



2 February 2022

Karen Harragon  
Director Social and Infrastructure Assessments  
Department of Planning and Environment

via email: [REDACTED]

Dear Ms Harragon,

**Westmead Catholic Community Education Campus (SSD 10383)**

I refer to the State significant development application for the Westmead Catholic Community Education Campus (SSD 10383) (**Application**), currently before the Independent Planning Commission (**Commission**) for determination.

The Commission is considering the imposition of the attached draft conditions of consent should it determine to approve the Application. The Commission seeks the Department's advice on the workability, enforceability and any potential unintended consequences of the proposed conditions.

The Commission notes that at its meeting with Transport for NSW (**TfNSW**) on 1 February 2022, the Department and TfNSW agreed to review the attached conditions and respond, taking into consideration both the Applicant's requested condition amendments (dated 16 December 2021) and City of Parramatta Council's response to those requests (dated 18 January 2022), both of which can be found on the Commission's website at: <https://www.ipcn.nsw.gov.au/projects/2021/12/westmead-catholic-community-education-campus-ssd-10383>

Please note, the attached draft conditions form only part of the full set of conditions currently being considered by the Commission. The Commission will seek the Department's advice on the full set of draft conditions in the following days.

Could you please provide the Department's advice on the attached draft conditions by 5pm on Monday, 7 February 2022.

This letter and your response will be made publicly available on the Commission's website immediately following the publication of the Commission's determination of this Application.

Should you require any clarification in relation to the above, or wish to discuss further, please contact Ms. Jane Anderson, [REDACTED] or (02) [REDACTED], or Ms. Casey Joshua, [REDACTED] or (02) [REDACTED].

Yours sincerely,

Stephen Barry  
Planning Director

# Development Consent

## Section 4.38 of the Environmental Planning and Assessment Act 1979

The Independent Planning Commission (the Commission), as the declared consent authority under clause 8A of State Environmental Planning Policy (State and Regional Development) 2011 and section 4.5(a) of the Environmental Planning and Assessment Act 1979, approves the development application referred to in Schedule 1, subject to the conditions specified in Schedule 2. These conditions are required to:

- prevent, minimise, or offset adverse environmental impacts;
- set standards and performance measures for acceptable environmental performance;
- require regular monitoring and reporting;
- providing a process to inform and consult with the public; and
- provide for the ongoing environmental management of the development.

(Commissioner)  
Member of the Commission

(Commissioner)  
Member of the Commission

Sydney

Date

### SCHEDULE 1

**Application Number:** SSD 10383

**Applicant:** Catholic Education Office Diocese of Parramatta

**Consent Authority:** Independent Planning Commission of NSW

**Site:** 2 Darcy Road, Westmead  
(Lot 1 DP 1095407 and Lot 1 DP 1211982)

**Development:** Redevelopment of the Westmead Catholic Community Education Campus comprising:

- alterations to an existing school building (Mother Teresa Primary School) and change of use to provide an early learning centre for 200 places and 25 full time equivalent (FTE) staff;
- construction of a six-storey new primary school building including classrooms and learning spaces, recreation spaces, canteen, storage, amenities and rooftop open space;
- staged increase in student numbers accommodating a total of 1680 students (1260 additional) and 76 additional FTE staff;
- construction of a new parish church with 400 seats;
- upgrades and alterations to two existing driveways and construction of 12 additional car parking spaces; and
- associated works including tree removal, pedestrian access, and landscaping.

