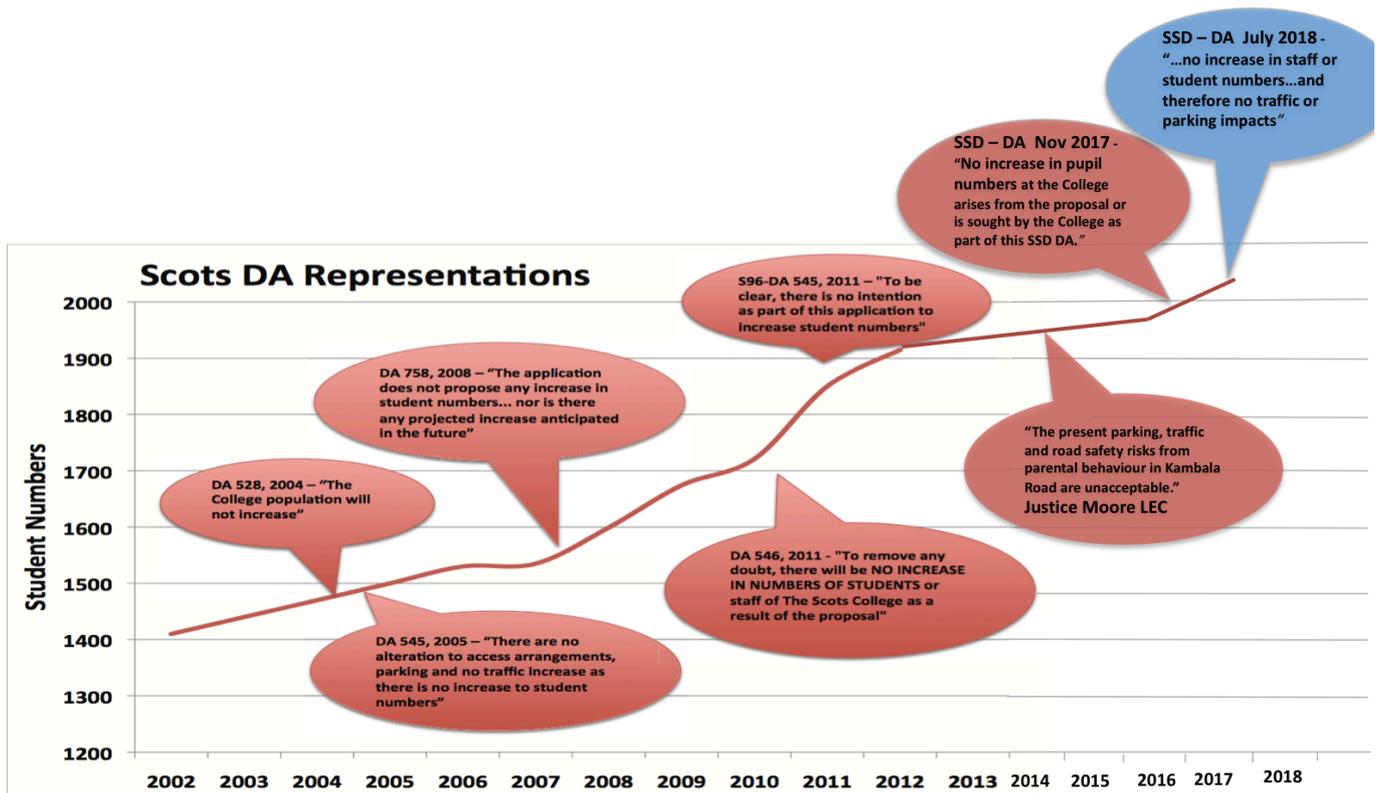


Figure 1 - Summary of Increase Students & Scots Statements of Present Intent (This is also Annexed)

### Consultation

The SEAR's required an appropriate level of consultation. Section 23 of the EIS refers to Appendix 25 as that consultation.

