

COUNCIL ASSESSMENT REPORT

Panel Reference	PPSSEC-151
DA Number	DA/40/2020/A
LGA	Randwick City Council
Proposed Development	S4.55 (2) Modification Application of approved development to amend condition 24 (d) so that the school is required to discourage students driving to school on weekdays rather than prohibiting it.
Street Address	18-20 Stanley Street, Randwick
Applicant/Owner	The Emanuel School
Date of DA lodgement	20 July 2021
Total number of Submissions	• Twelve (12)
Number of Unique Objections	• Twelve (12)
Recommendation	Approval
Regional Development Criteria (Schedule 7 of the SEPP (State and Regional Development) 2011	Clause 123BA(2) of the Environmental Planning and Assessment Regulation 2000 – (s4.55(2) modification which proposes to amend a condition of development consent that was not recommended in the council assessment report but which was added by the panel).
List of all relevant s4.15(1)(a) matters	<ul style="list-style-type: none"> • State Environmental Planning Policy (Educational Establishments and Child Care Centres) 2017 • Randwick Local Environmental Plan 2012 • Randwick Development Control Plan 2013
List all documents submitted with this report for the Panel's consideration	<ul style="list-style-type: none"> • SEE/S4.55(2) Modification Letter • Draft Operational Transport Management Plan (OTMP) • Draft Green Travel Plan (GTP) • Applicant's Legal Advice • Council's Traffic Committee Minutes – Meeting of 24 Nov 2021
Clause 4.6 requests	N/A
Summary of key submissions	<ul style="list-style-type: none"> • Traffic and parking concerns; • The reasons for the imposition of the original condition; • Concerns regarding the Operational Transport Management Plan and Green Travel Plan; • Concerns regarding the legality of the condition; • Actions of the School to date; and • Errors in the application documentation.
Report prepared by	Angela Manahan
Report date	11 November 2021

Summary of s4.15 matters

Have all recommendations in relation to relevant s4.15 matters been summarised in the Executive Summary of the assessment report?

Yes

Legislative clauses requiring consent authority satisfaction

Have relevant clauses in all applicable environmental planning instruments where the consent authority must be satisfied about a particular matter been listed, and relevant recommendations summarized, in the Executive Summary of the assessment report?

Yes

e.g. Clause 7 of SEPP 55 - Remediation of Land, Clause 4.6(4) of the relevant LEP

Clause 4.6 Exceptions to development standards

If a written request for a contravention to a development standard (clause 4.6 of the LEP) has been received, has it been attached to the assessment report?

Not applicable

Special Infrastructure Contributions

Does the DA require Special Infrastructure Contributions conditions (S7.24)?

Note: Certain DAs in the Western Sydney Growth Areas Special Contributions Area may require specific Special Infrastructure Contributions (SIC) conditions

Not applicable

Conditions

Have draft conditions been provided to the applicant for comment?

Note: in order to reduce delays in determinations, the Panel prefer that draft conditions, notwithstanding Council's recommendation, be provided to the applicant to enable any comments to be considered as part of the assessment report

No

COUNCIL ASSESSMENT REPORT
SYDNEY EASTERN CITY PLANNING PANEL

PANEL REFERENCE & DA NUMBER	PPSSEC-151 – DA/40/2020/A
PROPOSAL	S4.55 (2) Modification Application of approved development to amend condition 24 (d) so that the school is required to discourage students driving to school on weekdays rather than prohibiting it.
ADDRESS	Lot 1 and Lot 2 DP 709332 - 18-20 Stanley Street, Randwick
APPLICANT	Andrew Delany - Emanuel School
OWNER	Emanuel School
DA LODGEMENT DATE	20 July 2021
APPLICATION TYPE	S4.55(2) Modification Application
REGIONALLY SIGNIFICANT CRITERIA	Clause 123BA(2) of the Environmental Planning and Assessment Regulation 2000
CIV	N/A
KEY SEPP/LEP	<u>Original Application</u> State Environmental Planning Policy (Educational Establishments and Child Care Centres) 2017; Randwick Local Environmental Plan 2012.
TOTAL & UNIQUE SUBMISSIONS ISSUES SUBMISSIONS	Twelve (12) unique submissions received. Key Issues in relation to: <ul style="list-style-type: none"> • Traffic and parking implications; • The reasons for the imposition of the original condition; • Concerns regarding the Operational Transport Management Plan and Green Travel Plan; • Concerns regarding the legality of the condition; • Actions of the School to date; and • Errors in the application documentation.
DOCUMENTS SUBMITTED FOR CONSIDERATION	<ul style="list-style-type: none"> • Statement of Environmental Effects; • Legal Advice; • Operational Transport Management Plan; • Green Travel Plan; • Minutes of the Randwick Traffic Committee meeting 24 November 2020.
RECOMMENDATION	Approval

DRAFT CONDITIONS TO APPLICANT	N/A
SCHEDULED MEETING DATE	25 November 2021
PREPARED BY	Angela Manahan
DATE OF REPORT	11 November 2021

EXECUTIVE SUMMARY

Council is in receipt of a modification application pursuant to Section 4.55(2) of the Environmental Planning and Assessment Act (as amended), seeking consent to modify condition 24, point (d) of Development Consent DA/40/2020. The modification seeks to amend the wording of condition 24(d) for the school to discourage students driving, as far as practical, to school rather than prohibit students from driving to school Monday to Friday.

Condition 24 relates to the requirement for an Operational Transport Management Plan. The original condition as recommended in the Assessment report required the following:

24. *In formulating the OTMP, the following must also be prepared and undertaken:*

- a) *A detailed Green Travel Plan is to be prepared in accordance with the Transport for NSW condition 17. The Green Travel Plan is to provide targets for the reduction of private car usage and shall determine the number of additional bicycle spaces required on site;*
- b) *A Road Safety Evaluation is to be prepared in accordance with the Transport for NSW condition 15. The recommendations of the RSE are to be implemented into the OTMP;*
- c) *Further analysis of the current traffic and parking situation of the existing surrounding areas, including additional surveys, is to be undertaken, the results of which are to be utilised to form the above.*

As a result of the deliberations of the application by the Sydney Eastern City Planning Panel, the condition was modified to include point (d) which reads as follows:

- d) *The OMTP is to require the school to have no students driving to school Monday to Friday.*

The Applicant seeks to amend the wording of Condition 24(d) to the following:

- d) *The OTMP is to require the school to **discourage students, as far as practical, from** driving to school Monday to Friday.*

The original development application was approved by Sydney Eastern City Planning Panel ("SECPP") on 29 October 2020, for concept plan approval to redevelop the existing Emanuel School, including an increase in student numbers from 785 to 920 and an amended building envelope within the south-western corner of the site, and Stage 1 works involving alterations and additions to the existing Adler building including a new second floor level, foot-bridge connection, external façade changes and landscaping. The original application was approved subject to several conditions of consent in relation to the operational traffic management of the School, including the preparation and implementation of an Operational Transport Management Plan and supplementary Green Travel Plan. Condition 24, point (d) forms part

of the requirements of the OTMP and was imposed by the Sydney Eastern City Planning Panel in the determination of the original application in relation to traffic and parking concerns, and to ensure that the School and local community co-exist harmoniously.