**EXTRACT OF DRAFT CONDITIONS**  
**SCHEDULE 2**  
**PART A ADMINISTRATIVE CONDITIONS**  
**CONDITIONS A10 – A12**

**SCHEDULE 2**  
**PART A ADMINISTRATIVE CONDITIONS**

- A10. Within 6 months of the commencement of operation of the school (i.e 2023 Opening Year) and the church (if it commences operation with the school), the Applicant must undertake a new traffic assessment which:
- (a) is prepared by a suitably qualified traffic consultant, in consultation with TfNSW and Council;
  - (b) identifies the school and CELC peak traffic periods;
  - (c) includes details of baseline conditions and modelling methodology, as agreed with TfNSW (with appropriate evidence provided of such agreement);
  - (d) includes traffic counts and surveys (for at least three consecutive standard school days as agreed by TfNSW) to provide details of traffic generation due to the operation of the school in the identified AM and PM school periods;
  - (e) includes modelling of the Darcy Road / Bridge Road / Coles Carpark intersection (using an appropriate traffic modelling tool such as SIDRA or equivalent) based on the above traffic generation data and baseline conditions (as agreed with TfNSW);
  - (f) includes calibration and validation of the model to enable a critical assessment of the traffic impacts of the above intersection;
  - (g) demonstrates in the validation, that the model meets the requirements of TfNSW Traffic Modelling Guidelines;
  - (h) satisfactorily validates the model for the various school time periods of the day in accordance with the procedures set out in the TfNSW Traffic Modelling Guidelines;
  - (i) includes details of the level of service (LoS) of the above intersection as a result of the modelling;
  - (j) compares the traffic surveys/generation results against the data submitted in the *Transport & Accessibility Impact Assessment Report* prepared by The Transport Planning Partnership dated 25 August 2021 (TAA) to verify that the LoS of the above intersection is consistent with the results in the TAA or if it is not consistent with the TAA, it is to identify the changes in traffic volume and the reasons for the associated changes to the traffic volume/conditions (if applicable); and
  - (k) ~~includes-identifies~~ additional management/mitigation measures at the Darcy Road / Bridge Road / Coles Carpark intersection to optimise road safety in accordance with TfNSW guidelines, Austroads guidelines and Australian Standards ~~(including upgrades if necessary)~~, if the traffic assessment concludes that the performance of this intersection is worse than ~~that predicted by the TAA LoS D~~, and the traffic generated by this development is a contributing factor to the LoS deterioration ~~(due to the impact of development traffic flow through the intersection)~~.
- A11. The traffic assessment, required by condition A10, must:
- (a) include the use of baseline conditions and modelling methodology that is endorsed by TfNSW, prior to the preparation of the traffic assessment, and is based on the following:
    - (i) Austroads (2020) Guide to Traffic Management Part 3: Transport Study and Analysis Methods;
    - (ii) AP-R421-12 Austroads Research Report 2012 An Introductory Guide for Evaluating Effectiveness of Road Safety Treatments; and

**Commented [IPC1]:** Suggest deleting this because it duplicates the "management/mitigation measures" at the start of A10(k)

**Commented [IPC2]:** Suggested amendment to provide clarity around the trigger for when mitigation works will be required – Commission is seeking DPE/TfNSW advice on whether this is the appropriate trigger. The Applicant requests it to be "LoS D"; Council recommends the "2033 AM and PM Do Minimum scenarios be specified as the target".

(iii) Austroads (2016) Guide to Traffic Management Part 8: Local Area Traffic Management provides information relating to Monitoring and Review; and

(b) be endorsed by Council and TfNSW and submitted to the Planning Secretary for approval within 3 months of undertaking the assessment.

A12. If condition A10 determines that traffic mitigation measures are required at the Darcy Road / Bridge Road / Coles Carpark intersection, then the Applicant must either:

(a) ~~either~~ undertake the works within 18 months of the date of the approval of the traffic assessment by the Planning Secretary (unless an alternate timeframe is agreed with the Planning Secretary) including appropriate approvals from the relevant roads authority (Council or TfNSW); **or**

(b) propose an alternate method(s) of delivering the traffic management/mitigation measures endorsed by TfNSW and Council and approved by the Planning Secretary and deliver the measures within 18 months of the date of the approval of the traffic assessment by the Planning Secretary. If the agreed alternate method comprises payment of a monetary contribution towards the traffic management/mitigation measures, the payment is to be made within 6 months of the date of the approval of the traffic assessment by the Planning Secretary.

**Commented [IPC3]:** Applicant's suggested wording due to concerns that condition A12 generates uncertainty for the Applicant regarding future upgrade responsibilities. Applicant requests the condition be more explicit that a contribution is a viable alternative option.

Council objects to a purely monetary contribution because other funding sources may not be available and Council's view is that the Applicant should liaise with the Health site (at the time the Health site is seeking approval) for a single solution to the intersection, which may involve some Health land for intersection upgrades.

At its meeting with the Commission, TfNSW recognised the Applicant's desire to provide for greater clarity in this condition and offered to consider wording that strengthens and removes ambiguity in this condition in consultation with DPE (including looking at potential staging works when certain trigger or threshold points are met – page 9 of transcript).