

Date

The Scots College Application SSD 17\_8922

Location: 29-53 Victoria Rd, Bellevue Hill. Sydney 2023

My Name is: Dr Sam Goldman

Address: 28 Kambala Rd, Bellevue Hill. Sydney 2023

Email: [elsamgol@bigpond.net.au](mailto:elsamgol@bigpond.net.au)

Mobile: 0419 608 622

Submission:

I oppose this development project, applied for by The Scots College (TSC) on the basis that the development application does not include any traffic safety consideration, such as a drive through drop off, additional onsite parking over and above the 103 it claims to have on site. This application shows disdain for the residents surrounding TSC, who have been advocating for onsite traffic infrastructure for the past seven years. Scots is treating the residents with disdain.

According to Woollahra Municipal Council (WMC) codes the current number of onsite parking should be well over 300 car spaces. So TSC already falls short by at least 197 onsite spaces.

Compare this application with the recent Development Application SSD 8812 from Cranbrook School, a school on the same Victoria Rd less than 400m from TSC. Cranbrook has shown respect for the amenities of its neighbours by including an onsite drive through from Victoria Rd to New South Head Rd as well as an underground 126 Car Park.

Background:

TSC must be looked at as a whole. It is shown as such on page 13 of the Parking & Traffic assessment, occupying four campuses

(Victoria Rd, Ginagullah Rd, two on Mansion Rd), in close proximity to one another in the Bellevue Hill suburb, amidst a large residential area.

The impact of this application will further affect traffic surrounding all four sites, will further affect residents amenities throughout Bellevue Hill and will result in an increase of the chaos and danger to students and residents.

History:

The 2017 TSC Annual Report claims to have 1306 senior students on Victoria & Ginagullah campuses but omits to include years 5 & 6 (207 junior students approx) that also have their schooling on these two campuses. This makes a total of 1513 (Annual Report 2017) students on these two sites.

The junior school (Mansion Rd has two campuses) has 497 students (Annual Report 2017).

Total School Student numbers 2010

As the WMC Cap on student numbers for TSC is 1620 (1120 senior and 500 junior) in total, it shows the TSC is in Breach of WMC codes by 390 students.

If we include teachers and supporting staff, that make up 338 (on basis of .81 cars per teacher these alone require 273 car spaces) extra persons on sites we have a total of 2348 persons accessing and departing from TSC twice daily.

Over the past ten years the student numbers have risen from 1620 to 2010. Teaching staff have risen from 180 to 338. A total increase of some 548 persons.

However over the past ten years the off road parking provisions provided by TSC have remained relatively unchanged (103 as previously noted.)

How were these 390 (ostensibly illegal) students enrolled without WMC or the Roads & Maritime Services being informed.

Simply by WMC being duped by TSC when applying for every DA over the last twenty years. The duplicity was this text included in each DA claiming in various but similar forms, “ the proposed development does not seek to increase staff or student numbers. Therefore, the development should not impact the existing transport network”.

The following DAs include such a text:

DA 528/2004 “The school population will not increase”.

DA 545/ 2005 “ There is no alteration to access arrangements, parking and no traffic increase, as there is no increase in student numbers”.

DA 758/2008 “The application does not propose any increase in student numbers, nor is there any projected increase anticipated in the future”.

DA546/2011 “ To remove any doubt, there will be no increase in numbers of students or staff of The Scots College as a result of the proposal”.

This DA 546/2011, was refused by WMC and refusal was challenged in L&E Court by TSC. The following was the courts verdict.

