

9 November 2012

**DETERMINATION OF GRAYTHWAITE
CONCEPT PLAN AND STAGE 1 PROJECT APPLICATION
(MP10_0149 & MP10_150)**

EXECUTIVE SUMMARY

The application sought concept plan and Stage 1 project approval for the extension of the Shore school onto the Graythwaite site. The application was referred to the Planning Assessment Commission for determination due to North Sydney Council's objection to the application, and high levels of public interest.

Following careful consideration of the views expressed at the public meeting, and the Department's Assessment Report, agency and public submissions, the Commission agrees with the Department's recommendation that the proposal could be approved subject to the recommended conditions as amended by the Commission. These amendments modify the application to further minimise residual amenity impacts, improve the environmental outcome and resolve some existing traffic issues.

The key amendments include:

- Requirement for a 'whole of school operation' traffic management plan and noise management plan;
- A revised landscape plan to include additional plantings to the northwest of the West Building;
- The proposed pick-up facility and William Street bus stop are to be included as part of the Stage 1 development;
- The pick-up facility is to be designed in accordance with Option 3 in the Revised EA and made able to be used as drop-off in the morning as well. A no right-hand turn from Union Street is required unless the future performance review concludes that the ban should be modified to improve pedestrian/road safety standards and traffic flow;
- The 41 staff parking to be provided under the East Building shall be available for general parking for evening and weekend functions/events;
- Union Street fencing shall be along the entire Union Street frontage and in accordance with the revised design submitted via letter dated 24 October 2012; and
- Boundary fencing between Bank Street residences and the Graythwaite site shall be installed subject to negotiation between the parties, with the School liable for reasonable costs.

The report below provides further detail on the Commission's decision-making process, and outlines the reasons for the amendments made to the recommended conditions.

1 THE PROPOSAL

The original Environmental Assessment (EA) for the concept plan proposed to use the Graythwaite site for educational purposes, conservation and adaptive reuse of existing buildings, demolition works, building envelopes for new buildings with a combined GFA of 6477.2m², pedestrian and vehicular access arrangements and 48 car parking spaces, capacity to accommodate up to 500 additional students and 50 additional staff, landscape concept including removal of 80 trees, and completion of the concept plan proposal in 3 stages.

To address issues raised in public submissions to the EA and incorporate conservation measures detailed in the Heritage Council endorsed Conservation Management Plan, a revised concept plan was submitted. The key amendments included:

- A reduced building envelope of the West building to address issues in relation to building bulk, scale and height, and to increase the set back from the western boundary to reduce potential impacts on neighbours;
- A reduction of number of students and staff to 450 and 45 respectively; and
- A new student pick-up arrangement to be developed in Stage 2.

Stages of the revised concept plan included:

Stage 1

- conservation and refurbishment of Graythwaite House, Coach House, Tom O'Neill Centre and associated garden areas;
- improvements to drainage, stormwater, landscaping, transport, traffic, parking and access, fence and gates; and
- landscaping along the western site boundary.

Stage 2

- construction of 2 new buildings (North Building and East Building) with a total GFA of 3394.7m²;
- demolition of the Ward Building;
- construction of a new pick-up area linking Union Street to Hunter Crescent; and
- increased capacity to accommodate up to 100 students and 10 staff members.

Stage 3

- construction of the West Building with a total GFA of 2681.1m²;
- increased capacity to accommodate 350 additional students and 35 additional staff; and
- demolition of the Tom O'Neill Centre and construction of a replacement building of similar height and footprint.

2. DELEGATION TO THE COMMISSION

The application was referred to the Commission for determination under Ministerial delegation dated 14 September 2011 due to high level of public interest and North Sydney Council's objection.

Ms Abigail Goldberg (chair) and Mr David Furlong were nominated to constitute the Commission to consider and determine the application. They visited the site and surrounding neighbourhood on 18 October 2012.