We are instructed that the contemporaneous notes of CSN Inc. do not agree with the statements lacking detail at clause 4.2 of Appendix 25.

I am instructed that it is CSN Inc. have typed transcript taken from their contemporaneous notes from their meeting with Scots on 19<sup>th</sup> March, 2018 and that it is CSN Inc.'s position is that it is disingenuous to record CSN Inc. feedback in the EIS as simply:

*"Feedback regarding traffic and parking in the surrounding streets and interest in the School's future plans." (EIS p.88)*

CSN Inc. at a high-level wish to record that the traffic and parking impacts existing at both the Scots Bellevue Hill Campuses are well beyond unacceptable. There are no apparent "future plans" to increase onsite parking or create on-site drop-off and pick-up to remedy these unacceptable impacts. I am instructed by CSN Inc., this is despite the Scots, undertaking at that meeting, to take CSN's concerns into consideration and present an alternative proposal that addressed those concerns within a short timeframe. I am instructed by CSN Inc., no further contact or presentation was ever made by Scots.

Additionally, there are no plans by Scots to comply with the Caps, the DCP or to internalise its Traffic and Parking Impacts.

CSN Inc.'s submissions with respect to the congestion and dangerous parking and poor behaviour of the parents at drop-off and pick up are well canvassed and were given significant

weight by Justice Moore (then Moore SC) and Commission Dixon in the cases referenced below.

The primary issues subject to this objection are that traffic and parking impacts are unacceptable and this has been clearly and forcefully communicated to Scots, but not acknowledge by the EIS or Appendix 25 as issues that need to be addressed. CSN Inc. communicated to Scots that they needed to address the traffic and parking issues before adding any new or increased GFA to the school.

It was further communicated in that meeting that CSN Inc. only discontinued the Class 4 proceedings relating to the breach of the student cap, because Scots undertook to address the traffic and parking problems in consultation with the broader community. Again, Scots has not made any reasonable effort to resolve the traffic and parking issues within the last 3 years since the Class 4 action was discontinued.

CSN Inc. have instructed that they object to any increase in the GFA of school facilities unless that increase is properly assessed against existing impacts, breaches of student caps and works are proposed to internalise parking, drop-off and pick-up like Cranbrook and Kincoppal schools.

### **What is the proper planning approach to the assessment of the impacts?**

A salient objection to another prominent school's expansion, Shore at North Sydney by Julie Bindon, the founding partner and managing partner of JBA, now Ethos Urban (a highly respected town planner) and Scots previous town planning firm, stated, in objections to the expansion of Shore at North Sydney::

"I strongly object to any proposal until:

- a) The number of additional students is reduced to a level that can be sustained on the site in terms of containing its impact on the locality;
- b) All loading and unloading of students, whether by private vehicle or by coaches used by the School must be contained on the School's land in a safe manner that does not impact on the local street system. The current proposal fails to do so."

AND

"It is a long-standing planning principle that development must internalise or contain its own impacts where it is at all possible. In this case, there is no sound reason for externalising the significant impacts of the traffic generated by students drop off and pick up, and by the Schools coaches. The use of local narrow streets for these school purposes impacts on the operation of the affected streets, and the resultant congestion is excessive and dangerous".

At the same time JBA (now Ethos Urban) were supporting previous applications for Scots' expansion, it was rather ironic that demonstrably similar issues, subject to their Managing Directors objection to Shore's expansion, were so clearly denounced.

Scots current proposal, among many previous proposal that perpetuate Scots contention that each proposal "*will not result in any increase in student numbers*") makes no effort, despite over a decade of objections by concerned neighbours to address traffic and parking impacts caused by a breach the 1,120 cap and the failure to provide adequate onsite drop-off and pick up facilities and adequate parking.

## **Class 4 Proceedings**

CSN Inc. previously commenced class 4 proceedings against Scots, to which Woollahra Municipal Council were joined, to remedy the breach of the Student Caps.

