

22 February 2010

The Director-General
Mr Sam Haddad
Department of Planning NSW
Level 1, 23-33 Bridge Street
Sydney NSW 2000

**RE: GRAYTHWAITE STAGE 1 PROJECT APPLICATION
APPLICATION NO. MP10-0150**

Sir,

I am the owner of No. 93 Union Street, McMahon's Point 2060, situated directly opposite to the existing Union Street entry driveway to Shore school and driveway to Graythwaite. I applaud the proposal to conserve and refurbish the historic and heritage Graythwaite buildings as represented in the application. I write to register my concerns and objection to the **substance and to the conduct** of the Part 3A Application in respect to the above project, and to the grossly overheight and insensitive development of the balance of the site.

I have examined in detail all of the documentation submitted, and have consulted widely with as many of those directly impacted by the project in Union Street and Bank Street.

I have made no political donations whatsoever in the past 2 years. Please refer to declaration attached.

The attached document sets out the basis of my objections.

Yours sincerely



V.M. POOLE

(Registered Owner No. 93 Union Street, McMahon's Point 2060)

Copies to:

- The Hon. Tony Kelly, MLC - Minister for Planning, Minister for Infrastructure, Minister for Lands- planning@ipma.nsw.gov.au
- The Hon. Joe Hockey MP - Member for North Sydney & Shadow Treasurer - joe@joe Hockey.com
- Ms Jillian Skinner - Member for North Shore & Shadow Minister for Health- Jillian.Skinner@parliament.nsw.gov.au
- Mr Brad Hazzard MP - Shadow Minister for Planning - Wakehurst@parliament.nsw.gov.au
- Mr Ben Eveleigh - Planner, NSW Dept of Planning - ben.eveleigh@planning.nsw.gov.au
- Ms Genia Mc Caffery - Mayor, North Sydney Council - mayor@northsydney.nsw.gov.au

1. ISSUES RELATED TO THE DIRECTOR GENERAL'S REQUIREMENTS

Key Issues:

1.1. *Requires that the Environmental Assessment (EA) must address (inter alia) the following key issues:*

- North Sydney Local Environmental Plan 2001
- North Sydney Development Control Plan 2002, and
- Nature & extent of any non-compliance with relevant environmental planning instruments, plans, and guidelines and **justification for non compliance** (emphasis added).

The documents submitted do NOT address the North Sydney LEP 2001 or DCP 2002 in any serious or meaningful way, other than a summary in the most general terms of some requirement. Having listed the requirements, the document thereafter **TOTALLY FAILS** to address any of the issues by way of assessment, or as required to provide **ANY JUSTIFICATION FOR ANY NON-COMPLIANCE**.

For example:

4.2 page 14 of the Part 3A Authorisation and request for DGR's prepared by Robinson Urban Planning Pty Ltd states in paragraph 2 under LEP 2001:

"Where a site adjoins more than one zone, the most onerous zone applies (which in this case would (sic) the Residential A2 zone)"

Nowhere in any of the documents are the requirements of the Residential A2 zone then further acknowledged, nor are any of the proposed buildings assessed in terms of the requirements in such a zone, nor are any non compliances justified.

Robinson Urban Planning have also plucked from the North Sydney DCP some eclectic items such as:

- Carparking for educational facilities
- Lavender Bay character statement
- Graythwaite Neighbourhood
- Graythwaite
- Section 8, 14, 15, 19, 23 and 24 which refer to stormwaste, waste, erosion and the like
- Section 23 refers to Traffic Guidelines and the application proceeds to ignore these

It is however obvious that none of the issues which refer to the amenity of neighbouring properties, such as height, density, bulk, overshadowing privacy and the like, even warrant a mention – let alone serious assessment anywhere in this submission, despite a requirement in item 2 Built Form & Urban Design in the DGR's which specifically require "design quality with specific consideration of the scale, façade, massing, setbacks,etc".

Robinson Urban Planning state on page 16 that "**most** (emphasis added) of the proposed new buildings adjoin the existing shore campus (apart from the proposed new western buildings) [a very signification exception], and have been sited and designed to respect the curtilage and outlook of the house and to integrate with the architectural language of existing buildings **on the Shore campus**" [my emphasis]

It is significant that, as with most of this application, design considerations are exclusively for the protection, betterment, and benefit of Shore, and quite obviously and patently disregard or fail to respect the curtilage and outlooks of the many houses, particularly along Bank Street, which adjoin the site. Whether the proposed western and other new buildings "integrate with the architectural language of existing buildings in the neighbourhood", which is a conservation area, with many heritage items, remains to be seen.