3. DEPARTMENT'S ASSESSMENT REPORT

The Director-General's Environmental Assessment Report ('the Assessment Report') considered the proposal, its statutory context, public and agencies submissions, and the proponent's responses to submissions. The report canvassed the following issues:

- built form including bulk, height and scale,
- residential amenity including visual impact, privacy, overshadowing, and noise;
- heritage including change of use, demolition and new buildings adjacent to listed building, landscaping & tree removal, new fence and gates BCA compliance, Aboriginal heritage;
- traffic, parking, accessibility and transport including rail noise and vibration, and increase student and staff numbers; traffic generation, pick-up facility, and
- other issues included stormwater and drainage, noise, flora and fauna, developer contributions, and public interest.

The assessment report concludes that the proposal is consistent with the strategic objectives of the Metropolitan Plan for Sydney 2036 and the draft Inner North Subregional Strategy for the area. The justification for the minor exceedance of the building height control of the West Building is considered acceptable. The Department is of the view that the recommended conditions and implementation of measures detailed in the proponent's revised EA, Preferred Project Report (PPR) and Statement of Commitments (SoC) will adequately mitigate the environmental impacts of the proposal and that the proposal is in the public interest. Hence the application is recommended for approval with conditions.

4. MEETING WITH STAKEHOLDERS

4.1 North Sydney Council

The Commission met with North Sydney Council on 18 October 2012. Council advised at this meeting that the two issues of primary importance to them were traffic and the West Building. Council's views are outlined below:

- Traffic
 - new pick-up area should also be used as drop-off in the morning;

- 41 additional parking spaces for staff should be deleted to encourage the use of public transport;
- buses should be on school site to internalise impacts; and
- the school site needs to be examined holistically from a transport masterplan perspective;
- West Building
 - exceeds the 8.5m height limit;
 - may have a visual impact on residents on Bank Street; and
 - may result in noise from the use of the building, particularly with open windows but that the condition recommended by the Department in this regard is appropriate.

Other issues discussed included:

- increasing public access as the current proposal is perceived as restrictive;
- improving visual connection as in Council's DCP;
- lack of clarity regarding the proposed use of functions rooms.

4.2 Proponent – Sydney Church of England Grammar School (Shore)

The Commission met with the Proponent on 18 October 2012 for a briefing on the proposal. The briefing addressed:

- Background to the proposal;
- Modifications following exhibition of the EA;
- Site constraints;
- A pedestrian environment within the central part of the school;
- Heritage consideration;
- Options for the bus pick-up area, including Mount Street, William Street and on site;
- New pick-up area through the existing parking area below the tennis court and other options;
- Future use of the West Building;
- Public access to the site;
- Availability of school facilities for community use;
- Justification for the additional 41 parking spaces;
- Visual impact of West Building on Bank Street residents;
- Proposed landscaping works, including early landscaping of the western boundary; and
- Proposed fence and entrance gate to the Graythwaite site.

Following the briefing, the Commission visited the site including the proposed location for East and North Buildings, Edward Street drop-off & pick-up zone, Graythwaite House and associated buildings, proposed car parking entry to East Building, proposed West Building location, Graythwaite middle and lower terrace, and existing staff parking/tennis courts and the new pick-up location.

4.3 Public Meeting

The public meeting was held on 22 October 2012 at the Kirribilli Club where 12 people spoke to the Commission. (Appendix 1) The following is a brief summary of the issues raised.

Objecting to the proposal

All speakers who objected to the proposal indicated their objection was focused on Stages 2 and 3. Strong support was indicated for the proposed Stage 1 works to conserve Graythwaite House and associated facilities.

The following is a brief summary of the key objections raised at the public meeting:

- Traffic
 - Traffic issue should be addressed now, not until Stages 2 and 3;
 - There is a need for a transport masterplan for the whole school;
 - It would be preferable to internalise the traffic impacts;
 - Preferred drop-off option is flawed as it can easily be used in the morning;
 - Issue of parking is multi-faceted and includes on-site parking, student parking and parking inconsistent with Council policy;
 - School buses should be parked on site or additional bus stops on William and Blue Streets; and
 - There is a need for additional pick-up and drop-off facilities, not just pick-up.

