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Belrose NSW 2085
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The General Manager
Warringah Council
Pittwater Rd
Dee Why NSW 2099

Mod2013/0260 – (DA2010/1170)
Modification of Development consent DA2010/1170 granted for increase in student numbers at John Colet School

I am registering my objection to the above Modifications to Development Consent DA 2010/1170

I feel that the notification sent by Council did not clearly explain the purpose of the application and this seems to have caused some confusion and misunderstanding amongst objectors. My understanding is that these modifications request the removal of Conditions 21 and 22, thereby granting a *permanent* increase to student numbers at John Colet School (to 225) and removal of the requirement to submit a bi-annual Traffic and Road Safety Audit.

These are the fifth and sixth modifications lodged by the applicant since the original DA. This continues the established pattern of submitting numerous DAs to increase student numbers or infrastructure, followed by multiple applications to amend and modify consent conditions. Having been granted numerous extensions by Council, in order to complete road and safety infrastructure, the applicant now seems in rather a hurry for unconditional consent to be granted, no doubt so another DA can be submitted.

In 2010, conditional approval was granted for an increase in student numbers from 150 to 225. This was met with strong opposition from local residents who felt that the school was already over capacity and non-compliant on issues relating to parking, traffic, planning regulations, threatened species and open space provision.

When making a determination, Council noted that many of the objections put forward by the local community were valid and represented grounds for refusal of the application. Despite the applicant's justifications being contrary to the outcomes of the assessment, the WDAP recommended conditional approval be granted on a time-based trial period and subject to provision of various plans to address the issues raised by objectors.

I see no reason to now remove the conditions (21 and 22) that were outlined in the subject consent. The applicant has not provided adequate justification for the temporary approval to be made permanent, nor do the supplied Road Safety Audits address ongoing issues of

increased parking demand, safety concerns and traffic congestion, which were the foundation for many previous objections (detailed below) In addition, there are inconsistencies relating to the usage and protection of the school's endangered bushland that appear unresolved

In the "*Statement of Environmental Effects*" report supplied with this application, the justification for a permanent approval to increase student numbers is given as "***the school needs certainty in numbers to be able to plan ahead for future years***" By this logic, it could be argued that the local community are equally entitled to certainty regarding control of the school's growth and impact, in accordance with the planning and development intent for this locality

We moved to Wyatt Avenue in 1996 with the assurance that the northern side of the street fell within the Belrose North C8 locality and was therefore protected under the WLEP from high-impact/high intensity development of the type that is now generated by the school In 1996, John Colet School had around 45 pupils. When the school applied for a tripling of student numbers, we were assured by the Director of Planning and Assessment Services, at a Warringah Council meeting on 28 May 2005, that the *maximum allowable number of students at the school was 150* This current application (relating to DA2010/1170) requests approval for a *permanent* increase to 225 students

In the current Open Space Management Plan submitted with this application, Item (b) has been amended from the 2011 OSM plan to show that the school now expects student numbers to be 259 by 2015 The school's website has, for a number of years, stated "*The whole school will be double stream by 2015 with a total enrolment of about 300 students*" From the school's P&F meeting dated May 2013 (from the JCS website) the Principal notes that "*There is a current marketing push to gain students for lower first year*" The intent to continue growing the school population is clear.

The pattern appears to be one of self-fulfilling prophecy, the applicant proposes future capacity without any assurance of consent, generates interest for these places, and then uses demand as justification to continue the school's growth **Removal of Condition 21 cannot be justified simply because the applicant, who is essentially running a private business, has an economic interest in the outcome.**

The school has been lobbying for many years to increase the student population to around 350 pupils and there is legitimate concern amongst residents that a new precedent will be set by granting this request for a permanent increase without a fair and appropriate review of ongoing impacts Where is the certainty for residents that there is a control plan? Community faith in the approval process will be severely undermined by terminating the assessment process short of the previous time frame **Due to the adverse impacts on local amenity during the increased student trial period, I believe that 225 students is an**

unsustainable number. I oppose any permanent increase beyond the previous 150 student limit, as stated by Council in 2005.

I would also ask that the Open Space Management Plan be amended to remove the “259 students by 2015” claim in Item (b) and that the disingenuous “300 students by 2015” claim be removed from the school’s website

When making an assessment on parent DA2010/1170, Council determined that the increased traffic and parking demands generated by an increase in student numbers were not “low impact/low intensity” and were therefore inconsistent with the desired future character of the C8 locality (LEP 2000) This new application does not change that finding

I refute the applicant’s claim that the two Road Safety Audits “*have clearly demonstrated to Council the minimal long term impact of the increased numbers*” thus justifying removal of Condition 22.

The Road Safety Audits submitted with this application primarily relate to road infrastructure and the performance and effectiveness of the new wombat crossing implemented under the consent. The audits do not address the ongoing issues of increased traffic volume, congestion and poor driver behaviour, which are the foundation for many objections by residents. The RSAs do not indicate what time of day they were conducted but the “drive through” photographs clearly indicate these were taken outside of peak hours, possibly outside of school hours, and they are not a fair indication of the conditions experienced by residents twice a day, five days a week, 38 weeks a year. The applicant acknowledges these ongoing issues, noting at a P&F meeting in March 2013 “*Parking has been noted as an ongoing neighbourhood issue*”.