We are instructed by CSN Inc. that those proceedings were only discontinued by CSN Inc. on the basis that Scots agreed to work with the community to resolve the traffic and parking issues.

We are instructed that CSN Inc. wish it known that if the existing breaches and the real impacts arising from Scots failure to properly address traffic and parking impacts are not properly resolved that further class 4 proceedings will be considered in the absence of Woollahra Municipal Council enforcing compliance with its own development consent conditions.

We are also instructed by CSN Inc. that if there is any failure in the assessment process that CSN Inc. will consider further class 4 proceedings.

## **Master Planning**

The SEARs provide the EIS must include the following:

“Detail of the master plan approach which demonstrates how this and the anticipated separate concept DA respond to the Design Quality Principles of the Education SEPP”

Appendix 05\_G provides a response. Unfortunately, the SEARs requirement is too narrow. This is not a Masterplan of any substance that addresses the impacts upon neighbours in terms of Transport, Traffic or Parking and limits itself narrowly to the design quality principles.

Scots has no proper Masterplan that addresses how it will resolve, by genuine on-site parking, drop-off and pick-up facilities, the existing unacceptable traffic and parking impacts, let alone any Masterplan that justifies any increase in Gross Floor Area across its Bellevue Hill Campuses given the breach of the 1,120 cap.

Over the last two-decades, while other respected schools in the vicinity have proactively undertaken works to mitigate existing impacts by providing additional parking and drop-off, Scots has flagrantly ignored community and council and failed to resolve unacceptable traffic and parking impacts

Undertakings to CSN Inc. to do so before undertaking any further expansion of the school have been ignored.

Kincoppal-Rose Bay, School of the Sacred Heart, provided new off-street 'kiss and ride' facilities under new facilities and Cranbrook built a new Junior School off Kent Road at Rose Bay with internal drop-off and pick up facilities. SSD 17\_8812 “Cranbrook application is addressed above.

For near 20 years now Scots increased their floor space through successive development applications with the mantra that each proposed increase in GFA “will not result in any increase in student numbers”. These statements of present intent do not reflect the real outcomes. Each time the GFA of the school has increase the student and staff numbers have increased.

At a high level, we submit that LEP and DCP objectives will not be achieved by the proposal and that in addition to these provisions the consent authority should to the extent they are relevant give significant weight to and apply the methodology of the Land and Environment Court's Planning Principles in its assessment under section 4.15C of the EPA Act.

## Secretary's Environmental Assessment Requirements (SEARs)

We submit that the EIS does not provide as required by the SEARs an adequate:

- a. Transport and accessibility impact assessment – Appendix 14 of the EIS does not address all the requirements of the SEARs detailing the content of the required Transport and accessibility impact assessment. The EIS Appendix does not provide any document titled Transport and accessibility impact assessment.
- A **transport and accessibility impact assessment** including but not limited to:
    - accurate details of the current daily and peak hour vehicle, public
    - transport, pedestrian and cycle movement and existing traffic and transport facilities provided on the road network located adjacent to the proposed development (including at least Victoria Road, Ginahgulla Road, Cranbrook Road, Aston Gardens and Cranbrook Lane);
    - an assessment of the operation of existing and future transport networks including public transport networks, and their ability to accommodate existing trips and the forecast number of trips to and from the development;
    - details of estimated total daily and peak hour trips generated by the proposal, including vehicle, public transport, pedestrian and bicycle trips based on surveys of the existing and similar schools within the local area;
    - the adequacy of public transport, pedestrian and bicycle networks and associated infrastructure to meet the likely future demand of the proposed development;
    - the impact of the proposed development on existing and future public transport infrastructure within the vicinity of the site in consultation with Council, Roads and Maritime Services and Transport for NSW and identify measures to integrate the development with the transport network;
    - the identification of infrastructure required to ameliorate any impacts on traffic efficiency and road safety impacts associated with the proposed development, including details on improvements required to affected intersections including Victoria Road at Ginahgulla Road, Cranbrook Road and Aston Gardens;
    - details of travel demand management measures to minimise the impact on general traffic and bus operations, including details of a location- specific sustainable travel plan and the provision of facilities to increase the non-car mode share for travel to and from the site;
    - the impact of trips generated by the development on nearby intersections, with consideration of the cumulative impacts from other approved developments in the vicinity, and the need/associated funding for, and details of, upgrades or road improvement works, if required. Traffic modelling is to be undertaken using SIDRA network modelling for current and future years;
    - the proposed walking and cycling access arrangements and connections to public transport services;
    - details of any proposed school bus routes along bus capable roads (i.e. travel lanes of 3.5m minimum) and infrastructure (bus stops, bus layovers etc.);
    - the proposed access arrangements, including car and bus pick-up/drop- off facilities, and measures to mitigate any associated traffic impacts and impacts on public transport, pedestrian and bicycle networks, including pedestrian crossings and refuges and speed control devices and zones;