- West Building
 - The proposed building is an overdevelopment in terms of building height and bulk with insufficient setback;
 - Impact on residents including privacy, noise;
 - Alternative design prepared by residents has not been considered;
 - Additional screen planting along the western boundary is required;
 - There should be no student/construction access to the landscaping area; and
 - There is no justification for the proposal. The justifications provided in the EA are reasons for non-compliance of development controls.
- Need more public benefits in addition to the conservation of Graythwaite House and associated facilities:
 - Public access from Union Street through the site to Edward Street;
 - Lower terrace for public recreation use; and
 - Fence should be re-designed to provide more visual permeability from Union Street.
- Construction impact including truck traffic, noise, dust, access, hours of operation has not been addressed.
- Other issues included inadequate/poor consultation, compliance, delivery hours, design of East Building and potential impact on Graythwaite House, s94 contribution.

If the applications were to be approved, most objectors believed more stringent conditions were required to ensure impacts are internalised within the school site and minimal impacts made on the residents and the local road network. The objectors' recommended conditions include:

Traffic & parking

- The proposed new pick-up facility should also be for drop-off with no right hand turn from Union Street and exit to another street.
- Construction vehicle access to the site should be restricted during morning and afternoon peak to 7.30-8.40am and 2.30-3.30pm respectively.
- There is a need for a traffic management plan for the school before construction commencement of any stage and the plan is to be approved by council and include no student parking in local streets.
- William Street and Blues Street bus parking spaces should be available before commencement of Stages 2 and 3.
- The lower terrace of Graythwaite should be maintained as grass area and not be used for parking or bus pick-up.
- Pedestrian access along Union Street and Edward Street must be maintained throughout construction.

Fence

- Fence along Union Street should be redesigned to provide more visual permeability.
- Site fencing between Graythwaite and Bank Street residences should be resolved by negotiation with owners of those properties where there is no fence.

Landscaping and public access

- Public access to the site should be provided via a through site link from Union Street to Edward Street. The lower terrace should remain as open space.
- Screening planting at the western boundary should be at least 8.5m high before commencement of Stage 3.
- Additional planting at the north-west of the West Building and terrace roofs should be required to provide more screening.
- A bond should be applied to cover the protection of existing trees.

Others

- No stage should commence before final sign-off of the previous stage.
- There should be no mechanical noise between 10pm and 7am.

Supporting the proposal

Speakers in support of the proposal raised the following matters:

- Redevelopment of the Graythwaite site will be an asset to the community.
- Current parking in North Sydney is very restrictive and inadequate. Increased on-site parking will assist evening tutorial classes, weekend on-site functions and residents who rely on on-street parking;

- The proposal is the best opportunity to revitalise the site, and provides long term vision and planning for the site; and
- The site is capable of accommodating the proposed development without significant impact on the heritage value.

4.4 Meeting with Department of Planning and Infrastructure

On 25 October 2012, the Commission met with staff of the Department of Planning and Infrastructure to seek clarification on issues raised at the public meeting. The meeting focused on the following issues:

- Alternative design proposed by residents and reasons for not considering the alternative scheme;
- Options for the afternoon pick-up facility and whether it can also be used for morning drop-off;
- Peak traffic flows in the area; and
- Proposed William Street bus pick-up (option to condition it now rather than later).

5 COMMISSION'S COMMENTS

The Commission has carefully reviewed the Department's assessment report and associated documents, including submissions from North Sydney Council, agencies and the public. It has also considered the views expressed by North Sydney Council and the presenters who spoke at the meeting with the Commission.

The Commission is generally satisfied that the assessment report has adequately canvassed the issues raised in public submissions, and where required, recommends conditions of consent to address/mitigate residual impacts. Although the Commission finds that on balance, the proposal could be approved with conditions, it considers some of the recommended conditions should be amended to improve the management of the project and its environmental performance.

5.1 Traffic, accessibility and transport

The Commission agrees that traffic impact on the surrounding local road network is a key issue. It notes that both the Department and North Sydney Council have engaged independent traffic consultants to review the traffic issue. Both agreed that the traffic generated by the proposal could be accommodated on the surrounding road network. However, while the Department considered that its recommended conditions together with the proponent's statement of commitment would mitigate and minimise potential impacts, the Commission found it should take this opportunity to resolve some of the existing traffic issues.

a) Additional 41 staff parking spaces

The Department recommends that the additional 41 parking spaces under the East Building not be approved for a number of reasons including exceedance of Council's DCP control, the site being highly accessible by public transport and extra parking provision being inconsistent with government transport policies.

