

12 May 2016

**Our Ref:** 13-120

**Nick England (Development Planner)**

Warringah Council  
725 Pittwater Road,  
Dee Why NSW 2099

By email: [nicholas.england@warringah.nsw.gov.au](mailto:nicholas.england@warringah.nsw.gov.au)

Dear Nick,

**RE: 2015SYE103 DA - STAGED DEVELOPMENT AT JOHN COLET SCHOOL - RESPONSE TO DRAFT CONDITIONS FOR DA2015-0558**

We refer to the abovementioned development application and Council's draft conditions that have been prepared for the Sydney East Joint Regional Planning Panel (JRPP) meeting on 18 May 2016.

Council's report recommends approval of the development, subject to conditions of consent.

Our client supports the approval recommendation, however, has identified various matters that are considered necessary to be addressed to ensure the development may proceed in an appropriate manner.

As such, it is respectfully requested that Conditions 5, 6(b), 6(d), 7 and 22 be reviewed and amended or deleted as described in the sections below.

1. Condition 22

Condition 22 is as follows:

*"22. Construction of Path from pedestrian crossing to path leading to Wyatt Reserve Public toilet building*

*A path of approximately 90m long and 2m wide built to Warringah Council's Minor Engineering Works Specification is to be built by the applicant and inspected and certified by the Council's Roads Assets team prior to issue of the Occupation Certificate."*

This condition was a recommendation of the referral from the Council's Parks, Reserves, Beaches, Foreshore Officer.

We made a detailed submission on this referral and recommendation to construct the footpath in our response to submissions and referrals on 24 September 2015. This submission has not been addressed in the Council's assessment report and the content relevant to the subject matter is provided below for the Panel's information.

*"Council's Parks, Reserves and Foreshores Referral recommends approval with a recommended that a condition of consent be applied for the applicant to construct a concrete pathway to connect the pedestrian crossing to the path to Wyatt Ave Reserve public toilets.*

*This recommendation is on the basis of "significant wear along this route caused by students crossing from the John Colet School to the reserve". This recommendation to construct the full path is unreasonable for the following reasons:*

*\* JCS has advised that it does not use the public toilets or adjacent facilities;*

*\* JCS has advised that use of the reserve is limited to a booking of 14 hours per week but a usage of only 8.25 hours per week;*

*\* JCS is not the sole user of this community facility;*

*\* The path of travel taken by the staff and students at JCS is directly from the crossing to the break in the fence as shown in the figure below and not a path of travel for the full length of the frontage of the reserve to the toilets;*

