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11 October 2021

The General Manager
Inner West Council
PO Box 14
Petersham NSW 2049

Dear Mr Gainsford

Bunnings, Tempe – Satisfaction of Local Area Traffic Management Study
Site: 728-750 Princes Highway, Tempe
Development Consent: DA2017/00185

We act on behalf of Bunnings Group Limited in relation to its development of a Bunnings Warehouse at the above Site pursuant to Development Consent No. DA2017/00185 (**Consent**).

1 LATM Study

1.1 The purpose of this letter is to request that Council please confirm whether the Local Area Traffic Management Study (**LATM Study**) has been submitted to the satisfaction of the Inner West Council Local Traffic Committee (**Traffic Committee**) and approved by the Traffic Committee as required by Condition 68A of the Consent.

1.2 Condition 68A of the Consent requires that:

LATM Study Requirements

- a) Prior to the issue of any Construction Certificate, the applicant shall submit to the satisfaction of Inner West Local Traffic Committee a full comprehensive Local Area Traffic Management Study. The study is to be funded by the applicant and undertaken by council.
- b) The LATM assessment shall identify appropriate measures to be implemented to mitigate the impacts associated with the proposed development on the local (and arterial) road network. A key objective is to limit the effects on local area residents by influencing development traffic approach and departure routes. Local street traffic volume environmental capacities should be retained in peak periods and across a typical day. The following streets shall be considered: Smith, Barden, Fanning, Wentworth, Hart, Station, South, Holbeach, Union and Foreman Streets.
- c) The LATM Study must be finalized and approved by the Traffic Committee before the issue of any Construction Certificate.

1.3 In relation to the status of satisfaction of Condition 68A of the Consent, we are instructed that:

- (a) in August 2020, the Traffic Committee considered a draft LATM Study (prepared by Bitzios Consulting on behalf of Council) and the Traffic Committee endorsed the contents of the

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LATM Study to be placed on public exhibition. That version of the LATM Study did not propose traffic signals on the Princes Highway;

- (b) the first time that the Traffic Committee considered the installation of traffic signals as part of the LATM Study was after the LATM Study had been placed on public exhibition. Since that time, the Traffic Committee has repeatedly deferred any decision on the LATM Study on the basis that it considers that a signalised intersection should be installed on the Princes Highway at the exit from the Site;
- (c) signalisation of the intersection is not supported by Transport for NSW (**TfNSW**) nor was it recommended in the LATM Study;
- (d) TfNSW has consistently and repeatedly maintained its opposition to the installation of additional traffic signals on the Princes Highway;
- (e) despite Council staff acknowledging the position of TfNSW in relation to the traffic signals and recommending to the Traffic Committee on 16 August 2021 that the final LATM Study be noted and the recommended treatments be adopted, the Traffic Committee again deferred its determination of the LATM Study on that day and resolved that *"Council refer this matter to the State Government for intervention on the grounds of safety and unnecessary impact on local residents, businesses and Tempe Primary School"*; and
- (f) Councillor Macri, Chair of the Traffic Committee, confirmed in a recent meeting between representatives of each of the Department of Planning, Industry and Environment Planning Delivery Unit (**PDU**) and Council, that *"no solution or information from TfNSW other than a signalised intersection would satisfy him / Chair of the Traffic Committee"*.

1.4 A copy of the minutes of the meeting between representatives of Council and the PDU held on 23 September 2021 is **enclosed**. Those minutes also provide further detail in relation to the background to the LATM Study and the basis upon which TfNSW has repeatedly confirmed that it does not support the installation of traffic signals on the Princes Highway.

1.5 As Council would be aware, under the *Roads Act 1993* (NSW), signalisation of an intersection cannot be carried out without consent from TfNSW. Plainly, that consent has not been and will not be forthcoming.

2 Request

2.1 On behalf of our client, we request please Council's urgent confirmation that the LATM Study has now been submitted to the satisfaction of the Traffic Committee and approved by the Traffic Committee as required by Condition 68A of the Consent such that Condition 68A of the Consent has been satisfied.

2.2 We request that this confirmation please be provided by **19 October 2021**, noting that Council's website indicates that the next meeting of the Traffic Committee is to be held on 18 October 2021.

2.3 If Council does not provide this confirmation by 19 October 2021, we anticipate that we will be instructed to promptly commence Class 1 proceedings in the Land and Environment Court on behalf of our client appealing against the Traffic Committee's failure to be satisfied as to the matters required by Condition 68A of the Consent.

- 2.4 Given the conduct of the Traffic Committee with respect to the LATM Study, in circumstances where TfNSW has unequivocally confirmed on numerous occasions that it does not support the installation of traffic signals on the Princes Highway, our client reserves its position with respect to seeking an order that Council pay its costs of any such proceedings.

Yours sincerely



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Partner

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Encl.

Copy to:

Cathey Edwards-Davis, Director Infrastructure

Inner West Council