North Sydney Council supports the refusal as well as many residents who spoke at the meeting because of the existing "traffic congestion" in the area and the need to comply with the DCP controls.

However, several residents on Union Street emailed the Commission to express their concern regarding the recommended refusal of the 41 additional car parking spaces. They consider that any extra parking spaces would assist in alleviating the current parking difficulties for Union Street residents who do not have parking spaces within their property and rely on on-street parking. Others also consider it will benefit the area when functions and events are held in the school during the evening and at the weekend. The Commission agrees that the extra parking spaces will assist the parking problem in the area particularly when functions/events are held in the evening and weekend. The recommended condition has been amended accordingly.

b) The new pick-up facility

North Sydney Council as well as most speakers at the public meeting questioned why the new pick-up facility could not be used as a drop-off facility in the morning to alleviate the current traffic congestion at Edward Street. The proponent's response to the question was that the current drop-off facility is sufficient for existing students. The new facility would split the drop-off into two areas, create management difficulties and possible traffic issues that have not been assessed.

The Commission shares the views expressed by Council and residents. The proposed pick-up facility if also used as a drop-off facility in the morning could provide some relief to Edward Street. Hence it should be built as part of Stage 1 rather than Stage 2. The Commission is not convinced that the claimed management difficulties cannot be overcome by better planning and drop-off management.

As to the potential traffic issues, a ban on right-hand turn from Union Street (resulting in left-in left-out movements only) to the pick-up facility will be the initial control. A performance review is required to be carried out 6 months after operation to evaluate the effectiveness and adequacy of the control, and whether additional measures are required to ensure pedestrian and road safety and minimise impact on traffic flow.

The Commission also finds the proposed access to the pick-up facility through the staff car park unsatisfactory and prefers Option 3 as proposed in the *Pick-up Zone Options* report by Cardno dated September 2011. It is important that a landscaping strip be maintained between the access road and Union Street. The recommended condition has been amended accordingly.

c) William Street bus stop

Council's independent consultants identified William Street as the most appropriate location for additional bus operations for the school. The Department's traffic consultant also supports the William Street proposal to accommodate the additional demand generated by the expansion of the school. Council advised that the North Sydney Traffic Committee is unlikely to support the proposed bus stop given it would reduce the provision of on-street car parking in the locality. Residents, particularly those on Edward Street and Mount Street support the proposed William Street bus stop as it will assist the existing afternoon bus traffic in the area.

In view of the existing bus traffic issue in the area, the Commission considers the William Street bus stop should be included in Stage 1 and implemented as soon as practicable. The bus stop will only be required for about 1 hour on school days between 3pm and 4pm. The loss of a number of parking spaces for one hour in the afternoon should not create a significant parking problem for the area. The operation performance of the William Street bus stop should be reviewed 6 months after commencing.

d) Operation Traffic Management Plan

The Commission agrees with the views expressed by Council and residents that a whole of school operation traffic management plan is required to deal with the existing and future traffic issues. The plan should be prepared and implemented before completion of Stage 1. The Plan shall address, but not be limited to, the following:

- Pedestrian and road safety;
- Student parking (on street);
- Minimising potential traffic impacts on surrounding road network including mitigation measures to reduce impacts;
- Operation of bus stops at Mount Street, William Street and Blue Street when implemented;
- Morning drop-off and afternoon pick-up; and
- Monitoring and review.

A condition has been included to reflect the requirement.

e) Public access to Graythwaite

The Commission understands that in the past when Graythwaite was in public ownership, informal access was available to residents. At the meeting with the proponent, the Commission was advised that community access to the Graythwaite site will be available at nominated times throughout the year and that other school facilities are also available for public booking. Informal access by some residents has continued although is not encouraged by the school. The Commission notes residents' request that a through site link from Union Street to Edward Street be retained as well as general public access to the site. However, it must be acknowledged that the site is now a private property, with school children including boarders on site, and the Commission supports public access with owner's consent.