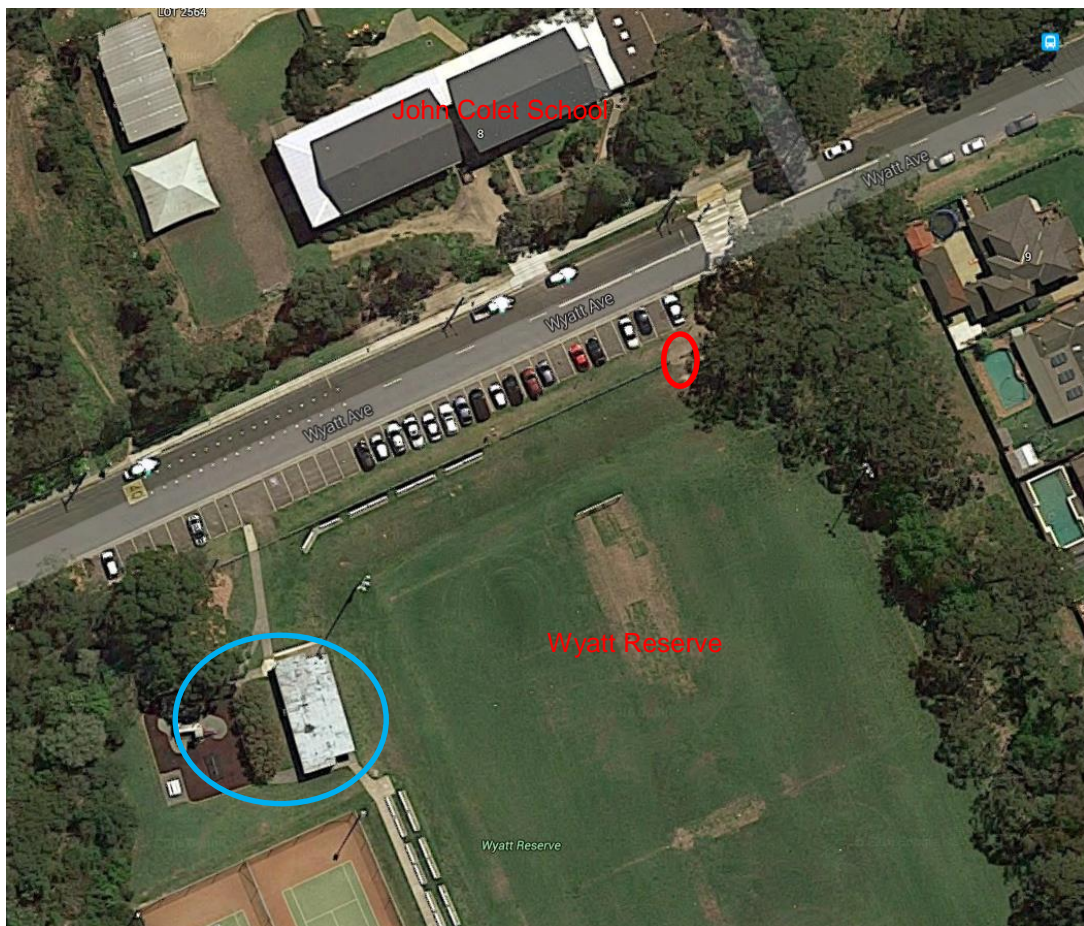


Figure 1 Aerial view of the interface between JCS and Wyatt Reserve, the break in the fence used by students to access the reserve circled in red and the reserve toilets circled in blue (Source: Google maps)

\* *The proposal is for a staged development. A requirement to construct the aforementioned footpath prior to the issue of an occupation certificate (OC) for Stage 1 (which is the only OC which can be issued for the subject application), is onerous given the staged increase in student numbers proposed for Stage 1;*

\* *As set out in the DA documentation, JCS's usage of Wyatt Reserve will remain unchanged as a result of the staged development; and*

\* *This issue was not raised at the pre-lodgement meeting with Council or subsequent written pre-lodgement advice from Council.*

*Given the existing and proposed staged development at JCS does not solely create the demand for the construction of the recommended footpath, and given the works do not appear to be specifically reflected in Council's Section 94A Plan ("Schedule of Works") and a part-contribution cannot be "conditioned" in a consent, it would be unreasonable for Council to adopt the recommendation of this referral."*

In addition to the first point in the list above, we note the following:

- John Colet School's bookings of the reserve accounts for only 9.7% of the time that it is available for use; and
- We have been advised by John Colet School that if students need to use a toilet, they return to the school to use the school facilities. On the odd occasion, if there was a child who was required to use the public toilet in an emergency, the path of travel would not be along the street frontage of the reserve where Council is requiring the path to be constructed. It would be a direct path of travel from the reserve to the toilet.

On the basis of the above, we request that Condition 22 be deleted.

## 2. Condition 5 - Staged Development Consent - Future Stages

Condition 5 is as follows:

### *"5. Staged Development Consent - Future Stages*

*Development application/s are to be lodged for the construction of Stages F to Q, as approved by Plan Number JC/IN - DA/DWG 1000 Rev D dated 14 December 2015 and prepared by Templum Design Architects.*

*Reason: To ensure consistency with the approved Masterplan under this Staged development consent (DACPLBOC1)"*

There are some inconsistencies throughout the assessment report regarding the scope of the subject application and draft consent. In some sections there are references made to, and an assessment of, the future stages and increase in student numbers from 285 (proposed Stage 1) to 350 (ultimate future stages). There are other sections of the report which note that the consent does not relate to the future stages beyond Stage 1, which undermines the intent of a staged DA generally and the concept plan for which approval is being sought.