The Section 4.55(2) modification application is referred to Sydney Eastern City Planning Panel for determination as it proposes to amend a condition of development consent which was not included in the Council assessment report but was added by the Panel.

The Section 4.55(2) modification application was publicly notified to surrounding property owners and advertised on Council's website with site notification attached to the subject site in accordance with Randwick Council Community Consultation Plan. A total of twelve (12) submissions in objection to the proposal were received as a result of the notification process. The submissions have been considered and addressed in the assessment of the subject application where applicable.

The key issues associated with the proposed modification relate to potential traffic and parking implications as a result of the amendment, with particular regards to the reduction of on-street parking, and the ability to enforce the original condition.

Council's original assessment determined that the implementation of an Operational Transport Management Plan and the establishment of a Community Consultative Committee as required by the conditions of consent would be sufficient to resolve the traffic and parking concerns associated with the increase in student and staff numbers, noting that the School was currently operating at the proposed numbers. The OTMP requires targets to be set to reduce private car usage and address ongoing traffic safety and management of the school in general. The SECPP amended Condition 24 in relation to the OTMP to include an additional requirement in relation to students driving. While the SECPP determination minutes do not specifically identify the reason for imposing that no student drivers were permitted to drive, the reasons do indicate that the additional requirement in point (d) was in response to the issues raised by submitters and to enable the school to co-exist harmoniously with the residential area.

Council considers that while the requirements of condition 24(d) may be implemented in a management plan and school policy, enforcement of prohibiting students driving to school is problematic and would be difficult to monitor and manage. As such, subject to the retention of the OTMP and overall aim to reduce private car usage associated with the school, it is considered that the amendment to the wording of the condition to discourage students from driving rather than prohibiting is not unreasonable, and is not inconsistent with Council's original wording of the condition.

The application was referred to Council's Development Engineer Coordinator for comment and/or recommendation who raised no objection to the proposed modification in that the original condition was not imposed by Development Engineering, but the SECPP. However, did note that enforcement of the proposed wording to "discourage" was problematic.

It is considered that the development shall remain substantially the same development as a result of the proposed modification in accordance with Section 4.55 of the Environmental Planning and Assessment Act (as amended), and the proposed amendment shall not alter the intent of the original condition in relation to achieving a reduction in private car usage by users of the school.

In view of the above, the proposed modification to amend the wording of condition 24(d) to discourage students from driving to school, as far as practical, rather than prohibit students from driving is supported and the application is recommended for approval.

1. THE SITE AND LOCALITY

1.1 The Site

The site is legally referred to as Lot 1 and Lot 2 in Deposited Plan 709332, and is known as 18-20 Stanley Street, Randwick. The site has a total area of 14,710m² and is irregular in shape. The site is occupied by the Emanuel School. The site is identified as a State Heritage Item and is also listed as a heritage item and within a Heritage Conservation Area under Randwick LEP 2012.



Figure 1: Aerial view of site.

The site has three (3) street frontages, with a frontage to Avoca Street to the east, Stanley Street to the north, and Chepstow Street to the west, and is bounded partially by Stephen Street to the north. The site generally slopes from south to north. The Alder Building (the subject of the original Development Application) is located within the south-western portion of the site, on the corner of Stanley Street and Chepstow Street.

1.2 The Locality

The site is surrounded by residential developments to the north, south and west, with Mt St Josephs Care Home located to the east of the site on the opposite side of Avoca Street. The subject site is zoned SP2 for the purpose of an Educational Establishment pursuant to RLEP 2012. The surrounding sites are zoned R3 Medium Density Residential to the south and west, and R2 Low Density Residential to the north-west and far north. Randwick Peace Park directly adjoins the site to the north and is zoned for public recreation. The SP2 zoning to the east is in relation to the Seniors Housing, being the Care Home, and an Educational Establishment, being St Margaret Mary's Catholic Primary School. See Zoning Map in Figure 2 below:

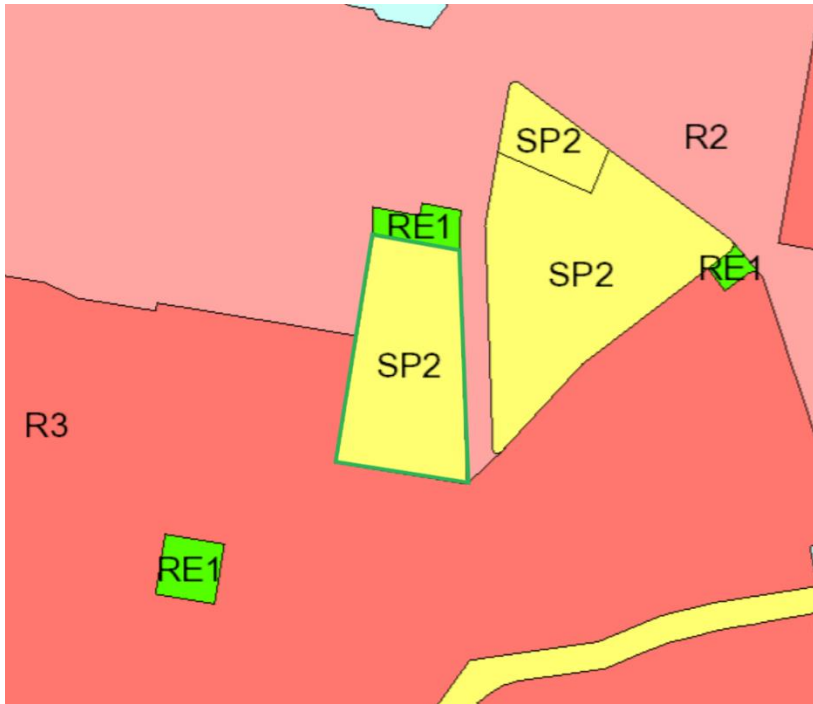


Figure 2: Land Zoning Map RLEP 2012, subject site highlighted in green.

2. THE PROPOSAL AND BACKGROUND

2.1 The Proposal

The subject application seeks consent to modify Condition 24 point (d) to discourage students from driving to school rather than prohibit it.

