



7 September 2020

RJC:16-278E

The General Manager
Woollahra Municipal Council
536 New South Head Road
Double Bay NSW 2028

Attention: Ms Philippa Frecklington, Consultant Assessment Officer
Philippa.Frecklington@woollahra.nsw.gov.au

Dear Philippa,

**Re: DA 390/2019/1 (the DA);
The Scots College (TSC)
29-53 Victoria Road, Bellevue Hill**

Thank you on behalf of TSC for your email and letter of 24 August 2020 (10.00 am) in relation to the above DA. I have been asked to respond on behalf of TSC and the design and development team.

TSC is committed to working closely with Council on all environmental planning issues associated with the successful operation of the college and, wherever possible, with the residents in the areas surrounding the Victoria Road campus, with a view to ensuring that residential amenity is not unreasonably impacted by TSC. TSC is also committed to fulfilling its core purpose as a well-established, historically significant private educational establishment for boys with strong and lasting traditions of excellence.

TSC is keenly aware of the impacts that COVID-19 has had on all aspects of life including on Council's and TSC's own operations. The period which has elapsed since the DA was lodged on 9 October 2019 is no doubt in large part due to the impacts of the pandemic on Council's day-to-day operations. Similarly, however, TSC have been unable to compile the requested information in the time available. In this regard, I ask that you consider this to be an interim response and TSC will endeavour to provide to you the additional information you have requested as soon as possible, subject to what is set out below.

Before turning to the matters raised in your letter, I set out below an abbreviated history of this DA which is as follows: -

- in or around mid-2018 representatives of TSC met with Nick Economou and Eleanor Smith to discuss the issue of car parking and pick-up/ drop-off at TSC and there was agreement in principle to the physical and functional separation of the two matters, recognising the constraints of Cranbrook Lane (which is more suited for access to staff parking beneath the McIntyre tennis courts) and the preference for drop-off/ pick-up being off Ginahgulla Road (that location having been previously approved for that purpose in a now-lapsed consent);
- a preliminary informal meeting was held on 11 December 2018 with Allan Coker and Eleanor Smith to introduce and outline TSC's intent to submit two DA's the purpose of which was to address two key issues: student drop-off and pick-up, and on-site parking;
- on or around 21 December 2018 a pre-DA package was provided to Council;
- there was a Pre-DA meeting held on 29 January 2019 and all of the matters identified in the Council's Pre-DA advice letter of 14 February 2019 were addressed in the DA package. (TSC acknowledges, however, that it is only after detailed assessment of the complete application that all issues can be identified and fully considered as per the disclaimer at the end of the Pre-DA meeting minutes. TSC also acknowledges that the minutes of the Pre-DA meeting did not include comments from Council's traffic engineer which were not provided until 4 June 2019);
- by letter dated 16 August 2019 Council wrote to TSC regarding the TSC's compliance with Condition 2 of the development consents to DA's 528/2004 and 545/2005;
- TSC responded by letter dated 30 August 2019 advising of the timing for lodgement of two DA's: -
 - the first for a student drop-off; and
 - the second for an 80 space carpark beneath McIntyre tennis courts;
- on 11 September 2019, TSC representatives met with Council's planning staff and confirmed that the two DA's would be submitted before 11 October 2019; and
- the subject DA was lodged on 11 October 2019.

Your letter encompasses matters under two main headings: -

- the internal traffic review; and
- comments from the Sydney Eastern City Planning Panel.

I will deal first with the second of these before turning to the other matters raised in your letter.

1. Comments from the Sydney Eastern City Planning Panel (SECPP)

I note that the briefing of the SECPP was 3½ months ago (in mid-May) and I would ask that the delay in the issues raised by the SECPP being brought to TSC's attention be considered as a relevant factor in providing TSC more time to respond to the issues that Council has now raised. (That said, however, the circumstances now are no more conducive to any additional traffic analysis, other than desk-top, than they were in May because of the atypical conditions brought about by the pandemic).

The information requested by the SECPP is addressed below: -

a) a breakdown of the additional 400 students into the number of year 11 /12 students who may drive to school (evidence based):

TSC is seeking approval for improvements in student drop-off and pick-up and on-site parking. No actual practical increase in students is associated with either of the two DA's presently before Council, however, TSC is seeking removal of the restrictions which presently apply as a result of Condition 2 in each of the consents to DA's 528/2004 and 545/2005. In other words, the typical traffic volumes and parking demands which existed pre-COVID 19 will continue to typify the College's operations absent the drop-off and car parking improvements for which consent is now sought.