To clarify, consent is being sought for a staged development including the concept plan and the detailed design and construction of Stage 1 buildings, along with an increase in student numbers to 285. Consent is also being sought for the remainder of the concept (future stages F to Q) and a future increase in student numbers for those future stages of the concept to a maximum of 350 students. Concept plans including indicative building envelopes were submitted to Council for future stages F to Q. Subsequent DAs will need to be lodged for

Stages F to Q for the **detailed design** of the concept plans for those stages, along with the increase in student numbers from 285 (Stage 1) to 350.

To this end, and to avoid any ambiguity in condition 5 which only refers to the overall concept masterplan, we request that condition 5 be amended to clearly refer to the concept plans for future stages F to Q as follows:

*"5. Staged Development Consent - Future Stages*

*Development application/s are to be lodged for the construction of Stages F to Q, as approved by Plan Number JC/IN - DA/DWG 1000 Rev D dated 14 December 2015 and prepared by Templum Design Architects and consistent with the concept plans for these stages as follows:*

*\* Plan Number JC/IN - DA/DWG 1120 rev A dated 21 May 2015*

*\* Plan Number JC/IN - DA/DWG 1121 rev A dated 21 May 2015*

*\* Plan Number JC/IN - DA/DWG 1130 rev A dated 21 May 2015, as it relates to Stage J only.*

*\* Plan Number JC/IN - DA/DWG 1140 rev A dated 21 May 2015*

*\* Plan Number JC/IN - DA/DWG 1170 rev A dated 21 May 2015"*

*Reason: To ensure consistency with the approved Masterplan and Concept Plans for "Future Stages" under this Staged development consent (DACPLBOC1)"*

Of course, in granting consent to the subject staged development, Council is only granting consent to the indicative envelopes and concept of stages F to Q and a total of 350 students. These aspects of the concept plan will be subject to future stage DAs for the detailed design of those buildings and a formal request for an increase in student numbers from 285 to 350.

All of the above was detailed in the scope of the original DA submission made to the Council.

### 3. Condition 7 - Student and Staff Numbers

Condition 7 is below:

*"7. Student and Staff Numbers*

*Staff and students numbers are limited in this consent to a maximum of 285 students and 28 staff.*

*Consent for a maximum of 350 students and 30 staff is provisional only and dependent on further development application/s for work stages F to Q.*

*Reason: To ensure compliance with the provisions of the approved Masterplan (DACPLBOC2)"*

Condition 7 is ambiguous and in our view, does not appropriately reflect the scope of works for which consent is being sought.

The "consent" referred to above refers to the entire staged development and not simply Stage 1. As noted in Section 2 above, consent is being sought for a maximum of 350 students and a

concept masterplan for the site. Approval is **also** being sought under this DA for Stage 1 of the concept which is for two (2) new classrooms and 285 students.

To avoid any ambiguity in Condition 7, we request that it be amended as follows:

*"7. Student and Staff Numbers*

*Staff and students numbers are limited in this consent to a maximum of 350 students and 30 staff as follows:*

*\* Stage 1 (A, C, D & E): approval for a maximum of 285 students and 28 staff*

*\* Future Stages (F to Q): conceptual approval for a maximum of 350 students and 30 staff.*

*Consent for an increase of students from 285 to 350 and staff from 28 to 30 is subject to the approval of a future stage DA(s) for the construction of the "Future Stages" .*

*Reason: To ensure compliance with the provisions of the approved Masterplan (DACPLBOC2)"*

4. Condition 6 - Parking Spaces

Condition 6 is below:

*"6. Parking Spaces*

*An amended parking / access plan is to be provided in the next application relating to the Staged consent, which demonstrates that:*

*a) all car spaces have dimensions to satisfy the provisions of the relevant Australian Standards;*

*b) a passing bay can be provided on-site that eliminates any potential queuing of vehicles entering the site from Wyatt Avenue;*

*c) one-way road system for the road north of staff common area; and*

*d) re-design of vehicle spaces 18, 19 and 20 to facilitate adequate vehicular movements consistent with relevant Australian Standards.*

*Reason: Ensure adequate vehicular parking and access to the site (DACPLBOC2)"*

We have no objection to conditions 6(a) or (c).