The Council Assessment report originally recommended Condition 24 as follows:

24. *In formulating the OTMP, the following must also be prepared and undertaken:*
- a) *A detailed Green Travel Plan is to be prepared in accordance with the Transport for NSW condition 17. The Green Travel Plan is to provide targets for the reduction of private car usage and shall determine the number of additional bicycle spaces required on site;*
 - b) *A Road Safety Evaluation is to be prepared in accordance with the Transport for NSW condition 15. The recommendations of the RSE are to be implemented into the OTMP;*
 - c) *Further analysis of the current traffic and parking situation of the existing surrounding areas, including additional surveys, is to be undertaken, the results of which are to be utilised to form the above.*

Approved Condition 24 reads:

24. *In formulating the OTMP, the following must also be prepared and undertaken:*
- a) *A detailed Green Travel Plan is to be prepared in accordance with the Transport for NSW condition 17. The Green Travel Plan is to provide targets for the reduction of private car usage and shall determine the number of additional bicycle spaces required on site;*

- b) *A Road Safety Evaluation is to be prepared in accordance with the Transport for NSW condition 15. The recommendations of the RSE are to be implemented into the OTMP;*
- c) *Further analysis of the current traffic and parking situation of the existing surrounding areas, including additional surveys, is to be undertaken, the results of which are to be utilised to form the above.*
- d) *The OTMP is to require the school to have no students driving to school Monday to Friday.*

The proposed modification seeks to amend the wording to the following:

24. *In formulating the OTMP, the following must also be prepared and undertaken:*

- a) *A detailed Green Travel Plan is to be prepared in accordance with the Transport for NSW condition 17. The Green Travel Plan is to provide targets for the reduction of private car usage and shall determine the number of additional bicycle spaces required on site;*
- b) *A Road Safety Evaluation is to be prepared in accordance with the Transport for NSW condition 15. The recommendations of the RSE are to be implemented into the OTMP;*
- c) *Further analysis of the current traffic and parking situation of the existing surrounding areas, including additional surveys, is to be undertaken, the results of which are to be utilised to form the above.*
- d) *The OTMP is to require the school to **discourage students, as far as practical, from** driving to school Monday to Friday.*

2.2 Background

Details of Current Approval

Development Application DA/40/2020

The original Development Application sought consent for a concept plan approval to redevelop the Emanuel School site including increase in students from 785 to 920, Stage 1 works involving retention and re-use of the existing Adler building, alterations and additions including a new second floor level, foot-bridge connection, changes to building facades, landscaping and associated works. The development was classified as Integrated Development pursuant to Division 4.8 of the EP&A Act and in accordance with section 57(1) of the *Heritage Act 1977*, due the site's State Heritage listing. The application was approved on 29 October 2020 by Sydney Eastern City Planning Panel. The Panel noted the following reasons for the approval of the development:

- *The Panel has carefully considered the issues raised by submitters and has augmented the conditions as recommended in the Council Officer's report to enable the school to co-exist harmoniously with the residential area. These include: the establishment of a Community Consultative Committee (CCC) with a Register of Complaints to provide a mechanism for residents' concerns to be addressed; and an additional requirement, as set out below, for the Operational Transport Management Plan (OTMP).*
- *The Panel considers the improved school facilities will be an asset to the community and unreasonable impacts can be mitigated and managed.*
- *The issues in relating to stormwater are to be addressed through Condition 53 which requires plans to be approved by both the Council and PCA.*

- *The Panel has also imposed a condition to require the planting of trees in the verge of Stanley Street to filter views to this elevation of the school.*
- *The Panel considers that there are no outstanding issues that would warrant refusal of the application and the CCC will facilitate ongoing discussion to resolve residents' concerns with the school that may arise from time to time.*

As part of the approval of the application, Condition 24 was amended to include an additional point (d) in which the OTMP is to require the school to have no students driving to school Monday to Friday.

Subject Modification Application

Modification application DA/40/2020/A was lodged with Council on 20 July 2021. The application was internally referred to Council's Development Engineer Coordinator for comment and/or recommendations.

Table 1: Chronology of the DA

Date	Event
20 July 2021	DA lodged
29 July 2021	Exhibition of the application
21 October 2021	Panel briefing
25 November 2021	Determination Meeting

2.3 Site History

The site has been utilised for the purpose of an Educational Establishment, being the Emanuel School, for an extended period of time. The Applicant advised that school has occupied the subject site since 1985. The site has been subject to numerous development applications. A search of Council's records revealed the following recent and/or relevant applications for the site.

DA/181/2009

Development Application DA/181/2009 was a Concept Staged Development Application which provided a Masterplan to identify anticipated current and future development on the site, including building envelopes, uses and student numbers. The application was approved in February 2011 by Council's Planning Committee.

Of direct relevance to the concept plan approval, the following DAs were approved:

- DA/458/2012: Construction of a two level addition to the existing multi-purpose hall at the Emanuel School containing 4 music rooms and a rehearsal room with new decking and courtyard area adjacent to hall (Heritage Conservation Area and Heritage Item). Approved: 05/03/2013 by Delegated.
- DA/702/2012: Removal of existing "Block D" demountable classrooms at Emanuel School, construction of new part 4, part 5 level building adjacent to Chepstow Street

with classrooms, multi-purpose and performance spaces, replacement of portion of Chepstow Street boundary wall, landscaping and associated works (Heritage Item; consent is also required from NSW Department of Environment & Heritage). Approved: 19/06/2013 by External Committee (JRPP).

- DA/12/2015: Alterations and additions to the existing art building located on the south-western side of the Emanuel School campus including new internal sanitary facilities, acoustic wall and new balustrade to existing verandah (Heritage Conservation Area and Heritage item) (Integrated Development). Approved: 17/03/2015 by Delegated.
- DA/941/2016: Integrated development for demolition of the Hanna Weisz Building at Emanuel School (Heritage Item). Approved: 17/05/2017 by Delegated.

Subsequent Modification Applications of DA/40/2020

Further to the lodgement of the subject modification application, two (2) additional modification applications have been lodged with Council and are currently under assessment as follows:

- DA/40/2020/B
S4.55(1A) modification to modify conditions 15 & 24 to replace the requirement for a Road Safety Evaluation with a Road Safety Audit. The application was lodged with Council on 13 September 2021.
- DA/40/2020/C
Section 4.55(1A) modification including changes to doors and windows, removal of stair, increased building height by 250mm, relocation of mechanical equipment, lowering of ground floor, and amendments to the timing of the Operational Traffic Management Plan. The application was lodged with Council on 14 September 2021.

The above modification applications are not considered to have any bearing on the determination of the subject application.