These traffic issues are exacerbated by the school’s single road frontage and a building layout that prevents an on-site DOPU zone - physical constraints that cannot be altered to suit higher student numbers. Additionally, the majority of the school’s students live outside the local neighbourhood and travel by car, generating high traffic volumes

We continue to experience traffic congestion caused by the constant succession of vehicles waiting kerbside in the new DOPU zone along the school’s Wyatt Avenue frontage. The Traffic Management Plan recommends patrons enter the DOPU zone via Ralston Avenue and connect to the queue via Cotentin Road. Due to the number of waiting vehicles, this queue generally extends well beyond the Cotentin Road intersection necessitating that drivers turn left into Wyatt Avenue and conduct U turns to join the line. Many drivers choose not to use the Ralston Ave approach as there are no traffic lights to facilitate right hand turns from Forest Way and the Ralston/Cotentin intersection is also congested during peak periods at Belrose Primary School. Drivers who enter via Wyatt Avenue and are unable to find a convenient parking space, conduct U turns in Charleroi Road or illegally across the

double lines at the Cotentin/Wyatt intersection in order to re-enter Wyatt Ave, often blocking traffic when unable to complete the U turn

At Wyatt Reserve, the newly designated P5 five minute parking bays for peak periods (five spaces) seem a token convenience measure to increase turnover for parents, rather than a legitimate solution to an increased parking demand. These bays have now, in effect, become “privatised” for use by the school in morning and afternoon peak periods as the time limit makes them unfeasible for use by members of the public who wish to access the sports field and playground. They are also located adjacent to the wombat crossing, meaning that in this location one vehicle movement every five minutes is both chaotic and dangerous.

Compliance issues continue to disrupt neighbourhood amenity and traffic safety. Specifically

- non-compliance with rear to curb parking signs in the angled parking spaces along Wyatt Reserve. This requirement is a safety measure designed to improve driver visibility and prevent vehicles reversing blindly into oncoming traffic. Vehicles that do observe the rear-to-kerb regulations can only do so by halting traffic in both directions to reverse into the 90 ° angle spaces. Either way, the arrangement is unsatisfactory, often unsafe, and causes disruptions and delays to through traffic along Wyatt Avenue,
- non-compliance with 10m minimum distance from intersections, severely restricting driver visibility and safety,
- the bus stop closest to the school, to the immediate east of the wombat crossing, is consistently encroached upon by parked vehicles. This restricts or prevents kerbside access for buses and is a serious safety issue, particularly for school buses. Australian Road Rule 195 states that where no bus zone is marked, vehicles cannot park within 20m on the approach side and 10m on the departure side of a bus stop. Drivers confess ignorance of these RTA regulations. In accordance with the NSW State Transit Infrastructure Guide, which recommends installation of Bus Zones at bus stops “*where parking is at a premium and vehicles encroach within the bus stop*”, I feel it is now mandatory for Bus Zones or No Stopping signs to be installed around the bus stop on the northern side of Wyatt Ave to the east of the wombat crossing. An extension of the existing No Stopping zone is also needed on the southern side of Wyatt Ave, between the wombat crossing and Charleroi Rd intersection, to improve driver visibility. This would also prevent the bus stops being completely parked out, as occurs every year during the school’s annual fair,
- chaotic and dangerous conditions during the weekend of the school’s Open Day Fair and Art Show, where the applicant has indicated that at least 650 people may be present at any one time. Last year, a single count revealed 37 illegally, often dangerously, parked cars in Wyatt Avenue alone, including road corners, encroaching onto driveways and through two bus zones. Competition sports groups

and spectators using Wyatt Reserve (and who pay Council for the privilege) were also adversely affected by having no parking available

The school has been sympathetic to complaints but concedes that, outside of the school grounds, driver behaviour is beyond their jurisdiction. When assessing the parent DA, Council noted that *“the matter of illegally parked vehicles is recommended to be referred to Council’s Compliance Management Unit for investigation”*. **As compliance issues are a direct result of the school’s increased activity, I feel it is unreasonable to abdicate responsibility and transfer the burden of constant, daily monitoring and reporting of compliance issues onto the local community.** This is not just a matter of minor inconvenience; it is a serious safety concern.

Clearly, the ongoing safety and traffic issues fall beyond the limited scope of the Road Safety Audits, rendering them insufficient and ineffective as impact assessment tools. Therefore, I oppose the removal of condition 22 and request that the scope of these audits be extended to include extended surveillance of driver behaviour and traffic congestion during peak times as well as regular patrols by Council parking rangers, particularly when the school’s early departure times for kindergarten pupils are removed in the third term.

I also request refusal of a permanent increase to student numbers on the grounds that the associated increase in traffic continues to impact on safety and amenity for the community and has not been resolved during the trial period. The vehicle movements associated with 225 students is clearly beyond the capacity of this location.