We request that Conditions 6(b) and 6(d) be deleted based on feedback from the project traffic engineers, McLaren Traffic Engineering. Refer to Appendix 1 for the justification for requesting that these conditions be deleted.

5. Summary

To summarise the above, we request that the Council gives consideration to the following:

- Amend Conditions 5 and 7 to remove any ambiguity and to better reflect the scope of development for which consent has been sought for;



- Deletion of Conditions 6(b) and 6(d) based on the attached submission from McLaren Traffic Engineering; and
- Deletion of Condition 22 as this requirement is considered to be unreasonable.

We trust that the above information is satisfactory but we would be happy to discuss any of the above at your convenience.

It would be greatly appreciated if the above comments could be taken into consideration prior to the JRPP meeting so that they may be addressed as part of the JRPP determination.

In the event that you have any enquiries, please do not hesitate to contact Mel Krzus (Associate Director) on 8270 3500.

Yours Sincerely,

A handwritten signature in black ink, appearing to be 'David Ryan', with a stylized loop and a trailing line.

**David Ryan**  
Executive Director

Cc: [jrppenquiry@jrpp.nsw.gov.au](mailto:jrppenquiry@jrpp.nsw.gov.au)

[Angela.Kenna@planning.nsw.gov.au](mailto:Angela.Kenna@planning.nsw.gov.au)



## Appendix 1

### Submission from McLaren Traffic Engineering



## M<sup>C</sup>LAREN TRAFFIC ENGINEERING

Address: Shop 7, 720 Old Princes Highway Sutherland NSW 2232  
Postal: P.O Box 66 Sutherland NSW 1499

Telephone: +61 2 8355 2440  
Fax: +61 2 9521 7199  
Web: [www.mclarenttraffic.com.au](http://www.mclarenttraffic.com.au)  
Email: [admin@mclarenttraffic.com.au](mailto:admin@mclarenttraffic.com.au)

Division of RAMTRANS Australia ABN: 45067491678

Transport Planning, Traffic Impact Assessments, Road Safety Audits, Expert Witness

12th May 2016

Reference: 15256.04FA

John Colet School  
6 Wyatt  
Belrose NSW 2085  
Attention: Christine Condos

**RESPONSE TO COUNCILS JRPP ASSESSMENT REPORT OF  
JOHN COLET SCHOOL  
AT 6 WYATT AVENUE, BELROSE**

Dear Christine,

Reference is made to Warringah Council's report to the Joint Regional Planning Panel. A number of Council's comments in regards to their assessment of the application are disputed as outlined below:

**Condition 6(b)**

Condition 6(b) requires a passing bay. The traffic flow for onsite car parking is largely tidal (one direction) and that it is consistent with internal road safety to endorse the one lane width to the 90 degree car park offset by some 34m from the front boundary at which point two way passing is available. Clause 3.2.2 of AS2890.1:2004 is reproduced in full below:

*"Where the circulation roadway leading from a category 1 driveway is 30m or longer, or sight distance from one end to the other is restricted, and the frontage road is an arterial or sub-arterial road, both the access driveway and the circulation roadway for at least the first 6m from the property boundary shall be a minimum 5.5m wide. In other cases subject to consideration of traffic volumes on a case-by-case, lesser widths, down to a minimum 3.0m at a domestic property may be provided. As a guide, 30 or more movements in a peak hour (in and out combined) would usually require provision for two vehicles to pass on the driveway, i.e. a minimum width of 5.5m. On long driveway, passing opportunities should be provided at least every 30m. Reversing movements to public roads shall be prohibited wherever possible."*