3. STATUTORY CONSIDERATIONS

The subject modification application is made pursuant to Section 4.55(2) of the Environmental Planning and Assessment Act, 1979 (the Act), as amended. Under the provisions of section 4.55(2), a consent authority may modify the consent if the development satisfies the following:

- a) it is satisfied that 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), and*
- b) it has consulted with any relevant public authorities or approval bodies, and*
- c) it has notified the application & considered any submissions made concerning the proposed modification.*

3.1 Substantially the Same Development

To establish if development is substantially the same as what was granted consent, reference is made to the case of *Moto Projects (No.2) v North Sydney Council [1999] NSW LEC 280*, which provides the following judgement:

“The requisite factual finding obviously requires a comparison between the development, as currently approved, and the development as proposed to be modified.....

....The comparative task does not merely involve a comparison of the physical features or components of the development as currently approved and modified where that comparative exercise is undertaken in some type of sterile vacuum. Rather, the comparison involves an appreciation, qualitative as well as quantitative, of the developments being compared in their proper contexts (including the circumstances in which the development is granted).

The term “substantially” means “essentially or materially having the same essence”.

The original application sought consent for alterations and additions to the Alder Building within the Emanuel School site. The development also sought consent to legitimise the increase in student and staff numbers which had occurred over the years, being 920 students and 138 FTE staff members.

The current modification application seeks to modify condition 24(d) for the School to discourage students from driving to school rather than prohibit students from driving. The proposed modifications shall not alter the approved built form nor do they seek to amend the maximum number of students and staff members permitted. As such the development as modified continues to fall within the scope of the original description. The original condition was imposed by SECPP in response to concerns from local residents in relation to traffic and parking, and sought to minimise impacts upon the surrounding locality in this regard. It is considered that the intent of the condition was to ultimately provide a reduction in private car usage and increase on-street parking availability for local residents as a result of the reduction. The intent of the condition remains the same in that the School is committed to reducing private car usage by discouraging students as far as practical from driving to school, however the amendment shall allow students to continue to drive in certain circumstances. As such, it is considered that the essence of the condition is consistent with that approved and the proposed modifications are not considered to result in a development that will fundamentally alter the originally approved development.

In view of the above, and the judgement in *Moto Projects (No.2) v North Sydney Council [1999] NSW LEC 280*, it is considered in this instance the fundamental characteristics and essence of the development would remain the same and as such SECPP can be satisfied that the resultant development is considered to be substantially the same development as originally approved.

3.2 Consultation with Other Approval Bodies or Public Authorities

Due to the nature of the proposed modification which seeks to amend the wording of a condition in relation to students driving to school, the concurrence of the Heritage Council of NSW was not considered necessary in this instance. The proposed modification shall not alter the General Terms of Approval stipulated by Heritage NSW.

Furthermore, the proposed modification shall not impact upon the recommendations provided by Transport for NSW in the original application, and the conditions imposed by Transport for

NSW shall remain unchanged. As such, referral to Transport for NSW was not considered in this instance.

3.3 Notification and Consideration of Submissions

Subclause s4.55(2)(c) requires the modification application to be notified in accordance with:

- (i) the regulations, if the regulations so require, or*
- (ii) a development control plan, if the consent authority is a council that has made a development control plan that requires the notification or advertising of applications for modification of a development consent, and*

Council's Notification Policy was previously contained within Section A3 – Public Notification of Part A of Randwick Development Control Plan 2013, however Section A3 was repealed and superseded by provisions in a broader Community Participation Plan (CPP) which was adopted by Council on 10 December 2019. Council's CPP details who, when and how persons are notified in respect to Development Applications and Modification Applications. The subject modification application has been notified in accordance with CPP.

Additionally, subclause s4.55(2)(d) requires the consent authority to consider any submissions. As a result of the notification process twelve (12) submissions were received in relation to subject modification application. The concerns raised in submissions have been taken into consideration in the assessment of the application and are addressed in the report.

3.4 Section 4.15 – Environmental Assessment

When determining a modification application, the consent authority must take into consideration the matters outlined in Section 4.15(1) of the *Environmental Planning and Assessment Act 1979* ('EP&A Act').

The following statutory Environmental Planning Instruments apply in the assessment of the proposed development:

- *State Environmental Planning Policy (State and Regional Development) 2011*
- *State Environmental Planning Policy (Educational Establishments and Child Care Centres) 2017*
- *Randwick Local Environmental Plan 2012*

A summary of the key matters for consideration arising from these State Environmental Planning Policies are considered in more detail below.

State Environmental Planning Policy (State and Regional Development) 2011

Pursuant to clause 5 of Schedule 7 of SEPP (State and Regional Development) 2011, as the proposal was in relation to an Educational Establishment, with a capital investment value in excess of \$5 million, the proposed development was identified as being "regionally significant development" and the provisions of SEPP (State and Regional Development) 2011 applied to the development. In accordance with the requirements of the SEPP and Schedule 4A of the Environmental Planning and Assessment Act 1979, the submitted proposal was classified as

‘regionally significant development’ with the determining authority for the original development application being the Sydney Eastern City Planning Panel.

Clause 123BA(2) of the Environmental Planning and Assessment Regulation 2000 states that:

“A council is not to determine, on behalf of a regional panel, an application to modify a development consent under section 4.55(2) of the Act if the application is of a kind specified in the Instruction on Functions Exercisable by Council on Behalf of Sydney District or Regional Planning Panels—Applications to Modify Development Consents published on the NSW planning portal on 30 June 2020.”

The instruction stipulates that a Council is not to determine an application under section 4.55(2) of the Act to modify a development consent granted by a regional panel if the application:

- *proposes amendments to a condition of development consent that was not included in the Council assessment report but which was added by the panel.*

The subject application seeks to modify condition 24(d) which was imposed by the SECPP in the determination of the original development application and as such, the determining authority for the modification application is Sydney Eastern City Planning Panel.

State Environmental Planning Policy (Educational Establishments and Child Care Centres) 2017

The proposed modification relates to traffic and parking, with the amendment in relation to students driving to school. As such the proposed modifications shall not alter the design quality of the development which is considered to remain consistent with the design principals set out Schedule 4 of the SEPP Educational Establishments.

Randwick Local Environmental Plan 2012

The relevant local environmental plan applying to the site is the Randwick Local Environmental Plan 2012 (‘the LEP’). The proposed development as modified shall remain consistent with the relevant provisions of RLEP 2012, noting that there is no change proposed to the built form. Furthermore, as discussed in detail below, the proposed modification is not considered to adversely impact the amenity of nearby development subject to the OTMP and GTP being implemented and therefore the proposal shall remain consistent with the objectives of the SP2 zone.

The matters outlined in Section 4.15(1) of the *Environmental Planning and Assessment Act 1979* (‘EP&A Act’) are considered in **Table 2**.