The application is totally vague, indeed silent, on this matter.

Robinson Urban Planning then go on to say that *"there are no planned buildings at the site's Union Street frontage even through the previous CMP proposed buildings on this part of the site"*.

The school has on numerous occasions given previous assurances on this matter, i.e. that building will not be built on Union Street. I do not know whether these assurances are in writing, but a very real suspicion and fear exists amongst every other resident to whom I have spoken that future applications will eventuate for buildings in this area. Should any approval eventuate, it should be irrevocably conditioned that no building is to occur in this area, known to locals as Graythwaite Park.

A further bar to development in this area should be the reported existence of W.W.II bunkers on air raid shelters beneath this area, the existence of which the Heritage Impact Statement seems to totally ignore.

Despite the apparently casual dismissal of the prospect of development on the Union Street frontage by Robinson Urban Planning in the request for DGR's, it is significant to note that the Planning Parameters prepared by Tanner Architects on page 5/27 state quite clearly and unambiguously under **Development Parameters/Goals > Note development of Union Street Frontage endorsed in earlier CMP**.

Tanner Architects then with some disingenuousness, go on to state on the same page *"with the proposal to retain as open ground, site drainage improvements are required which may also involve some grading and levelling"*.

The area is currently a mown grassed park.

I, and all my neighbours, believe that this apparently throw away line, really means the establishment of sports fields in this area. If so, we oppose this vehemently.

Further to this, the Constraints & Opportunities plan drawing no. AP.HP.02 rev P5 by Tanner Architects, indicates in this area *"No planned new **major** structures (emphasis added)"*. Does this mean there may in the future be **minor** structures? What is a major structure? Would spectator stands for a sports field, for example, be a minor structure?

The traffic already bad in Union Street, is exacerbated on Saturdays by parents and parents of visiting schools arriving with their sons for tennis, basketball, and the like. If this were to be expanded to include other sports on a new playing field, parking and traffic would be pandemonium, and would severely impact on the residential amenity of the residents of Union Street.

2. FURTHER ISSUES RELATED TO TANNER ARCHITECTS DESIGN PARAMETER

Page 7/27 of the Tanner Architects Planning Parameters states “*Western side of driveway to include reinforced grass areas to two way traffic passing bays*”.

The accompanying sketch fails to show these “passing bays”. What is the size, and location of these reinforced grass areas? Will they be de facto additional parking not mentioned elsewhere? One suspects that this may well be the intention. Any approval should specifically condition that this may not occur.

Page 9/27 of the Tanner Architects Planning Parameters refers to the Lower Garden as an area ‘capable’ of being used for botanical field studies, but then goes on to say that “*an area of potential future development beyond this application exists*”. They also state that “*this is a site unrelated to Graythwaite House and its primary setting*”.

This is nonsense. It is contiguous land, and is certainly is not unrelated. Why is there no attempt to define what “potential future development” might be? 3, 4, or 5 stories? Parking? It certainly is not unrelated to the houses which back on to this part of the land. Are they too to suffer the apparent fate of the houses in Bank Street which have a stepped structure with an effective height of 5 stories, commencing at their roof level and looming over them?

Page 23/27 of the Tanner Architects Planning Parameters deals with the West Building.

It states that “*the maximum height of the main building elements of the west building has been defined as RL 77.67*”.

Has been defined by who?

That R.L is some 55 METERS HIGHER than the roof level of the house at No. 33 Bank Street which directly adjoined the site on the western boundary, and yet nothing in paragraph 14, either in the “High Level Design Objectives”, or in the “Building Description” makes any attempt whatsoever to refer to, or assess the impact on the properties in Bank Street beyond a lazy and generalised note that “*substantial new planting is to be provided between the new building and the western neighbours*” (the sole mention of neighbours).

A letter from NSW Department of Planning dated 29 October 2010 and signed by the Director-General, replacing a letter dated 2 July 2010, certifies the North Sydney Draft Local Environmental Plan 2009 for exhibition. In the letter the Department **specifically** supports a 8.5m height limit on the Graythwaite site.

The letter states “*The Department supports Council’s request that 12m and 8.5m height limits be conditioned for Shore School site, and that an 8.5m height limit be conditioned for the former Graythwaite site in accordance with fig.1 below*” (emphasis added). See Annexure A.