The sight distances from the entry driveway to the passing location approximately 34m into the site is excellent. In fact, the sight distance from the entry driveway to the internal loop road is some 80m. Whilst the passing opportunity is approximately 34m into the site, and not within the 30m recommended by Clause 3.2.2, it is considered adequate for the following reasons:

1. Wyatt Avenue is not an arterial or sub-arterial road, and thus it is not mandatory to provide the 5.5m at the property boundary.
2. Tables 3.1 & 3.2 of AS2890.1 permit a driveway width of 3.0m to 5.5m for car parks containing User Class 1/1A, containing 30 car spaces fronting a local road.
3. As outlined, the traffic volumes are tidal (i.e. majority inbound during the morning when school starts and majority outbound during the afternoon when school finishes), which should be considered as directed by Clause 3.2.2 stating *"in other cases subject to consideration of traffic volumes on a case-by-case basis, lesser widths, ....may be provided"*

It is therefore recommended that Condition 6(b) be deleted.



**Condition 6(d)**

The site has constraints that restrict the ability to construct typical hardstand car parking modules. Due to the constrained nature of the site, as well as consideration of on-site parking being for long term parking (i.e. staff as per User Class 1A), a vehicle's requirement to undertake 2 to 3 manoeuvres to enter or exit a car space is considered acceptable. The need for 2 to 3 manoeuvres for entry or exit from a car space is not so adverse to render these car bays as being unusable but should be endorsed in these circumstances as they are

1. Allocated to individual staff members who are regular users.
2. The staff bays are by their nature and use defined as very low turnover (by being entered at the start of the day and vacated at the end of the day, equivalent to 2 trips per day per bay).
3. The low traffic speed / low traffic volume / up to 3 access manoeuvres for all of the onsite staff parking bays are consistent with the intention to reduce traffic speed and volume and thereby maximising internal road safety conditions which places at its focus the primary pedestrian core nature of the school grounds.
4. It would be inconsistent with safe practices to redesign the internal car park and access thereto that puts traffic flow efficiency ahead of road safety outcomes.

Condition 6 on page 37 requires "*re design of vehicle spaces 18, 19 and 20 to facilitate adequate vehicular manoeuvring movements consistent with relevant Australian Standards.*" AS2890.1:2004 Appendix B, B4.8 states that "*...recognizes that such developments will have low turnover and users generally prepared to accept some inconvenience when entering or leaving the parking space....will need to make a 3 point turn if the manoeuvring space is the minimal allowable. Some very large vehicles may need to make a 5 point turn.*"

The swept path testing, provided in **Annexure A** (as previously supplied to Council in our letter dated 25<sup>th</sup> September 2015) does not exceed 5 manoeuvres in total, thus being within the AS2890 recommendation for Use Class 1A (which includes employee parking). Whilst manoeuvring into and out of some car parking bays goes beyond the compacted area of the surface road, these areas are generally described as low level grasses and vegetation. If necessary, localised widening of the loop road could be provided where necessary.

It is therefore recommended that Condition 6(d) be deleted.

Please contact the undersigned should you require further information or assistance.