5.2 West Building

The Department's assessment report canvassed in detail the issue of built form (height, bulk and scale) for all the proposed buildings including the West Building, East Building, North Building, and Tom O'Neill Centre. It also discussed at length the height limit provided in the North Sydney LEP 2001 and the issue of exceedance of the height control. In terms of impact on residential amenity, the report has considered overshadowing, privacy and operational noise.

a) Alternative design

At the public meeting, residents submitted that they had provided an alternative design for the West Building, which would address most of their concerns, to the Department for consideration. But they asserted that it was not considered by the Department.

At its meeting with the Department, the Commission sought clarification from the Department about the alternative design submitted by the residents and the reasons why it was not considered. The Department advised that it met with residents and the proponent in July 2011 to discuss the alternative design proposed by residents. The proponent expressed concern at the meeting that the alternative design did not satisfy the school's operational requirements. The issue was also considered in Appendix Q of the Revised EA.

The Department accepted the proponent's conclusion that the alternative design is not suitable as it would significantly reduce the floor space (by about 40%); not provide adequate functional areas; locate the lowest floor level predominantly underground with windows to the west that would create privacy issue for residents on Bank Street; and has the potential to impact on significant trees and the established heritage curtilage for Graythwaite and its outbuildings.

The Commission accepts that the issue has been satisfactorily addressed by the Department.

b) Impacts on adjacent neighbours

The Commission has carefully considered residents and Council's submissions on the issue, the proponent's proposed mitigation measures and the Department's assessment and conclusion. The Commission inspected the site and its surrounds. It noted the topography and constraints of the site; density and height of existing vegetation, proposed clearing and screen planting along the western boundary; and the orientation, height and set back of the proposed West Building. The Department advised that staff members visited Nos 31, 33 and 37 Bank Street and took photos from these residences. The Commission was provided a set of these photos.

The Commission agrees that the level difference between the proposed West Building site and Bank Street residences may accentuate the height of the West Building. However, existing mature trees along the western boundary, the proposed additional planting and the setback of minimum 20m will reduce the visual impact of the proposed building. The Commission does not accept that the residual filtered view of the building is unreasonable when considering the proposal in a highly urbanised environment. However, the Commission agrees with residents that additional screen planting should be provided at the northwest corner of the West Building to minimise the impact when viewed from the northwest.

The Commission also supports residents' proposal that consideration be given to providing planting on the roof terraces in future detail design. Relevant conditions have been amended accordingly.

The Commission is satisfied that other amenity issues have been adequately addressed in the Department's assessment report and notes that future development applications for any buildings are required to minimise impacts on residential amenity and privacy.

5.3 Other Issues

a) Fence along Union Street

The design of the fence along Union Street was discussed at the meeting between the Commission and the proponent before the public meeting. The Commission requested a reconsideration of the fence design to provide more visual permeability of the site. The proponent advised that it has uncovered additional historic information about the fence and was in the process of reconsidering its design.

The issue was also raised by residents at the public meeting.

By letter dated 24 October 2012, the revised fence design and supporting information were provided for the Commission's consideration. (See Appendix 2)

The Commission considers the new design is appropriate, but the fence should apply to the whole of the Union Street frontage, not just the entrance to Graythwaite. Relevant conditions are amended accordingly.

b) Site fence between the Graythwaite site and Bank Street residences

Some Bank Street residents raised the issue of boundary fencing between their residences and the Graythwaite site. The Commission considers it is an issue that should be negotiated between the School and the residents and the school should pay a reasonable cost to install the boundary fence.

c) Operational noise management plan.

Operational noise may become an issue for Bank Street residents when the West Building is occupied. Hence it is reasonable to require the preparation and implementation of an operation noise management plan for the site before the occupation of West Building. The plan shall address, but not be limited to, student noise, use of landscaped area between the West Building and Bank Street residences, noise control measures, school operational noise including bell ringing and public announcement system.

A condition has been included accordingly.