Table 2: S4.15 Matters for Consideration

Section 4.15 ‘Matters for Consideration’	Comments
Section 4.15(1)(a)(i) – Provisions of any environmental planning instrument	The proposed modifications are an ancillary component to the approved development, which will remain substantially the same. The development remains consistent with the general aims and objectives of the RLEP 2012.
Section 4.15(1)(a)(ii) – Provisions of any draft environmental planning instrument	Nil.

Section 4.15 'Matters for Consideration'	Comments
Section 4.15(1)(a)(iii) – Provisions of any development control plan	The proposal generally satisfies the objectives and controls of the Randwick Comprehensive DCP 2013. See discussion in section xx.
Section 4.15(1)(a)(iiia) – Provisions of any Planning Agreement or draft Planning Agreement	Not applicable.
Section 4.15(1)(a)(iv) – Provisions of the regulations	The relevant clauses of the Regulations have been satisfied.
Section 4.15(1)(b) – The likely impacts of the development, including environmental impacts on the natural and built environment and social and economic impacts in the locality	The proposed modifications have responded appropriately to the relevant planning controls and will not result in any significant adverse environmental, social or economic impacts on the locality.
Section 4.15(1)(c) – The suitability of the site for the development	The site has been assessed as being suitable for the development in the original development consent. The modified development will remain substantially the same as the originally approved development and is considered to meet the relevant objectives and performance requirements in the RDCP 2013 and RLEP 2012. Therefore the site remains suitable for the modified development.
Section 4.15(1)(d) – Any submissions made in accordance with the EP&A Act or EP&A Regulation	The issues raised in submissions have been considered and addressed in the report.
Section 4.15(1)(e) – The public interest	The proposal promotes the objectives of the zone and will not result in any significant adverse environmental, social or economic impacts on the locality. Accordingly, the proposal is considered to be in the public interest.

4. REFERRALS AND SUBMISSIONS

4.1 Council Referrals

Due to the nature of the proposed modification which relates to traffic and parking issues only in relation to students driving to school, referral of the application to relevant Officer's in relation to Heritage, Landscaping, Design Excellence and Environmental Health was not considered necessary in this instance.

Development Engineer

The application was referred to Council's Development Engineer Coordinator for comment and/or recommendations who provided the following advice in relation to the amended proposal:

Council is in receipt of a modification application pursuant to Section 4.55(2) of the Environmental Planning and Assessment Act (as amended), seeking consent to modify condition 24, point (d) of Development Consent DA/40/2020. The modification seeks to amend the wording of condition 24(d) for the school to **discourage** students driving, as far as practical, to school rather than **prohibit** students from driving to school Monday to Friday.

The original development application was approved by Sydney Eastern City Planning Panel on 29 October 2020, for concept plan approval to redevelop the existing Emanuel School, including an increase in student numbers from 785 to 920 and an amended building envelope within the south-western corner of the site, and Stage 1 works involving alterations and additions to the existing Adler building including a new second floor level, foot-bridge connection, external façade changes and landscaping. The original application was approved subject to several conditions of consent in relation to the operational traffic management of the School, including the preparation and implementation of an Operational Transport Management Plan and supplementary Green Travel Plan. Condition 24, point (d) forms part of the requirements of the OTMP and was **imposed by the Sydney Eastern City Planning Panel (SECPP) in the determination of the original application in relation to traffic and parking concerns.**

The key issues associated with the proposed modification relate to traffic and parking implications as a result of the amendment, with particular regards to the reduction of on-street parking, and the ability to enforce the original condition. **Council's original assessment determined that the implementation of an Operational Transport Management Plan and the establishment of a Community Consultative Committee would be sufficient to resolve the traffic and parking concerns associated with the increase in student and staff numbers, noting that the School was currently operating at the proposed numbers.** The OTMP requires targets to be set to reduce private car usage and address ongoing traffic safety and management of the school in general.

As stated above condition 24 (d) was imposed by the SECPP and is additional to Council's recommendations for the OTMP. Council considers the imposition of Condition 24 (d) to be legally enforceable however problematic to strictly enforce. The applicant's proposed modification doesn't seek to remove Condition 24 (d) however it proposes a modification. The wording proposed is also considered problematic to enforce.

It is recommended that the SECPP make the determination on this matter given the original Condition 24 (d) was imposed by the SECPP and was additional to Council's requirements for the OTMP.

The Council Officer's assessment of the traffic and parking issues are considered in the Key Issues section of this report.

4.2 Community Consultation

The subject development was advertised and notified to surrounding landowners for a period of twenty-eight (28) days from 29 July 2021 through to 30 August 2021 in accordance with Randwick Council Community Consultation Plan. As a result of the notification process a total of twelve (12) submissions were received, including submissions from or on behalf of the following properties:

- 14 Chepstow Street, Randwick
- 18 Chepstow Street, Randwick
- 77 Market Street, Randwick
- 79 Market Street, Randwick
- Monmouth Street, Randwick
- 1/1A Stanley Street, Randwick
- 3a Stanley Street, Randwick
- 5 Stephen Street, Randwick
- 34 Stephen Street, Randwick

The issues raised in these submissions are considered in **Table 3**.

Table 3: Community Submissions

Issue	Council Comments
<p><u>Imposition of the Original Condition</u></p> <ul style="list-style-type: none"> - The proposed modification to condition 24 would change the intent of the original condition to reduce impacts upon residents in surrounding streets. - The original DA was approved on the basis of restricting students driving. The proposed modification undermines the reason for the condition. - The condition was included to address and alleviate the pressure on street parking. - The removal of the condition will result in the loss of up to 20 on-street parking spaces (based on the number of student drivers). <p>The condition was included to address concerns of residents in relation to traffic and parking, and to offset the lack of on-site parking.</p>	<p>The original condition was recommended by Council without any requirements in relation to student drivers. The SECPP imposed an additional requirement to prohibit students from driving to school Monday to Friday. As such, the application shall be referred back to the Panel for determination, with the Panel ultimately having the final decision to modify the wording of the condition. Also see discussion under section 7.1 of report.</p>
<p><u>Operational Traffic Management Plan and Green Travel Plan</u></p> <ul style="list-style-type: none"> - Impact upon surrounding streets have not been considered appropriately in the OTMP. - The data including parking survey does not provide sufficient detail, including illegally parked cars, school timings etc. - Insufficient information including additional surveys has not been provided in formulating the OTMP and Road Safety Audit in accordance with the condition. - The OTMP does not consider 	<p>The original development consent required the preparation and implementation of an OTMP and Green Travel Plan. The subject application seeks to amend one component of the overall OTMP in relation to students driving to school.</p> <p>It should be noted that approval of the subject modification application would not authorise or approve the OTMP or GTP submitted with the application. The OTMP and GTP are subject to a separate approval in accordance with conditions 22, 23, 24 and 25 of Development Consent DA/40/2020. As such, the concerns in relation to the OTMP and</p>