- measures to maintain road and personal safety in line with CPTED principles;
  - the proposed car and bicycle parking provision, including end of trip facilities, which must be taken into consideration of the availability of public transport and the requirements of Council's relevant parking codes and Australian Standards;
  - proposed bicycle parking provision, including end of trip facilities, in secure, convenient, accessible areas close to main entries incorporating lighting and passive surveillance;
  - proposed number of on-site car parking spaces for teaching staff and visitors and corresponding compliance with existing parking codes and justification for the level of car parking provided on-site;
  - an assessment of the cumulative on-street parking impacts of cars and bus pick-up/drop-off, staff parking and any other parking demands associated with the existing and proposed development;
  - details of emergency vehicle access arrangements;
  - an assessment of road and pedestrian safety adjacent to the proposed development and the details of required road safety measures;
  - service vehicle access, delivery and loading arrangements and
  - estimated service vehicle movements (including vehicle type and the likely arrival and departure times) ....
- A report tabling how the proposal responds to and upholds the Design Guide for Schools and the Design Quality Principles as per Schedule 4 of the Education SEPP (p.7)

## **Environmental Impact Statement – Transport, Traffic and Parking**

Clause 24.3.5 of the EIS states:

### **“Traffic, Parking and Access Impacts**

This issue is discussed in Section 9 of this EIS.

There are no changes proposed to the existing access arrangements for the College, and the number of on-site and on-street parking spaces will remain unchanged.

The proposal will not result in an increase in student or staff numbers and thus will not generate any additional traffic or parking demand.

A parking and traffic assessment is provided in Appendix 14.”

The EIS provides no critical analysis of Transport, Traffic and Parking stating:

“A Parking and Traffic Assessment is provided in Appendix 14. It concludes ....”

The EIS inclusive of Appendix 14 does provide the Transport and accessibility impact assessment required by the SEARs.

In respect to the EIS [Appendix 14\\_Parking and Traffic Assessment.pdf](#) does not address the Traffic and Parking impacts of the increased GFA. The is not acknowledgement that the proposal has any impact.

It perpetuates Scots modus operandi of increasing the schools GFA without acknowledging that the increased GFA has allowed and always has resulted in increased student numbers.

The unsatisfactory EIS response to traffic and parking requirements of the SEARs is:

“6.1 The proposed development of the Stevenson Library is a refurbishment of an existing facility and does not seek to increase staff or student numbers. Therefore, the development should not impact the existing transport networks.” (Appendix 14, p.3)

“6.4 The proposed development of the Stevenson Library is a refurbishment of an existing facility and does not seek to increase to increase staff or student numbers, or alter the existing car or bicycle parking provisions (refer to Section 4 for details). Therefore, the development should not impact the existing parking and cycling provisions.” (Appendix 14, p.3)

“6.5 The [sic] does not seek to increase staff or student numbers and therefore no changes are required to the existing parking provisions on site (refer to Section 4 for details).” (Appendix 14, p.3)