Yours faithfully

**McLaren Traffic Engineering**



**Craig McLaren**

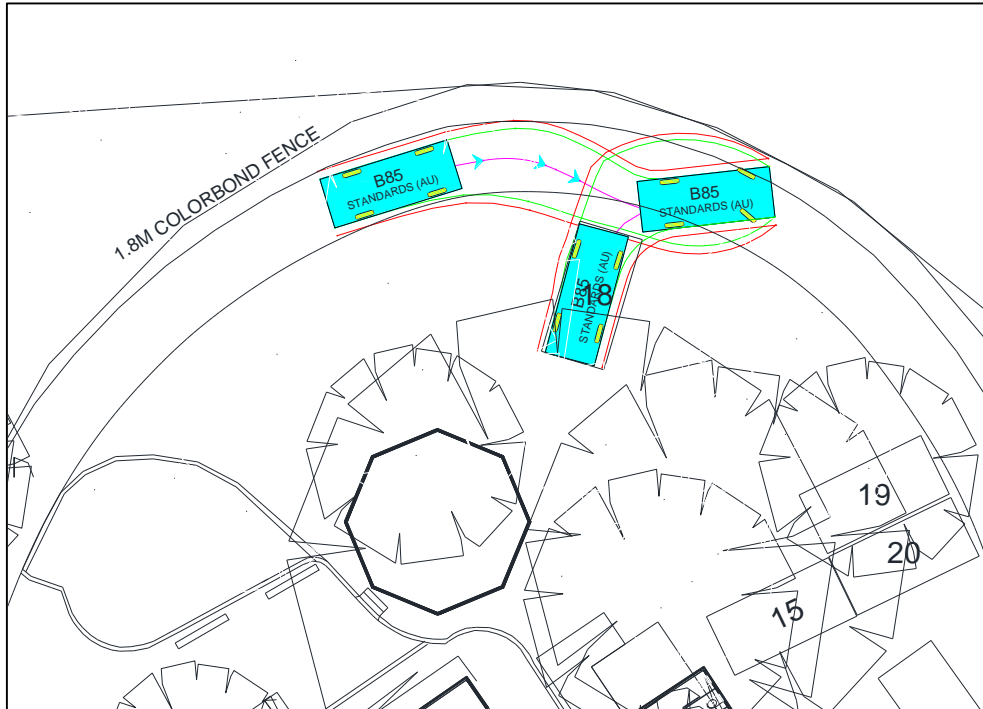
**Director**

BE Civil. Graduate Diploma (Transport Eng) MAITPM MITE [1985]

RMS Accredited Level 3 Road Safety Auditor

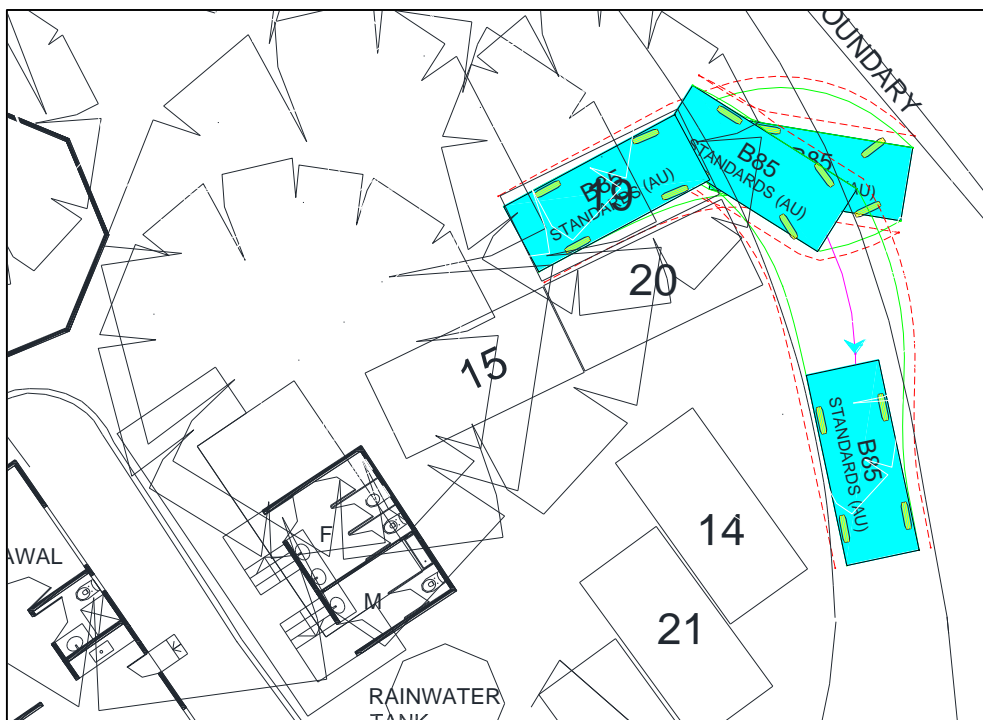
RMS Accredited Traffic Control Planner, Auditor & Certifier (Orange Card)