<p>surrounding streets highly impacted by the traffic and parking implications of the school, nor key intersections.</p> <ul style="list-style-type: none"> - The OTMP surveys were not carried out in peak school times/days. - Additional measures are required by the School to address the traffic and parking issue. - Unclear and incomplete information in the traffic surveys. - The proposal to achieve a decrease in parking/traffic within 5-10 years is an unacceptable timeframe and the proposed reductions are too low. <p>The OTMP and GTP submitted with the application have not been discussed or approved by the CCC prior to lodgement.</p>	<p>GTP are considered to be outwith the scope of this application and would be considered in the approval of the OTMP under a separate process.</p>
<p>Improvements in relation to Go with the Flow and school pick-up/drop-offs are required and additional measures need to be put in place.</p>	<p>Noted. This issue should be addressed in the OTMP and ongoing CCC meetings and is outwith the scope of the subject modification application.</p>
<p><u>Safety</u></p> <ul style="list-style-type: none"> - Reckless and dangerous driving by students and double parking; - Dangerous and illegal school driving. - Inaccurate information in the Traffic Impact Assessment, including vehicle exits and use of the Kornmehl car park. <p>Subsequent actions of School users which leads to unsafe road usage.</p>	<p>The development consent requires the school to undertake further analysis of the traffic and parking situation in the surrounding area, including a Road Safety Evaluation, which will be utilised to form the OTMP. While it is acknowledged that the concerns include the actions of students driving to school, it is considered that the issues identified relate to the use of the school as a whole and would be better addressed in the OMTP and ongoing CCC. Illegal driving and parking should be formally reported through the correct procedures. These issues are considered to be outwith the scope of the subject modification application which seeks to modify the wording of the condition which prohibits students from driving. Notwithstanding, the concerns have been taken into consideration in assessing the proposed amendment to discourage students driving to school.</p>
<p><u>Actions of the School</u></p> <ul style="list-style-type: none"> - Concerns regarding lack of accountability for student and parents actions in relation to traffic and parking, including no repercussions. - The school has not demonstrated any progress to improving the situation. - The school is abrogating its responsibility by challenging the imposed condition. 	<p>The traffic and parking concerns and current situation shall be addressed in the OTMP which requires the school to commit to a reduction in private vehicle usage for the school. The OTMP shall be considered under a separate approval process in accordance with the conditions of consent. The amendment to the condition which seeks to discourage students driving rather than prohibit is assessed and considered in detail</p>

Lack of commitment from the School to address the traffic and parking issues.	in section 7.1 of the report.
<p><u>Legality of the Condition</u></p> <ul style="list-style-type: none"> - Concerns regarding the School's statement in relation to the ability to enforce the condition, noting that policies and penalties are utilised by other Schools. - Inability to enforce is not a valid reason to modify the consent, and the expectation of the School is clear in the conditions. - The School has the ability to discipline students for breaching school rules. - The School can enforce rules for students in relation to parking, similar to school uniform policy etc. <p>Reference to other School which have strict student car-use policies and rules in place.</p>	See discussion under section 7.2 Key Issues of report.
<p><u>Errors in Application Documentation</u></p> <ul style="list-style-type: none"> - Discrepancy in the SEE with regards to the number of student drivers. - False information regarding the parking restrictions within the surrounding streets. - Concerns regarding the accuracy of student and staff numbers. <p>Comparison to other schools is inaccurate, noting that the Emanuel School provides less parking than other nearby Schools for staff members.</p>	The inaccuracies in the SEE are noted. An independent assessment by Council has been undertaken and the SEE is not relied upon.
<p><u>Concerns with the Proposed Condition</u></p> <ul style="list-style-type: none"> - Lack of details regarding how students will be discouraged from parking. - If approved, the School should be required to provide alternative immediate measures to reduce parking in-line with the original condition. <p>Proposed wording of "discourage" lacks accountability and transparency, and open to interpretation.</p>	The proposed wording relates to the ongoing aim of the school to reduce private car usage for all school users which will require a decrease in student drivers and for students to be discouraged from driving. The reduction is accountable through the OTMP and GTP. See discussion under section 7.1 of report.
<p><u>Parking Restrictions</u></p> <ul style="list-style-type: none"> - The issue of traffic and parking is not resolved by the recent parking restrictions within the surrounding area, including the resident parking scheme. - Staff and Students remain to utilise restricted parking. <p>Not all residents are eligible for the Resident Parking Scheme.</p>	See discussion under section 7.1 of report.

Compliance with conditions of DA/181/2009 with regards to traffic management.	Noted. This matter is an issue outwith the subject application and it is recommended that the matter be reported to Council's Customer Service Centre for further investigation.
<u>Traffic and Parking</u> <ul style="list-style-type: none"> - Occupation of on-street parking spaces; - On-going impact upon surrounding residential streets. <p>The increase in students without additional on-site parking has a direct impact upon parking in surrounding streets, and on-site parking should be provided.</p>	The original application was assessed on the basis that no additional parking would be provided on site, and was considered acceptable subject to an OTMP which would minimise impacts upon the surrounding streets and locality in relation to traffic and parking. The subject application does not seek to delete the OTMP which is still required.
Prohibiting student drivers would allow the School to limit impacts upon local residents.	Noted. See discussion under section 7.1 of report.
More information regarding the correct number of students driving to school is required before a decision can be made.	See discussion under section 7.1 of report.
Modification of the condition would not be in the public interest.	The proposed modifications would be considered to be in the public interest if the development is consistent with the objectives of the zone, and the relevant provisions of RLEP 2012 and RDCP 2013. As discussed within the report, the proposal is seen to be consistent with the SP2 zoning and with the relevant provisions of RLEP 2012 and RDCP 2013.
Removal of the condition would exacerbate the existing situation as the school grows in size.	The removal of prohibiting students driving has been considered in detail in the assessment of the application. See discussion under section 7.1 of report.
No consideration of staff population and increase, and impacts upon parking.	The impacts as a result of the staffing at the school should be considered in the OTMP. The OTMP aims to address the increase in students and staff and commit to a reduction in private car usage for the school as a whole.
Concerns regarding the current number of staff members in view of the Emanuel School Annual Report 2020 which state a FTE of 149.38 staff members, where 138 are permitted.	Noted. The number of staff members has no direct bearing on the assessment of the subject modification application which relates to student drivers only. This matter is an issue outwith the subject application and it is recommended that the matter be reported to Council's Customer Service Centre for further investigation.
Concerns regarding the traffic and parking issues being exacerbated by construction	A Construction Pedestrian Traffic Management Plan and Construction Traffic

traffic during the building works associated with the DA.	Management Plan are required to be prepared to ensure that any construction traffic associated with the development is managed appropriately. There shall be no change to these requirements as a result of the proposed modification. The consent also requires the construction process to be considered by the CCC.
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5. KEY ISSUES

The following key issues are relevant to the assessment of this application having considered the relevant planning controls and the proposal in detail:

5.1 **SECTION B7 (TRANSPORT, TRAFFIC, PARKING AND ACCESS) of RDCP 2013**

Original Assessment and Intent of the Original Condition

The original Development Application sought consent to legitimise the current student and staff numbers at the School, which was operating in excess of the approved number of students and was in breach of development consent DA/181/2009. Numerous objections were received in response to the original development application which raised concerns regarding the traffic and parking implications as a result of the increase in student numbers. Due to the nature of the site being State Heritage Listed and the location of existing buildings and structures on site, it was considered that the provision of additional on-site parking would require the site to be reconsidered and redeveloped as a whole.

