

Campbelltown City Council

Ref: Bardia Public School – 2017SSW030DA
Memo to: Sydney Planning Panel (Sydney Western City)
From: Luke Joseph – Senior Development Planner – Campbelltown City Council
Subject: Modifications to recommended conditions of consent

13 November 2017

At the request of the NSW Department of Education, Council staff met today with representatives of the Department, to discuss the Panel's concerns regarding safe access to the school, as well as the Department's concern with the timing of a proposed condition of consent requiring the execution of a Memorandum of Understanding/Deed of Agreement between the Department and Council.

As a result of these discussions, the Department of Education has put forward five modifications/additions to the recommended conditions of consent, all of which Council agrees to. The updated recommended conditions of consent are attached, with the new or modified conditions in red.

These proposed modifications are listed below:

Condition 13 – Workplace Travel Plan (modification – changes in red)

The Bardia Public School Workplace Travel Plan shall be provided to all staff, students and parents attending the school and shall be updated annually for the first 5 years of the operation of the School after completion of the works, and thereafter as necessary.

Comment: The Department has committed to updating their Workplace Travel Plan so as to account for changes to roads within the Bardia estate as the suburb develops over time.

Condition 15A Traffic lights (new condition)

The Department of Education shall ensure that the traffic lights at the intersection of the (new) Macdonald Road and Arthur Allen Drive, Bardia are operational prior to the opening of the new School.

Comment: The addendum report to be considered by the Panel states:

“Council cannot reasonably impose a condition of consent requiring the intersection of Arthur Allen Drive and Macdonald Road to be signalised prior to the opening of the new school, as this action would not be within the applicant's capacity to satisfy.”

However, as of today, the Department of Education appears to have secured an informal agreement with NSW Roads and Maritime Services to allow the installation of traffic signals at the intersection of (new) Macdonald road and Arthur Allen Drive. The Department has sufficient confidence in this agreement that it has requested that the signalisation of the intersection be included as a condition of consent to be satisfied prior to the opening of the new school. Accordingly, whilst Council's addendum report states that the signalisation of the intersection would not be within the applicant's capacity to satisfy, it would now appear

that due to discussions between the Department of Education and NSW Roads and Maritime Services having taken place, this outcome is within the applicant's capacity to satisfy.

Condition 15B Traffic Calming/Pedestrian Refuge (new condition)

The Department of Education shall pay for Council to install a Traffic Calming/Pedestrian Refuge device on Arthur Allen Drive, adjacent to the School and north of the School's bus bay.

Comment: The installation of a traffic calming/pedestrian refuge device on Arthur Allen Drive would assist pedestrians to safely access the school from the southeastern part of Bardia.

Condition 19 Memorandum of Understanding (Reworded and relocated from prior to commencement to prior to completion – see below)

Condition 51A Deed of Agreement

Prior to occupation, the Memorandum of Understanding between Council and the Department of Education (document no. DOC 17/826303) shall be converted to a Deed of Agreement for the provision of infrastructure associated with the school and shall be executed by the Department.

Comment: The Department has requested that the execution of the Memorandum of Understanding/Deed of Agreement between the Department and Council regarding the provision of car parking, access and drop-off/pickup areas associated with the proposed school take place prior to the occupation of the new school, rather than prior to the commencement of works. The reason for this is that legal and administrative reviews of the document could be lengthy and would therefore delay the commencement of construction works. Council considers this request to be reasonable. Accordingly, condition 19 has been deleted from the recommended conditions of consent and replaced with condition 51A.

The Department has also reworded the proposed condition so that it refers to a Deed of Agreement instead of a Memorandum of Understanding, which is a more appropriate legal document considering the scope of the works proposed.

Conclusion

On the basis that the conditions within this memo are adopted, Council is satisfied that upon the opening of the new School, safe access to the school would be available.

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Campbelltown City Council