I cannot see how the Minister could possibly approve a building, shown in the Concept Plan with a height of approximately 14m, and which is so at variance with the Department’s own recommended height limit?

The section on page 24/27 of the Tanner Architects Planning Parameters does not even bother to indicate the western neighbours.

What it does reveal however, is a 4 level structure with the lowest level commencing almost a floor out of the ground, followed by a totally misleading “touchy feely” water-colour perspective with a view point taken from the upper level with a shadowed and vague indication of a structure nestled in a sylvan glade.

The neighbours are obviously taken to be naïve, and unable to read the true import of the proposals.

A perspective view taken from the affected rear of the properties in Bank Street would reveal the true nature of the building massing.

Tanner Architects site analysis drawing no. A.005 is a deeply flawed assessment. It clearly indicates by blue arrows the steep slope towards Bank Street, as well as by cross hatching the private open space to the rear of the houses on Bank Street, immediately on the western boundary of Graythwaite.

No mention however, is made in the “analysis” of the potential for overlooking these properties.

The site analysis even fails to identify the immaculately restored property known as 'Kailoa' at No. ??? Union Street which borders directly onto the Graythwaite site along 2 of its boundaries, as a heritage property.

The site analysis makes no attempt whatsoever to show, or even acknowledge, the traffic issues on Lord or Edward Streets. A glaring omission.

The site analysis ignores busy Union Street, and makes no attempt to flag traffic or noise disturbance issues at the proposed vehicular entry.

The various residential properties in Union and Bank Streets are shown in a variety of random colours.

Those on the opposite side of the road are identified in yellow (contributory), or salmon (schedule 3 heritage items), or khaki (no legend), or grey (no legend), or brown (no legend).

I submit that this drawing seems to be nothing more than a pretty coloured site plan with a few token arrows, and meaningless blobs, done to fulfil the requirement for a site analysis, and makes absolutely no attempt at a serious ANALYSIS and should be dismissed out of hand.

3. TRANSPORT & ACCESSIBILITY ISSUES

The conclusions to this report are revealing, in that the report really only deals with the Stage 1 application.

It states “*The Project Application for Stage 1 will not include additional student or staff on the site.....The traffic and parking implications of the Stage 1 works will not adversely impact on the existing conditions of the surrounding road network*”.

It then goes on to state that “*Project Applications for Stages 2 & 3 of the Master Plan for Graythwaite will be submitted for approval at a later date*”, significantly it then goes on to state that “*It is noted that the management measures will need to be enhanced if the Stage 2 & 3 development includes expansionof enrolment*”. “*These measures will need to consider **appropriate measures to reduce peak loads on the existing capacity of the facility and potential congestion at local intersections***”. (emphasis added).

Therein lies the rub. The documents state that school numbers will increase by 500 and staff numbers by 50.

Given this then surely Now is the time for the measures to be assessed and dealt with.

That the issue is important is best revealed by the following quote from the school newsletter.

Prep Peek dated Fri 18 Feb 2011

Pick-Up and Drop-Off

Thank you to all parents who have been thoughtfully and co-operatively negotiating the difficult circumstances of Edward Street particularly of an afternoon. Your care and patience has been greatly appreciated in ensuring our students arrive and leave the school safely. Please be mindful of our neighbours who often have to negotiate heavy traffic simply to come and go from their premises. Now that the year is well underway and students have settled, it would be pleasing to see more students utilising the public transport facilities available. I encourage those yet to do so to give it a go!

The Shore Weekly Record dated Fri 18 Feb 2011

NOTICE TO PARENTS STUDENT DROP OFF AT BLUE STREET GATE

Parents are requested not to park across the Blue Street gate or park illegally while dropping off their sons in the area. These practices pose a significant safety risk to our students, as well as inconveniencing other motorists using the area. Given the high level of fitness of our boys a short walk along the footpath would not cause them any difficulty.

North Sydney Council officers will be policing the area on a regular basis to ensure parents are complying the law.

G.J. Robertson DEPUTY HEADMASTER

Why should the school be permitted to ‘export’ their traffic issues onto the surrounding streets?

It would seem to me that the school now has a large site on which no attempt whatsoever has been made to handle the traffic issues **within** the site by providing pick up and drop off facilities **internally**.

Union Street is identified in the Traffic Assessment in Table 2.1 as carrying an a.m. peak of 477 vehicles per hour, and a p.m. peak of 408 vehicles/hour. A volume of 500 vehicles /hour is the upper peak for this collector type road.