**ANNEXURE A: SWEEP PATHS (SHEET 1 OF 3)**



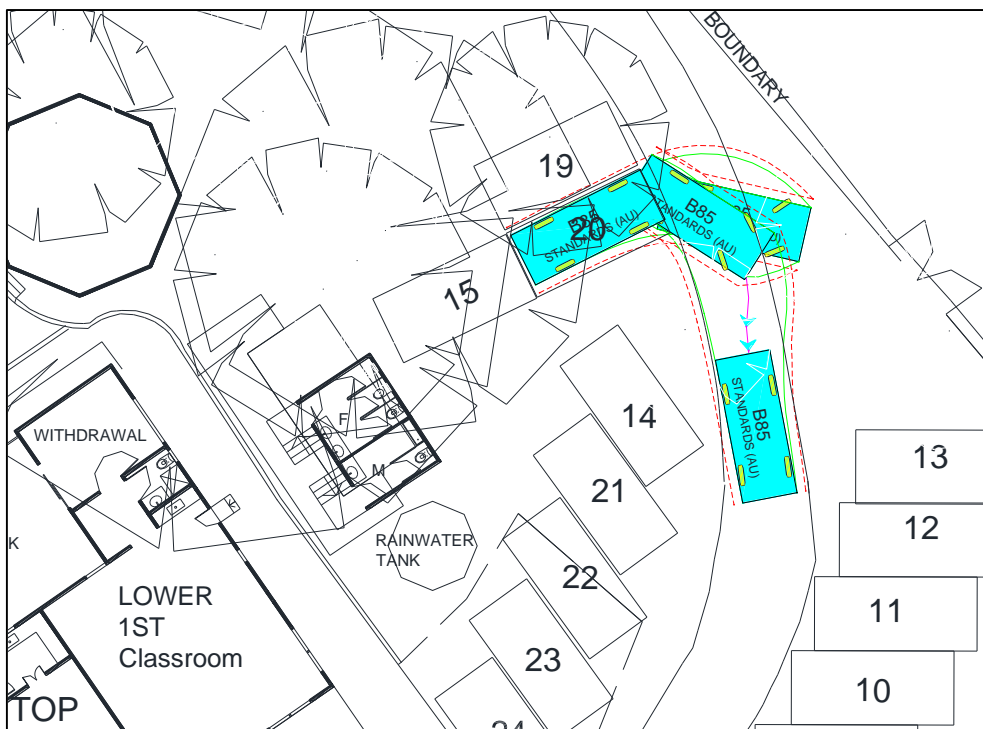
**SPACE 18 B85 ENTRY AND EXIT**  
**5KM/H, SUCCESSFUL**  
**2 MOVEMENT ENTRY / 3 MOVEMENT EXIT**  
**GREEN – VEHICLE BODY**  
**RED – 300MM CLEARANCE**

**ANNEXURE A: SWEEP PATHS (SHEET 2 OF 3)**



**SPACE 19 B85 ENTRY AND EXIT**  
**5KM/H, SUCCESSFUL**  
**2 MOVEMENT ENTRY / 3 MOVEMENT EXIT**  
**GREEN – VEHICLE BODY**  
**RED – 300MM CLEARANCE**

**ANNEXURE A: SWEEP PATHS (SHEET 3 OF 3)**



**SPACE 20 B85 ENTRY AND EXIT**  
**5KM/H, SUCCESSFUL**  
**2 MOVEMENT ENTRY / 3 MOVEMENT EXIT**  
**GREEN – VEHICLE BODY**  
**RED – 300MM CLEARANCE**