(The Presbyterian Church (New South Wales) Property Trust v Woollahra Municipal Council [2014] NSWLEC 1218

**Catchwords:**

PARKING AND TRAFFIC: drop-off and pick-up arrangements for a primary school; impacts on local residents; risk to pedestrians CHILD SAFETY: persistent failure by parents to observe safe behaviours during pupil drop-off and pick-up; ignoring by parents of school requests to observe safe behaviours; risks to young children and adults; risks to residents; unacceptability of present behaviours; no certainty development would not lead to increase in use of drop-off and pick-up arrangements and thus of exposure of children to present risks even assuming no increase in risky behaviours; preventative approach needed in light of potential consequences EVIDENCE: unsworn evidence given during a site inspection; weight to be given the same as if evidence given in court subject to relevance; no inference to be drawn by failure of development proponent to cross-examine objectors during evidence given on site PRECAUTIONARY PRINCIPLE: prerequisite/threshold questions; satisfaction of first prerequisite/threshold question but not of second; taking of preventative approach; response proportionate to risk PLANNING PRINCIPLES: review of planning principles by Commissioners; confirmation of the planning principles in Randall Pty Ltd v Leichhardt

Council [2004] NSWLEC 277 and Vinson v Randwick Council [2005] NSWLEC 142; (2005) 141 LGERA 27

S96- DA 545/2011 “To be clear there is no intension as part of this application to increase student numbers”.

This DA S96 545/2011, was also refused by WMC and again challenged in L & E Court by TSC. The following was the Courts verdict.

**The Presbyterian Church (New South Wales) Property Trust v Woollahra Municipal Council [2015] NSWLEC 1245**

**Land and Environment Court  
New South Wales**

- |                 |
|-----------------|
| Amendment notes |
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**Medium Neutral Citation:**

**The Presbyterian Church (New South Wales) Property Trust v Woollahra Municipal Council [2015] NSWLEC 1245**

**Hearing dates:**

27, 28 October and 3 November 2014 and 1 December 2014

**Decision date:**

Dixon C

Orders in proceedings no 14/10335:

1. The appeal is dismissed.
2. Modification application DA no 528/2004 dated 22 May 2006 is refused consent.
3. The exhibits are

Orders in proceedings no 14/10336:

1. The appeal is dismissed.
2. Modification application DA no 545/2005 dated 12 March 2007 is refused consent.
3. The exhibits are returned.

**Catchwords:**

MODIFICATION APPLICATION – modification of condition of development consent limiting maximum number of students at School – application to increase maximum students enrolled at the School - jurisdiction – substantially the same — merit assessment - traffic and amenity returned impacts



SSD-17\_8922 November 2017, in fact this current State Planning DA includes similar clauses:

1.3 SEARS, page 3, Table 1 includes similar clauses (no increase....) no less than nine times.

Point 3. Proposed Development , page 6, figure 3 also has similar “no increase.....” clause.

Point 5. Page 23, The Traffic Assessment also claims: “ The proposed will not result in any increase in 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”.

History clearly shows that student numbers have increased year by year following the above DAs that have been approved, resulting in this large breach of WMC codes by TSC.

More duplicity is illustrated in the SSD-17\_8922 application, involving traffic.

Page 8 shows photos of traffic on various streets surrounding TSC. These photos show roads devoid of traffic.

The reality is shown in these photos showing the same these same roads, taken Friday 21<sup>st</sup> September 2018 between 8-9 am.

Table 2 New South Head Rd Westbound towards Victoria Rd, figure 5



Table 3 Victoria Rd southward towards Cranbrook Rd, figure 6







Table 4 Cranbrook Rd towards Cranbrook Lane, figure 7



Table 5 Cranbrook Lane towards site access, figure 8

## Lack of Traffic Safety:

Included are photos of the illegal actions taken of vehicles o.  
Outside the school in both Ginagullah and Victoria Roads



Stopping at bus stop to dropoff student on Victoria Rd in front of school.



Ginagullah Rd dropping off at traffic light





U turn on Victoria Rd, across double lines after dropping off at bus stop.

These and many more illegal driving acts are daily events outside a TSC, simply due to the fact that parents do not have infrastructure that offers them safe onsite options.

Request:

It is my request that State Planning refuse this application until TSC constructs adequate, safe, onsite infrastructure for parking and for dropoff.

Buses should be catered in roadside inset bay.

Sincerely,

Dr Sam Goldman