“6.9 The proposed development does not propose any changes to the existing service vehicle arrangements, as described in Section 4. No increase in staff or students is proposed.” (Appendix 14, p.3)

“The development does not propose any increase in the staff of student numbers, or changes to the existing traffic, transport or parking arrangements currently in place at the college.” (Appendix 14, p.6)

“The project does not propose any increase in the staff or student population, or changes to the existing traffic, transport or parking arrangements currently in place at the college. ... Therefore, the proposed development will have no effect on the external road network within the vicinity of the site.” (Appendix 14, p.32)

#### **“Traffic and Parking Assessment**

The proposed development will not result in any increase in the staff of student numbers, or any changes to the existing access, traffic, transport or parking arrangements currently in place at the college and therefore no traffic or parking impacts will arise as a consequence of this development, other than during construction. The construction traffic management is addressed in Section 6.”

Because Scots' argue the additional GFA will not have any ongoing impacts, section 6 of Annexure 14 only addresses the short-term impacts of the construction traffic, the environmental assessment of transport, traffic and parking impacts within the EIS is prefaced upon statements of present intent that student and staff numbers will not increase “as a result of this proposal”.

This is not an acceptable basis or assumption upon which the environmental impact assessment can proceed. The annual reports of Scots and the My-schools' data demonstrate that student enrolments have exceeded the 1,120 cap for over a decade and have increases annually.

The only notable correlation is that as the GFA of Scots facilities increases, so does the number of students enrolled. The only reasonable assessment approach, is that contemplated by clause 57(a)(i) of *State Environmental Planning Policy (Educational Establishments and Child Care Facilities)* 2017. Development for an educational establishment **able to accommodate** 50 or more additional students, that involves an **enlargement or extension of existing premises**, or new premises, **is traffic generating development**.

It is self-evident, based upon the historic increased in GFA that student enrolments will increase as the space available to fit more students in increases.

This flies in the face of the numerous contentions in the development applications that Scots' has submitted since 2004, where it states every time Scots increases GFA, and in similar words: "student and staff numbers will not increase as a result of this increase in GFA"

A proper environmental assessment of the impacts of further increasing Scots GFA cannot reasonably give any weight to the numerous statements of present intent over more than the last decade and within the EIS and appendix, that student and staff numbers will not increase because of this proposal.

The proposal provides no analysis of Transport, Traffic or Parking at and around the site on the basis that the proposed development will not result in any increase in the staff of student numbers. CSN Inc. do not accept that the statement of present intent in the proper basis for an environmental assessment of the impacts arising from any further increased GFA.

### **Transport**

Clause E1.12.1 of the DCP requires a green travel plan for Educational establishments allowing an additional 100 students. As Scots are already 361 Equivalent Full Time students above the cap and the proposed additional 1,000m<sup>2</sup> plus additional GFA is "**able to accommodate**" a significant increase in the student population.

The proposal must not proceed without a green travel plan. A green travel plan is also considered to be an implicit requirement of meeting the SEAR's ESD requirements.

### **Parking**

Woollahra Development Control Plan 2015 (DCP) requires that Educational establishments provide 1 parking space per 100m<sup>2</sup> of GFA. For every 50 space a disabled space is required.

Adopting the 28,883m<sup>2</sup> GFA in the 2013 Master Plan and the additional 704m<sup>2</sup> of GFA under this proposal, the total proposed GFA is 29,587m<sup>2</sup>.

The DCP requirement is 296 parking space across the Victoria Road Campus.

The EIS states that 62 parking spaces are provided at the eastern side of Victoria Road. We believe that there are 41 parking spaces at the western side of Victoria Road providing a total of 103 parking spaces upon the Victoria Road Campus.

There is on the above basis, an existing parking short fall of 296 parking spaces.