When assessing the parent DA2010/1170, Council noted that the **proposed provision of car parking was inconsistent with the General Principles of Development Control** (Schedule 17 - car parking provision) and was grounds for refusal of the application. As an education facility, the school is required to provide on-site parking of *“one place per staff member in attendance”*. This finding is still relevant. In fact, the school now has *less* on-site parking than previously, as eight previous and unauthorised parking spaces were removed as part of consent conditions.

The school lists 51 staff on its website, though not all are full time. There are 19 approved parking spaces on the school grounds, a number that falls short of the school’s stated requirement of 24 spaces. Even this number appears to be an underestimate, given that in 2013 an average of 23 (two-thirds) of the 34 spaces at the Wyatt Reserve car park were fully occupied during and beyond school hours, apparently by staff and school visitors. Other cars are also distributed along Wyatt Avenue and surrounding streets for the duration of the school day to distract from the parking shortage. Clearly, the school’s car parking provision is inadequate and inconsistent with the aforementioned development control plan. Furthermore, it is unreasonable for car spaces in Wyatt Avenue to become a private parking annexe to the school.

As part of the parent DA consent conditions, the applicant was required to submit an Open Space Management Plan to detail the school's need/provision for open space and address the perceived "privatisation" of public space at Wyatt Reserve. At that time, the school had 150 pupils and it was apparent that the daily use of Wyatt Reserve demonstrated the school's inadequacy of open space to cater for the student's needs. **If the open space provision was inadequate with 150 pupils, how can it be sufficient for 225?** No additional play areas have been identified in the OSM Plan attached to this application, meaning that the additional 75 students are somehow being crammed into an existing, inadequate space comprised of small, fragmented play areas, with no buffer zone between the Eora playground and off limits endangered bushland.

Another issue is the demolition of the demountable classroom on the school's western boundary. This structure, identified as McLaren Hall, was supposed to be removed, along with demountable D5/6 as part of a 2006 DA consent for building works. This was required for bushfire protection as outlined in the following extract from the *Bushfire Hazard Assessment for Proposed New Classroom Block & Alterations & Additions to John Colet House at John Colet School Oct 2006* by Actinotus Environmental Consultants. *"The new classroom block will replace an existing residence on the school site and will function in lieu of demountable classrooms located in the western area of the school grounds. The demountable classrooms do not comply with bushfire requirements (Rural Fires Act) or standards required by "Planning for Bushfire Protection, 2001" (G Shephard pers comm) and will be removed from the site. The RFS final deadline for the removal of the demountables will be the start of the 2008/9 bushfire season (October 08)." This demountable is still in place and has not been approved as a permanent structure. Its continued presence needs resolution by Council before any further approvals are granted.*

When assessing parent DA2010/1170, Council raised concerns about the potential for intensified land use to impact on the site's threatened species and EEC population. This concern appears to have been well founded. Since conditional approval of the above DA, there has been significant intrusion into protected bushland areas of DFEC in Asset Zone B. This zone does not contain the endangered species *Grevillea caleyi* but does support endangered Duffys Forest Ecological Community, protected under NSW state legislation, one ROTAP species listed as rare (*Angophora crassifolia*) and one regionally significant species *Chordifex dimorphus* (syn *Restio dimorphus*).

The Open Space Management Plan submitted with this application describes asset Zone B as *"out of bounds at general play times. This area is used for learning, including science and nature study"*

In November 2012, an igloo-style play tent was erected in the NW corner of Asset Zone B and remains to this day, despite numerous communications to Council bushland staff. In Jan 2014, I noted that a meandering path, leading to the tent and edged by heavy wooden railway sleepers, has now been cleared through the length of this protected zone. At recess,

children were observed sitting on the single-rail, wooden boundary fence, which provides an inadequate buffer to the adjacent Eora playground

The presence of this tent and the clearing of the path are activities that are inconsistent with the usage described in the Open Space Management Plan and are also actions that are expressly prohibited in both threatened species protection areas and bushfire Asset Protection Zones. Who is managing this area? Is there ongoing monitoring by qualified contractors and Council staff, or is the area now the domain of the unsupervised “parent working bees” that were endorsed by Ecohort in their 2012 Bushland Management Report? This level of bushland interference may be seen as a compliance issue, but it is inconsistent with the bushland and open space management plans that were required as part of development consents. The actions have occurred since student numbers were increased and appear to be a direct consequence of the increased intensity of land use and poor site management.

The above matters require urgent investigation and resolution by Council before any further approvals are granted, in order meet obligations to protect the site’s bushland.

It has become extremely difficult to keep track of all the DAs submitted by the applicant over the years. I believe that Council needs to review all of the previous consent conditions and monitor compliance issues before granting any further approvals.

In summary, I recommend refusal of this proposal for the following reasons. Inconsistency with General Principles of Development Control, Inconsistency with Desired Future Character, failure of Road Safety Audits to address problems with traffic congestion and increased traffic volumes, outstanding compliance issues from previous DAs; inconsistency with implementation of open space management and bushland protection.

I thank Council for this opportunity to comment and I am happy to supply dated, photographic evidence to support my claims.

Yours faithfully,

A handwritten signature in black ink, appearing to read 'Clare McElroy', written in a cursive style.

Clare McElroy