The graph on page 11 fig. 5 **24 hr Daily Profile** contradicts Table 2.1, in that it shows a Thursday weekday peak at approx. 560 vehicles/hour. The figure of 477 vehicles /408 vehicles appears to be a 7 day average including Saturdays and Sundays.

To this already over-committed road, the proposal now seeks to make a new major road entry into the Graythwaite driveway and an exit from the existing driveway approximately 5m apart.

There appears to be absolutely no consideration of the effects of a right turn into the driveway from the single lane in Union Street, or the safety of two entry points so close to one another.

No consideration has been given to the amenity of the residences directly opposite these entry /exits in terms of traffic, safety, noise, headlights, hours of use, etc.

These issues **must be** readdressed.

4. FURTHER ISSUES IN RELATION TO THE DIRECTOR GENERAL'S REQUIREMENTS

Item 4 DGR's requirements – Environmental & Residential Amenity

- *Impacts of the proposal on solar access, acoustic privacy, visual privacy, view lossor surrounding development; and*
- *Details of the measures to be implemented to achieve a high level of environmental amenity*

Other than the shadow diagrams done for Bank Street, I can find no reference anywhere in the application what measures are to be implemented to achieve a high level of acoustic privacy or visual privacy, on the surrounding development. This does not appear to have been looked at in even the most cursory fashion.

Item 9 DGR's requirements - Heritage

It seems strange that the Heritage Assessment seems to totally miss or ignore the military bunkers below the lower terrace, nor does it make any reference to a "Lone" pine planted in remembrance by the RSL Association on the middle terrace, which while not a heritage item, is an item of great importance to the RSL, returned serviceman, and the community in general.

I am told that it has been discounted because it is 'small' as though size were everything, and the sole determinant of importance.

There is also a set of sandstone steps from the 1800's beside the large bamboos on the middle terrace.

Item 18 of DGR's requirements – Consultation

- *Undertake an **appropriate** (emphasis added) level of consultation in accordance with the Department's Major Projects Community Consultation Guidelines October 2007, in particular, the Heritage Council, and North Sydney Council.*

The proponent has apparently consulted with the Heritage Council and North Sydney Council, and 2 members of the Union and Waverly precincts.

This is neither **public** consultation nor **community** consultation.

In the first instance the notification process by the Department was flawed in that many, if not most residents, failed to be notified by letter by the Department.

My husband wrote to Mr Ben Eveleigh at the Department of Planning to protest that consultation process was inadequate, and that I had not been notified. He then received a reply from Mr Eveleigh stating that the time for submissions would be extended. Subsequently I received in the mail on the 17/02/2011 a letter purporting to have been written a month earlier on 17/01/2011 informing me of the application and still stating the original closing date. This adds further to confusion as to the closing date for submissions.

At a privately arranged residents meeting on Sunday 20/02/11, the majority attending had **not** been notified.

Item 3 of the Guidelines for Community Consultation by Department of Planning October 2007, state:

“Methods of discussing issues with stakeholders may include, but not necessarily be limited to:

- *Drop-in community information centres display or open days with project team member available to discuss issues.*

DID NOT AND HAS NOT HAPPENED.

- *Focus groups, community group meetings, feedback sessions, individual and group briefings with key stakeholders.*

NO GROUP MEETING HAVE BEEN HELD

The Guidelines also set out the procedure for **Report of the Consultation Process.**

There should be:

- | | | |
|--------------------------|---|--|
| a. A summary of findings | - | NO SUMMARY |
| b. The process | | |
| o The objectives | - | NONE |
| o When | - | NEVER HELD |
| o The number & type | - | NEVER HELD |
| o Engagement technique | - | NO ENGAGEMENT |
| o An assessment | - | NO ASSESSMENT |
| c. An analysis of issues | - | NO CONSULTATION
NO ISSUES COULD BE RAISED |

The consultation process is not only deeply flawed, but in fact non-existent.

Indeed the process of the entire application has been secretive, and either contemptuous of the local community, or at best totally uncooperative.