The Commission also notes that some Bank Street residents considered the recommended concept approval condition No 16 should be amended to be consistent with condition No 15. The Commission found condition No 15 provides noise criteria for mechanical plant associated with any future new buildings. The criteria vary depending on the time of the day (day, evening and night). It is to be achieved at the boundary of residential properties. Condition No 16 is an additional control to protect habitable rooms after midnight and is complementary to Condition No 15.

d) Section 94 contribution and tree protection bond

The issue of S94 contribution has been addressed in the Assessment report. However, the proposal, being an educational facility, is not subject to a S94 contribution requirement.

As to the request to require a bond to cover the protection of trees, the Commission does not consider it necessary as Council is the authority to regulate the protection of trees.

6 COMMISSION'S DETERMINATION

To determine whether the concept proposal for the West Building is appropriate, the Commission must have regard to several competing interests. These include the potential impact on residential amenity; the site constraints in terms of topography and existing significant vegetation, heritage significance of the site; the need to conserve and protect the heritage and cultural value, and the future floorspace requirement of the school.

The Commission has carefully considered the information available including the assessment report, council and public submissions, views expressed by residents at the public meeting, the Commission's visit of the site and surrounds, photos and views from residences provided by the Department. It agrees with the assessment report conclusion that the proposed West Building envelope provides a reasonable balance of these competing interests.

The Commission accepts that the proposed building will have some residual amenity impacts on nearby residents. But they are not considered so serious as to justify the refusal of the application. The Department's recommended conditions of approval and the proponent's statement of commitment will minimise the negative impacts to an acceptable level in the context of a highly urbanised environment. The Commission also requires the recommended conditions to be modified to include additional plantings as suggested by residents to improve the environmental performance of the proposal.

Following the meeting with the Department, a revised set of recommended conditions was received by the Commission on 5 November 2012 reflecting the discussion in the meeting and revised drawings were received on 7 November 2012.

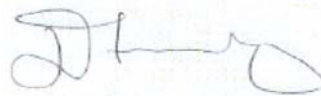
The Commission determines that the concept plan and Stage 1 project application should be approved subject to the revised recommended conditions as amended by the Commission (See Appendix 3).

The key amendments include:

- Clear description of land that is the subject of the approval;
- Requirements for a whole of school operation traffic management plan and noise management plan;
- A revised landscape plan is required to include additional plantings to the northwest of the West Building;
- The proposed pick-up facility and William Street bus stop are to be included as part of Stage 1 development;
- The pick-up facility shall be designed to be consistent with Option 3 in the Revised EA; used as drop-off in the morning as well; and with no right-hand turn from Union Street (left in, left out) unless future performance review concludes that the ban should be modified to maintain pedestrian/road safety standard and traffic flow;
- The 41 staff parking to be provided under the East Building shall be available for general parking for evening and weekend functions/events;
- Union Street fencing shall be along the entire Union Street frontage and in accordance with the revised design submitted via letter dated 24 October 2012; and
- Boundary fencing between Bank Street residences and the Graythwaite site shall be subject to negotiation between the parties and the School shall pay reasonable cost.



Abigail Goldberg
PAC Member (chair)