The original development application proposed alterations and additions to one (1) building within the south-western corner of the site, with the remainder of the School grounds to be retained as existing. It was considered that in this instance, the traffic and parking concerns could be resolved through an appropriate management plan to ensure that the proposed development does not continue to unreasonably impact upon the surrounding local area. As such, several measures were imposed which included the preparation of a detailed Green Travel Plan, Road Safety Evaluation, and additional data analysis to determine travel strategies and targets, which would formulate an Operational Transport Management Plan for ongoing use of the school. Furthermore, the approval was subject to a Community Consultative Committee being created to facilitate a collaborative approach to addressing any issues of concern that impact upon the community in relation to the operation of the school, including any traffic or parking issues.

Council's original assessment determined that the above measures would be sufficient to resolve the traffic and parking concerns, with particular regards to the OTMP, within which targets would be set to reduce private car usage and address ongoing traffic safety and management of the school in general. The requirement for no students to drive to school Monday to Friday was imposed by the Sydney Eastern City Planning Panel in the determination of the original application, in which condition 24 was amended to include the following:

- d) *The OMTP is to require the school to have no students driving to school Monday to Friday.*

While the SECPP determination minutes do not specifically identify the reason for imposing that no student drivers were permitted to drive, the reasons do indicate that the additional requirement in point (d) was in response to the issues raised by submitters and to enable the school to co-exist harmoniously with the residential area. It is considered that given the significant community opposition to the development in relation to traffic and parking, the requirement was likely imposed to further alleviate impacts upon the surrounding areas by eliminating car usage associated with student drivers.

Proposed Modification

The subject application seeks to amend condition 24(d) from prohibiting students from driving to school Monday to Friday to “*discourage students, as far as practical*” from driving to school. The Applicant’s justification for the amendment to the condition includes the inability to enforce the condition (with accompanying legal advice), the limited number of students who could potentially drive, the status of the Green Travel Plan and OTMP, and the introduction of time restricted parking conditions around the school.

Enforcement of the Condition

Council does not accept the Applicant’s argument in relation to the ability to enforce the condition and considers that the school can enforce a policy in which students are prohibited from driving to school. Furthermore, the Applicant’s legal advice is considered to be flawed and unjustified in this regard. Notwithstanding, the difficulties in enforcing the condition are acknowledged. See detailed discussion below under Key issues.

Resident Parking Scheme

In addition to above, the Applicant seeks to rely on the resident parking scheme which has been implemented within the surrounding local streets as justification for the proposed change, stating that “*the resident parking scheme ensures that adequate on-street car parking is available for local residents and effectively prevents students and staff from the school parking in these locations.*” and that the RPS and time restricted parking makes condition 24(d) obsolete.

Council’s Traffic Committee considered the RPS within the subject area surrounding the school at its meeting on 24 November 2020. As a result of the review of the RPS and in response to community feedback, expansion of the RPS within the subject area was approved. The following changes are considered to be of relevance:

- Four (4) resident/timed parking spaces installed in Avoca Street;
- Six (6) resident/timed parking spaces installed in Monmouth Street;
- Two (2) resident/timed parking spaces installed in Randwick Street;
- Six (6) resident/timed parking spaces installed in Stanley Street;
- One (1) resident/timed parking space installed in Waverley Street;
- No change to parking on Chepstow Street;
- No change to parking on Gordon Street;
- No change to parking on Stephen Street;
- No change to parking on Sydney Street;
- No change to parking on Wentworth Street.

It should also be noted that the RPS does not extend to the north of the School site, and as such on-street parking within Carter Street, Castle Street and Earl Street remain impacted by traffic and parking generated by the School.

Concerns have been raised in submissions regarding reliance on the RPS, noting that the spaces are limited and not all residents qualify for the scheme. As such on-street parking for local residents remains an issue. The submissions also raise concerns regarding the use of the restricted parking areas, noting that despite the time restrictions, student still appear to be parking in the restricted parking spaces.

While it is acknowledged that the RPS provides time restricted parking in some of the surrounding streets of concern, the spaces are limited in numbers and several of the streets currently impacted by school traffic remain unrestricted parking areas. Furthermore, there has been no data or evidence provided to Council to demonstrate that the RPS has had a direct impact upon the number of private school vehicles parking in the surrounding streets.

Council's Development Engineer Coordinator advised that the quantum of resident parking referenced in the action item of the Traffic Committee is not sufficient to be used as justification for the proposed modification.

In view of the above it is considered that while the RPS and timed parking restrictions has provided some discouragement for users of the school, the number of additional spaces is not sufficient to address the parking impacts generated by the school, and it is considered that users of the school may still park in the wider local area. As such, the RPS is not considered to address condition (d).

Number of Students Driving to School

The Applicant's justification for the modification identifies that twenty (20) students currently drive to school and argues that the limited number of student drivers shall create no significant impact.

Concerns have been raised in submissions regarding the accuracy of the number of student drivers as the draft GTP indicates that 4.4% of students drive to school equating to twenty (20) students out of nine hundred and twenty (920). However, the submissions note that 4.4% of 920 students equates to forty (40) students.

With regards to the number of student drivers, it is considered that the 4.4% is based on the number of Year 7 to Year 12 students, being approximately four hundred and eighty-four (484) students, given that the GTP breaks the students up into two age brackets, being ELC to Year 6 and Year 7 to Year 12, noting that no students in the younger category would drive to school. 4.4% of 484 equates to approximately twenty-one (21) students which is consistent with the twenty (20) identified by the Applicant. As discussed further below, while it is acknowledged that prohibiting students driving would potentially reduce on-street parking associated with the school, Council considers enforcement of this to be problematic. The modification to the condition has been assessed and considered on the basis of approximately twenty-one (21) students driving to school.