The key points from the EIS are:

- The EIS states there are 62 on-site parking spaces in the Victoria Road East Precinct (there is no parking plan showing the location of the claimed spaces).
- All student drop-off/pick-up occurs on the adjoining public roads.
- There are no improvements to, or increase in, onsite parking "3.8 Vehicular Access and parking No changes are proposed to the existing vehicular access points to the site or to the existing on-site parking arrangements, all as described in the Parking and Traffic Assessment in Appendix 14."

Unless Scots achieve a phenomenal modal split favouring public transport, which again is not detailed by the EIS or Appendix 14, the staff demands for parking setting aside any student demands would easily out strip the 62 Parking spaces provide, forcing staff parking onto the local streets, along with all student parking.

The existing shortfall of 296 parking spaces even without the breach of the cap, externalises the parking impacts upon the neighbouring roads.

## Determination

The DPE can:

1. Recommend to the PAC that the proposal be refused:
  - a. the EIS and supporting reports have not adequately addressed the SEARs. The EIS does not provide an adequate Masterplan. The Traffic and Parking report fails to adequately address existing and proposed transport, traffic and parking impacts or adequately address how these impacts will be managed as required by the SEARs.
  - b. the impacts of any further increase in GFA are unacceptable given the existing traffic and parking impacts associated with ongoing breaches of the 1,120-student cap at Scots' Victoria Road campus (both the eastern and western sides of Victoria Road) and the shortfall in on-site parking. The cumulative impacts of increasing the GFA of the campus without adequately addressing transport, traffic and parking impacts cannot continue unchecked and Scots cannot reasonably argue there will be no increase in student or staff numbers.
  - c. The EIS relies heavily upon statements of present intent that this further proposal "will not increase staff or student numbers" but seeks to increase the schools GFA. The proposed increase in the GFA cannot be accepted as these new facilities are, by the applications own nature, necessary to provide facilities to support the existing student population, which breaches the existing 1,120 students permitted upon the Victoria Road campus permitted under development consents granted by Woollahra Municipal Council, DA528/2005/1 dated 22 May 2006 and DA545/2005/1 5 March 2007".
  - d. Pursuant to clause 57(a)(i) of State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017 development for an educational establishment **able to accommodate** 50 or more additional students, that involves an enlargement or extension of existing premises, or new premises, is traffic generating development. The traffic and parking report does not address this requirement.
  - e. The EIS does not demonstrate that Transport, Traffic and Parking impacts are acceptable.
  - f. There is a significant short fall in required onsite parking.
2. Recommend to the PAC that the proposal be approved despite our objections above and by others:
  - a. Subject to a deferred commencement condition that the consent is not to operate until the applicant satisfies the Planning Secretary, in accordance with the regulations, as to any matter specified in the following condition.

The deferred commencement condition should be imposed as follows:

“Pursuant to section 4.16(3) of the *Environmental Planning and Assessment Act* 1979 this consent is deferred and does not operate until The Scots College or The Presbyterian Church (New South Wales) Property Trust have satisfied the Planning Secretary that the maximum number of students enrolled upon The Scots College, Victoria Road Campus (both eastern and western sides of Victoria Road) does not exceed the maximum 1,120 student cap permitted under development consents granted by Woollahra Municipal Council, DA528/2005/1 dated 22 May 2006 and DA545/2005/1 5 March 2007”.

We submit the proposal should be refused.

We submit, if it is not refused, that any approval should be subject to the deferred commencement condition above. In the circumstances of this application and the DPE assessment, if Scots are genuine in their statement that “No increase in staff or students is proposed”, this statement can only be read to mean no increase beyond the 1,120 student cap that is lawfully allowed by the exiting development consents being, no increase beyond 1,120 students.

Please don't hesitate to contact me on 0408 463 714 or by email [brett@daintry.com.au](mailto:brett@daintry.com.au).

Yours faithfully,

A handwritten signature in blue ink, appearing to read 'Brett Daintry', with a long horizontal flourish extending to the right.

Brett Daintry, MPlA, MAIBS, MEHA  
Director