The number of Year 11/12 students has, in any event, not increased significantly over the last 9 years as the following figures demonstrate: -

	Year 11	Year 12	Total Years 11 and 12
2012	195	178	373
2013	176	192	368
2014	190	175	365
2015	212	188	400
2016	200	214	414
2017	200	200	400
2018	215	201	416
2019	203	214	417
2020	199	198	397

If however it is assumed that 15% of Year 11 and 12 students self-drive (which we understand to be a conservative assumption noting that 17 is the minimum age for provisional (P) plate drivers and that the majority will therefore be in Year 12) and that the average Year 11 and 12 attendance is 394 students, then the average number of Year 11 and 12 students who drive is 59. If the assumed figure of 15% of Year 11 and 12 students who self-drive is applied to the 2020 Year 11 and 12 enrolment, the number of students who self-drive is 60 (rounded up). If 2012 is compared to 2020 using the same 15% assumed rate of self-driving students, the increase in students driving to TSC is from 56 to 60.

b) a revised traffic analysis to address any increase in self-driven students in the traffic analysis;

TSC will look into this matter further, however, I can advise that the initial response is that there will be no increase in self-driven students as a result of the proposed new car park because the number of Year 11 and 12 students is not being increased.

c) a revised green travel plan and operational traffic management plan to include measures to mitigate/ alleviate traffic and parking impacts in the vicinity resulting from any anticipated increase in self-driven students.

TSC considers that this is a matter that should be conditioned, and in the light of the initial response to b) above, no new requirement for either a revised green travel plan or for an operational traffic management plan arises from the proposal because there is no anticipated increase in self-driven students. Nevertheless, this matter is addressed further below.

2. Internal Traffic Review

The various issues in your letter under the above heading are addressed below: -

2.1 Parking Provision (cars, bicycles and motorcycles)

2.1.1 Cars

We note that the comments under this heading and under the other headings in your letter discussed below come from Council's Traffic Engineer.

TSC does not accept that on-street parking must or should be ignored in the calculation of the available parking supply or that there is any reasonable requirement to update the traffic report submitted with the DA to address an increase in 400 students. In this regard, we ask that you bring the following matters to the attention of the Council's traffic engineer.

Councils DCP (Part F 2.6 C7 and Part E1) bases the need for parking on GFA. In our compliance table on pages 26 and 27 of the Statement of Environmental Effect submitted with the DA, we stated as follows as to whether compliance with the parking provisions in the DCP was achieved: -

“Yes. The nominated parking rate for an educational establishment is one space per 100m² of GFA. No additional GFA is proposed by the subject DA.

The Victoria Road East and Victoria Road West precincts of the Scots College together contain 22,410m² of GFA. The approved Stevenson Library alterations and additions will result in a net increase in GFA of 704m² giving a total GFA (once constructed) of 23,114m². This results in a total DCP parking requirement of 230 spaces including the Stevenson Library redevelopment and 225 spaces excluding it.

As detailed in the Traffic Impact Assessment submitted with the DA, there are 79 spaces on the Victoria Road campus to which the proposal will add 83 spaces (including 3 spaces for people with disabilities) resulting in a total of 162 spaces. The available 80 kerbside spaces around the campus’s various street frontages increases the available parking to 242 spaces which exceeds the number of spaces required by the DCP (if that is, the DCP is applied retrospectively to all of the buildings on the campus, most of which were constructed with no requirement for on-site parking.” (our emphasis)

In this regard, in Section 9.2 of the Council officer’s assessment report of DA 528/2004/1 prepared for the meeting of the DCC on 22 May 2006, the following statement is made: -

“Notwithstanding this, Scots College provides off-street car parking for 98 vehicles (including the 21 informal car parking spaces). As such, the proposal results in a shortfall of 32-42 off-street car parking spaces on the actual demand. However, the Scots College has extensive frontages to Victoria Road, Cranbrook Road, Aston Gardens, Ginahgulla Road and Cranbrook Lane and it is considered to be reasonable that the College make use of the on-street car parking on their side of the street. With the exception of a number of places where on-street car parking is considered unsafe or not suitable, the Traffic Report states there are some 80 on-street car parking spaces that may be reasonably used for the school without parking directly in front of adjoining residential properties. If this is taken into account, there is a surplus of some 38-48 car parking spaces available for use by Scots College. When taking into account the temporary loss of 12 off- street car parking spaces as a result of the construction work, there is still a surplus of 26-36 on- street car parking spaces reasonably available for use by the Scots College.” (our emphasis)

Similarly, in Section 9.2 of the Council officer’s assessment report of DA 545/2005/1 prepared for the meeting of the DCC on 4 September 2006, the following statement is made: -

“Notwithstanding this, Scots College currently provides off-street parking for 98 vehicles (including the 21 informal car parking spaces - the subject of DA 26 1/2006 pending determination by Council). As such, the proposal results in a shortfall of 32-42 off-street car parking spaces on the actual demand. However,

the Scots College has extensive frontages to Victoria Road, Cranbrook Road, Aston Gardens, Ginahgulla Road and Cranbrook Lane and it is considered to be reasonable that the College make use of the on-street car parking on their side of the street. With the exception of a number of places where on-street car parking is considered unsafe or not suitable, the Traffic Report states there are some 80 on-street car parking spaces that may be reasonably used for the school without parking directly in front of adjoining residential properties. If this is taken into account, there is a surplus of some 38-48 car parking spaces available for use by Scots College.” (our emphasis)

The availability of on-street, kerb-side spaces adjacent to the TSC campus for use by TSC has thus been recognized and accepted previously by Council. The Land and Environment Court has also accepted that 80 spaces along the TSC frontages offset the onsite parking requirements (Pearlman J when determining DA 93/111).

