

From: Paul Blanket
To: [Dennis Lee; IPCN Enquiries Mailbox](#)
Subject: RE: Stevenson Library, The Scots College
Date: Saturday, 22 June 2019 9:46:33 AM
Attachments: [CSN Signoff.png](#)

Dear Committee,

“Duty of Care” is a long established legal and moral principal that ensures that all organisations meet a high standard to protect their internal and external stakeholders from any possible hurt or damage.

However when it comes to schools, the bar is set considerably higher **“In Loco Parentis”** - they must act as if they were a loving parent prioritising the safety and well-being of their students.

The question is...Is Scots living up to their moral and legal responsibilities, and how does this application effect that profound responsibility?

The simple building of a new library does not in it self have any effect on the safety of its students and staff. However, the IPC cannot and should not take this individual application in isolation, but look at it in the totality of Scots’ poor history of broken promises and lack of responsibility when it comes to the safety of its students, staff and neighbours.

I will break this down into 4 key groups:

1. LOCAL COMMUNITY CONCERN RE SAFETY:

Given that over 90% of the objections to this application were on the basis of concerns in regard to the total lack of safety on the roads surrounding Scots, it is a clear indication that the community is seriously concerned that a catastrophic accident is not a possibility but a probability.

2. COUNCIL’S CONCERN RE SAFETY:

It is no accident that Woollahra Council has knocked back every major recent Development Application by Scots - because Scots has not taken any serious attempt to resolve the traffic and parking problems created by the breach of the student cap.

3. THE LAND AND ENVIRONMENT COURTS’ CONCERN RE SAFETY:

Three times in the last 5 years, Scots has taken Woollahra Council to court to push through either increased GFA or student numbers. Three times the LEC has said NO. Why? To quote Senior Commissioner Tim Moore when he concluded that he could not be satisfied that there would be no increased risk to children given the “...present dangerous parental activities”. A significant number of parents dropping off and/or picking up children from the preparatory school pay no regard to the law, child safety...”. He and other Commissioners went on to criticise Scots for either a total lack of traffic management, or at very best poor traffic management practices, which put the entire community at risk.

4. THE SCOTS’ COMMUNITY CONCERN RE SAFETY:

Over the passed week Concerned Scots Neighbours has received anonymous phone calls and letters urging us to continue raising our concerns. They detailed both staff and parents who are afraid to speak out in fear of retribution from Scots management and have personal concerns about child and staff safety.

What has Scots’ response been?

I will quote Dr Lambert Scots’ Principal who stated in the Sydney Morning Herald April 1, 2015:

"it is clear that there would be no additional risk" as a result of the proposal, and criticised the council and residents' group.

The community regards this as a total denial of the existing problem. In the last 4 years the problem has been exacerbated as a result of the increased student numbers....which Scots assured the council, courts and community would not be happening.

Scots has advised the IPC that it will make an application to Woollahra Council to add an 80 car underground car park and a drive through student pick up and drop off.

We have a major concern with this based on 3 key NO's:

1. No legal requirement to actually submit an application
2. No requirement for Woollahra Council to approve the application
3. No requirement for Scots to build the car park and drive through, if and when approved.

Would Scots actually resolve the traffic and parking problem?

History would teach us otherwise, based on 3 factors:

1. In 2014 Concerned Scots Neighbours commenced a Class 4 action against Scots in regard to its breach of conditions of consent in regard to the student cap. In late 2015 we agreed to drop the action on the condition that Scots takes a serious attempt to resolve the dangerous traffic situation by submitting a DA and commencing a building program to put onsite parking and internal drop off on their campuses. After an initial discussion with Council, Scots has done nothing. **We took that as a breach of promise.**
2. In 2015, we were told directly by Scots that if traffic was such a concern to us, they would resolve the problem if the local community paid the cost! **We took that as a priority of dollars over safety.**
3. In 2018 when we met with Scots, we were told that it is a lot harder to raise money for a car park than a Baronial Library from their donor base, thus they would not commit to the onsite parking or drop off as part of this plan. **We took that as an indefinite deferral of resolving the traffic problem.**

Now the IPC has bought Scots' promise that it will put in a DA to build a car park and drive through drop off. If the local community, Woollahra Council, Land and Environment Courts and Scots parents and staff have all recognised that there is a problem and Scots is not prepared to resolve it, why has the IPC? Surely it is incumbent on the IPC to listen to every external and internal stakeholder on this matter and send a clear message to Scots that it cannot continue to disregard its own legal and moral safety responsibilities.

What are CSN's options?

1. We would much prefer that the IPC take a definitive stand (which I have detailed below.) in regard to Scots' lack of willingness to resolve the safety issues. However if that is not to be the case then,
2. We will investigate Scots' breach of its duty of safety and student welfare with the NSW Education and Standards Authority, and consider taking action under s47 of the Education Act which would threaten Scots continuing registration and/or
3. Recommence our Class 4 action in regard to the conditions of consent breach in regard to the student cap on the Victoria Rd campus.

As such, on behalf of the 250 residents we represent and all the other concerned individuals and organisations we request one thing:

In approving the Stevenson Library application, rather than conditioning a "Green Traffic Plan", you condition the approval that prior to occupation, Scots must build the proposed 80 car underground car park and the off street drive through pick up.

This is the only way to ensure that:

1. Scots is serious this time about resolving the traffic and parking problems that it has created
2. Scots takes seriously its critical responsibility to provide a safe environment for its students, staff and neighbours.

On behalf of the community, I thank you for your consideration of this very important matter.

Regards,

PAUL BLANKET

ON BEHALF OF

CONCERNED SCOTS NEIGHBOURS INC