David Furlong
PAC Member

Appendix 1 List of Speakers

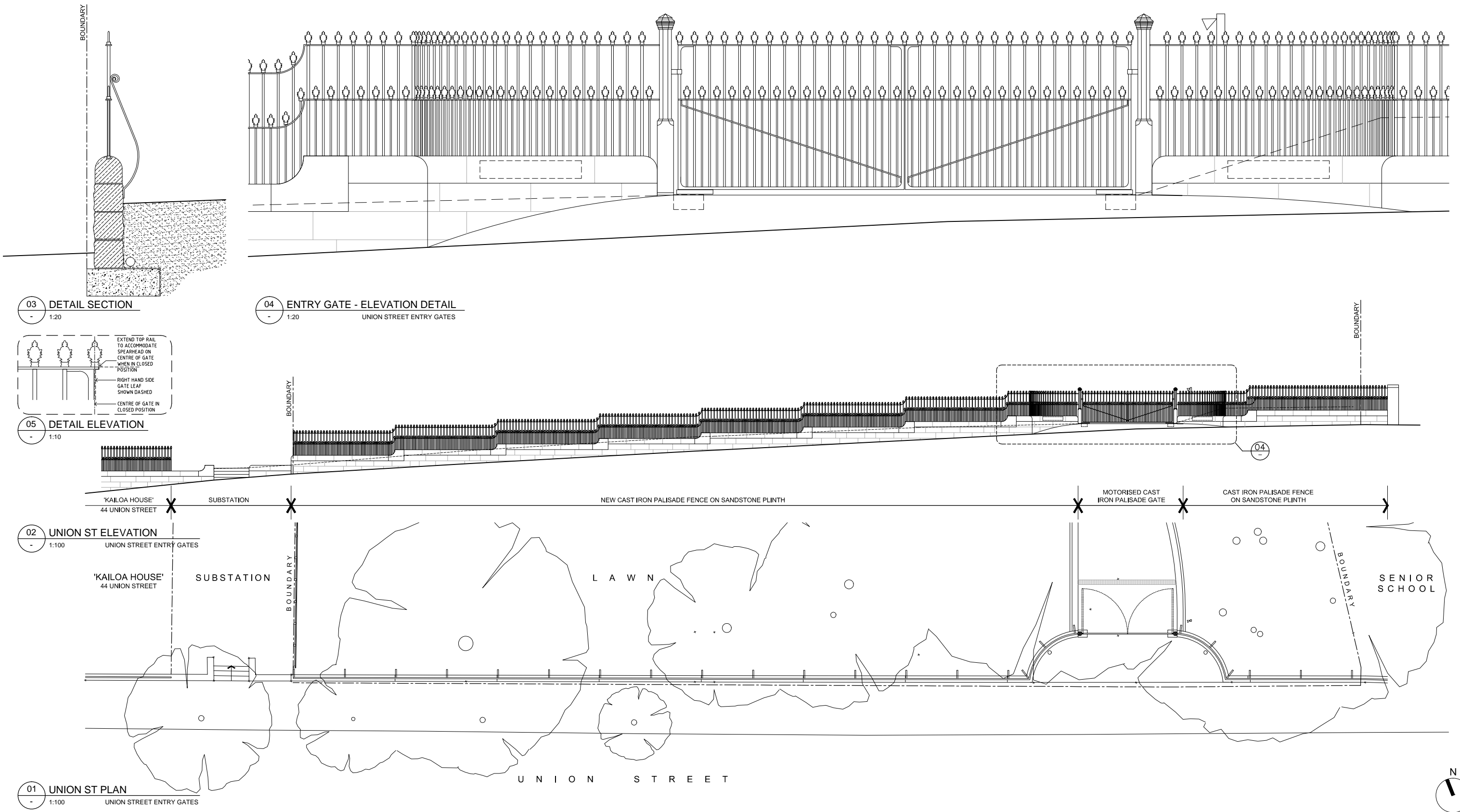
Planning Assessment Commission Meeting Graythwaite Concept Plan and Stage 1 Project Application

Date: Monday, 22 October 2012
Place: Kirribilli Club, 11 Harbour View Crescent, Lavender Bay

1. Mrs R Lewarne
2. Mr W Marsh, Union Precinct
3. Mr P Keel, Stand Against Development at Graythwaite Community Group
4. Mr A Finney, Edward Precinct
5. Ms A Keel
6. Mr J Hudson
7. Ms R Kramar
8. Ms J Bindon
9. Mr T Rickard
10. Mr I Poole
11. Mr M Jones
12. Ms A Plant

Appendix 2

Union Street Fence & Gate Details



UNION STREET
FENCE & GATE DETAILS

1:100; 1:20; 1:10 @A3

SYDNEY CHURCH OF ENGLAND GRAMMAR SCHOOL

GRAYTHWAITE STAGE 1
AR.DA-S75W.14 REV.P1

tanner Architects

NSW Nominated Architects: Robert Denton 5782 Alex Kibble 6015

Appendix 3

Concept Plan and Stage 1 Project Approval Conditions