Status of the Green Travel Plan and Operational Transport Management Plan

The Applicant has advised that the OTMP has been submitted to Council for consideration, and the GTP is pending review and input from the Community Consultative Committee. The GTP sets the targets in relation to reducing impacts upon the local traffic network.

Concerns have been raised in submissions regarding the GTP and OTMP with particular regards to the proposed targets, which are not considered to be adequate or sufficient to address the traffic and parking impacts upon local residents within the surrounding area.

In accordance with the development consent, the OTMP is to be prepared in consultation with Council and the local community. The GTP is to be prepared and utilised in forming the OTMP. Furthermore, the CCC is to have an active role in reducing the use of private vehicle trips to the school and parking of private vehicles in the streets surrounding the school, as well as improve all pick-up/drop-off activities.

Concerns are raised regarding the submission of the OTMP prior to the GTP being endorsed by the CCC, given that the GTP provides the targets for the reduction of private car usage (which it appears have yet to be agreed upon by the CCC). Furthermore, the OTMP and GTP rely on condition 24(d) being approved. Therefore it should be noted that approval of the subject modification application would not authorise or approve the OTMP or GTP submitted with the application. The OTMP is subject to a separate approval in accordance with condition 22 of Development Consent DA/40/2020. In view of the above, it is considered that submission of the OTMP to Council for approval is premature, however this is a separate matter outwith the subject application.

Notwithstanding the above, the intent of the original condition imposed by Council in relation to the OTMP and GTP was to achieve a reduction in private car usage, and subsequent traffic to the area, by setting overall targets in this regard which would be applicable to staff, students and parents. Council's original assessment considered the OTMP and GTP to be adequate to address the increase in student and staff numbers, and associated impact upon the local traffic network including on-street parking for the following reasons:

- The OTMP and GTP will provide targets and strategies to ensure a reduction in private vehicle parking and trips to the School site.
- The creation of the CCC will provide an ongoing means of formal communication between the School and local community, in which they will have an active role in aiming to address traffic and parking issues.
- The School will be accountable for ensuring that traffic and parking in association with the School shall be improved through monitoring and compliance with the OTMP, which shall be publicly available.

The modification to the condition seeks to discourage students from driving to school rather than prohibit students driving.

While it is acknowledged that prohibiting students driving would have a quantitative result by essentially creating up to twenty-one (21) on-street parking spaces, the overall intent of the OTMP is to provide a reduction in private car usage (and on-street parking) as a whole which will involve strategies to prevent students driving to school as well as staff members, visitors and the like. Additionally, in reality Council considers the enforcement of the policy to prohibit students from driving to be problematic which is addressed in the Key Issues section below. As such, Council considers that the original assessment is still valid and that the amendment of the condition would have the same intent in that the School would still aim to prevent students from driving to school as far as practical, leading to a reduction in private vehicles and on-street parking.

5.2 LEGALITY OF THE CONDITION

Concerns have been raised in submissions regarding the Applicant's justification that the requirement for students to be prohibited from driving to school is legally unenforceable.

The Applicant submitted legal advice with the application to address the enforceability of condition 24(d). The legal advice submitted states that the condition is to forbid students from driving to school however this is incorrect. The subject condition seeks that the OTMP include a clause that requires no students to drive to school. Furthermore, the legal advice asserts that the condition seeks to impose the means by which students travel to school which is also incorrect. The condition does not seek to dictate the means of travel but to have a plan of management in place, being the OTMP, that clearly stipulates that the school does not support students driving themselves to school. As such it is considered that the legal advice submitted is flawed.

Council is of the opinion that the requirement of no students driving is enforceable as the requirement forms part of a Management Plan. While the school has no jurisdiction over the roads, it can form policy on students behaviour and actions, including when travelling to and from school. This is common practice whereby schools impose restrictions on students, including when pupils are outside school grounds travelling to and from school and on lunch breaks etc. It is also noted that the submissions refer to policies within the nearby schools, including Moraih College, with regards to car usage by students/staff, however this has not been able to be verified.

Notwithstanding the above, Council acknowledges that enforcing a policy in which no students are permitted to drive to school is problematic for the following reason:

- Policing the restriction would be difficult, especially if students were to park in the wider local area or other local government areas. It is unclear how the school would monitor the students and determine whether or not they were driving to school in this regard.
- The use of private vehicles may be required in certain circumstances for students, such as where no alternative travel means are possible or for extracurricular activities associated with school.

As discussed above, Council considers that the modification of the condition would be able to be enforced through the OTMP, which must ensure a reduction in private car usage associated with the School, including students, and as such the School would be required to discourage students from driving in order to achieve the set targets. The amendment to the wording of the condition would allow the School to permit students to drive in special circumstances, while ultimately still achieving the overall intent of the condition.

6. CONCLUSION

That the application to modify the approved development to amend condition 24(d) so that the school is required to discourage students driving to school on weekdays rather than prohibiting it, be approved (subject to conditions) for the following reasons:

- The proposed modifications are considered to result in a development that is substantially the same as the previously approved development.
- The modified development will not result in significant adverse environmental impacts upon the amenity and character of the locality, subject to the retention of the Operational Transport Management Plan and sufficient targets being set in the Green Travel Plan.
- The proposal is consistent with the relevant objectives contained within the RLEP 2012 and the relevant requirements of the RDCP 2013.

- The proposal is consistent with the specific objectives of the SP2 Educational Establishment zone in that it allows the continued use of the site for the purpose of the Emanuel School, shall not result in any unreasonable impacts upon the residential amenity of surrounding and adjoining properties (subject to the original and modified conditions of consent), and shall not detract from the heritage significance of the site.

The application is recommended for approval subject to the following recommendations:

7. RECOMMENDATION

That the Sydney Eastern City Planning Panel, grants development consent under Section 4.55 of the Environmental Planning and Assessment Act 1979, as amended, to Development Application No. DA/40/2020 to amend condition 24(d) so that the school is required to discourage students driving to school on weekdays rather than prohibiting it at 18-20 Stanley Street, Randwick, in the following manner:

- **Amend Condition 24 to read:**

24. In formulating the OTMP, the following must also be prepared and undertaken:

- a) A detailed Green Travel Plan is to be prepared in accordance with the Transport for NSW condition 17. The Green Travel Plan is to provide targets for the reduction of private car usage and shall determine the number of additional bicycle spaces required on site;
- b) A Road Safety Evaluation is to be prepared in accordance with the Transport for NSW condition 15. The recommendations of the RSE are to be implemented into the OTMP;
- c) Further analysis of the current traffic and parking situation of the existing surrounding areas, including additional surveys, is to be undertaken, the results of which are to be utilised to form the above.
- d) **The OMTP is to require the school to discourage students, as far as practical, from driving to school Monday to Friday.**