SUMMARY

While I take no issue whatsoever with the restoration and refurbishment of the historic Graythwaite building, I request the Director to take into account the following:

1. The process has been deeply flawed in terms of consultation and should be stopped until proper consultation has been carried out.
2. The traffic report should address amenity and safety issues.
3. Proper assessment of the proposals in terms of the LEP & DCP should be done, and a compliance table included.
4. In the stage 3 building form the issues of scale, massing, overlooking, overshadowing, acoustic and visual privacy should be properly addressed.
5. The impact of the removal of a very large number of trees properly addressed.
6. The heritage assessment should address all the components on the site including the bunkers and the pine tree.
7. That the Department of Planning's support of the recommended height limit of 8.5m in the DLEP be strictly enforced.
8. That any approvals be conditioned to prevent development of the lower terrace to Union Street in accordance with undertakings by the school.
9. That the portion of the site not to be built upon, be required to be rezoned 'Private Open Space'.
10. The NSW Parliament enters into 'caretaker' mode on 04/03/11. As the date for submissions closes on 14/03/11, I submit that this matter cannot be assessed by the current Minister, pending the outcome of the State election.

If this project is indeed large enough and significant enough to be considered as a Part 3A Application, then the Director should ensure that the documentation reflects that importance by ensuring that **all** issues are properly considered, assessed, designed, presented, reported on, and that the process not be one of half-baked sloppy documentation, and process.

The matter of the purchase of Graythwaite (and the purchase of some other \pm 100 residential properties by the school), and the development of this site, are matters of very significant public interest to residents, and to tax payers who subsidize the school by way of Federal grants, and rate-payers, who subsidize the school in term of the reduced rates the school pays on their residential acquisitions.

This position is exacerbated by similar residential purchases by numerous other private schools in and around the North Sydney L.G.A.

I therefore request that a Public Enquiry be held before the application proceeds further.



VERA M POOLE

ANNEXURE A

Housing NSW properties at 17-19 Christie Street, Crows Nest, 7-17 Nicholson Street, Crows Nest, 2 Lytton Street, North Sydney and 3-11 McDougall Street, Kirribilli

The proposed maximum building heights in the DLEP for the above sites do not reflect the existing built form on the land. Council is therefore required to amend the Height of Buildings Sheets in accordance with the conditional s65 certificate before the exhibition of the DLEP.

Shore School and Incorporated Graythwaite Site

The Department supports Council's request that 12m and 8.5m height limits be conditioned for the Shore School site, and that an 8.5m height limit be conditioned for the former Graythwaite site in accordance with Figure 1 below.

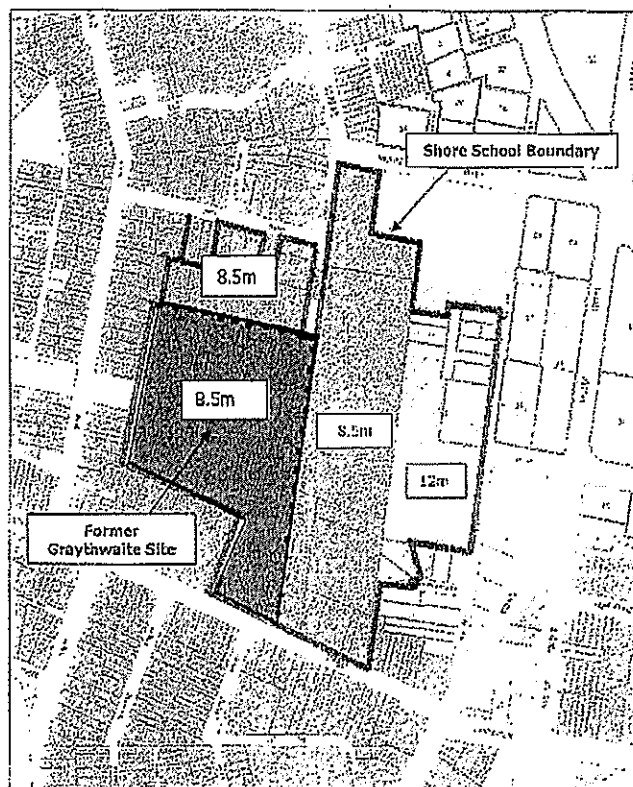


Figure 1: North Sydney Council's proposed height controls for the Shore School/Graythwaite site

Council is therefore required to make the following amendments to the DLEP prior to exhibition:

- Amend the Height of Buildings Map - Sheet HOB_005 to show maximum building heights of 12m and 8.5m for the Shore School/Graythwaite site

Draft LEP Maps

A review has been conducted on the draft LEP maps based on their content.

Council is required to amend the maps in accordance with the conditions of the s65 certificate, prior to exhibition of the DLEP.

The remaining technical changes contained within Attachment 2 can be commenced whilst the maps are on exhibition.