TSC has for the last 15 years, proceeded on the above understanding that it is reasonable and appropriate for reliance to be placed on the kerb-side on-street parking supply around the TSC campus when considering the on-site parking demand that TSC generates.

Therefore, we respectfully request that some reconsideration be made of the comments from Council’s traffic engineer. If a position can be agreed that (taking into account the availability of on-street parking) the proposal, once built, will result in an exceedance of the number of parking spaces required by the DCP, then there need be no further traffic generation or parking studies carried out and the basis for the imposition of Condition 2 in each of the two consents to DA 528/2004 and 545/2005 will be satisfactorily addressed, thereby permitting the deletion of each of those two conditions (as is requested in the subject DA).

2.1.2 Bicycles

The premise of the content of your letter relating to bicycle parking appears to be that, somehow, a DA for a carpark to reduce on-street parking demand at TSC gives rise to a requirement for bicycle parking to be provided at TSC for 1,520 students.

TSC sees no reasonable need for 76 bicycle parking spaces and the reason for this has previously been set out by the College in responses to Council relating to other proposals.

Representatives of TSC would be pleased to discuss this matter with you further, if required. (They will be able to explain that the location of TSC which is not on a planned, safe, bicycle path means that there are duty of care challenges to promoting cycling to and from school, not to mention the practical obstacle of the student’s need to carry sporting, musical, academic and other items to and from school).

2.1.3 Motorcycles

TSC will investigate where 8 new motorcycle spaces can be provided on the campus, however, our response to item 2.1.2 above in relation to bicycles is relevant. The need

for 8 motorcycle spaces simply does not arise from the proposal for which development consent is sought.

2.2 Traffic Generation

The comments under this heading in your letter appear, in part at least, to relate to the Ginahgulla pick-up and drop-off which is the subject of a separate DA. However, even so, it is unclear to us how the issues raised under this heading reasonably relate to the proposed car park. Either Council does or does not accept that additional on-site parking as proposed by TSC is beneficial, and in this regard it is surely relevant that the amount of parking which is proposed is compliant with the DCP, provided it is accepted that on-street, kerb-side spaces contribute to the overall parking supply.

2.3 Access Driveway

David Fleeting will provide the requested plan to you under separate cover.

2.4 Green Travel Plan

TSC has no fundamental objection to the preparation of a Green Travel Plan, however, whether the need for such a plan arises out of a DA for car parking to meet the parking requirements in the DCP is a moot point. We respectfully request, however, that this can be a condition of consent. It is not a reasonable pre-requisite to determination of the DA.

2.5 Local Area Traffic Management

TSC is happy to work with Council's traffic engineer on local area traffic management. Andrew Morse TSC's traffic engineer will follow up with Council's traffic engineer in this regard. However, similar to our comments in our response in Section 2.4 above, this appears to us to be a matter that can be conditioned.

2.6 Construction Traffic Management Plan

Submission of a revised CTMP is also a matter that can be conditioned.

2.7 Operation Traffic Management Plan

As with 2.6 above in response to the request for a CTMP, an OTMP is also surely a matter that can be conditioned.

3. Submissions

David Fleeting has passed on to us the objections which Council received when the DA was exhibited for comment. Thank you for supplying those. It can reasonably be concluded from reading them that the main issues of concern to local residents are: -

- an increase in student numbers;

- an increase in traffic generation (in Cranbrook Lane in particular) and parking demand (which residents say already results in illegal parking); and
- the impacts of night lighting from the tennis court lights and the possible increase in usage of the tennis courts because of their improved standard.

In relation to these issues, I make the following comments: -

- there is no proposal to increase the number of students over the existing actual number of students;
- if required, a detailed response can be provided by TSC's traffic consultant to the issue of traffic generation in Cranbrook Lane, however, it has always been envisaged that the optimum access location to any new on-site staff parking supply on the Victoria Road East Campus will be from Cranbrook Lane as proposed, in part at least because their related traffic movements and associated times of arrival and departure are more suited to this location; and
- the night lighting of the tennis courts is no longer proposed.

4. Further Action

If you would like me to arrange a Zoom or other meeting with TSC representatives and the design team to discuss the matter further I can facilitate that. Please let me know if you think that would be worthwhile.

Yours faithfully
BBC Consulting Planners



Robert Chambers
Director
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