

ATTENTION -

Director
Government Land and Social Projects
Department of Planning

Email to: plan_comment@planning.nsw.gov.au

SUBMISSION IN RELATION TO:

Application Number: Concept Plan (MP 10_0149) and Stage 1 Project Application (MP10_0150)
Location: 20 Edward Street, North Sydney
Lot 2 in DP 539853 and part Lot 1 in DP 120268
Proponent: Sydney Church of England Grammar School (Shore)
Council Area: North Sydney Council

Submitted by:

Name: PETER KEEL

Address: 33 BANK STREET, NORTH SYDNEY NSW 2060

I hereby declare that I have made no political donations in the past two years.

Dated: 10-3-11

Director General
NSW Department of Planning
23-33 Bridge Street
SYDNEY NSW 2000

9 March 2011

Our ref 197/00003333

Dear Sir,

Graythwaite submission

I am writing as a resident of Bank Street in relation to the proposal by Shore School (**Shore**) to develop the Graythwaite site at North Sydney.

At its core the Shore proposal to develop land - and to create a Shore compound within - but excluding -the local community - is flawed for the following reasons:

1. It has **ignored many of the heritage aspects of the site**. So much so that there exists a serious risk that the Minister might be misinformed. While the proponent is perfectly at liberty to put its best case, it does seem to me that that does not mean ignoring many of the most significant heritage elements of the site. (Appendix 1)
2. The **traffic impact has either been ignored, or understated** - this impact will have to be borne by the community and may lead to additional rates. Shore does not pay rates. The traffic report is flawed and Shore has itself said that the present traffic problems represent a danger to students and motorists. Just because Shore has managed to acquire more land to accommodate additional students, it does not follow that somehow an already congested and "unsafe" (Shore's word) traffic situation can somehow expand to meet Shore's needs. (Appendix 2)
3. The **noise** which will impact the local community has been conceded (by Shore's expert) to **exceed acceptable limits**, the benefits to the local community being said to outweigh the detriment of excessive and unacceptable noise levels. The noise report seems to significantly understate noise levels. If the understated levels are excessive and unacceptable, an accurate measurement is required. There are no benefits to the local community pointed to. Bluntly, the community was here first and should not be subjected to intolerable noise. (Appendix 3)
4. **Conservation plans have been sought and slanted solely to justify** the development which the school seeks to have approved - earlier conservation plans (which do not suit the Shore proposal) have been ignored. No explanation has been offered for the change in direction. (Appendix 4)
5. **The local community has not been consulted**, and there has been a point blank refusal by Shore to speak to community members. The precinct committee was told that there would be no public meeting to discuss the proposal - in fact it was told by a representative of Shore (the headmaster) that "*(a public meeting) wouldn't do us (Shore school) any good*". In addition, the request that there be a photo montage of the proposal, and pegging so as to identify where Stage 3 will be built, was met with a demand that the request be put in writing. The request was made but so far

as I am aware there has been no response. In one sense this is unsurprising. The residents have been forced to have their own images professionally prepared. Those images show overdevelopment plainly inconsistent with the heritage and conservation efforts deserved by the site, and entirely destructive of the amenity enjoyed by the residents of Bank Street. Any normal process would see this addressed. Sadly, if any aspect of this proposal were approved, Part 3A would have let Shore ignore the adjoining neighbours and the community. (Appendix 5)

6. **The scale and bulk of Stage 3 have been all but ignored from the perspective of the community.** The development is 16 metres away from the houses in Bank Street, overshadows most of them and directs noise towards them. It seems unnecessary to add that none of the Bank Street residents was consulted, nor has anyone been to see the impact from their perspective. From our own perspective, the new building will permit 500 students plus staff to look directly into 2 bathrooms, our study, a bedroom, a laundry, our family room, and kitchen. They will see into the bulk of our house through a glass skylight which spans the house. It will overlook our swimming pool in which our 11 year old daughter plays with her friends. It will render the pool useless when the school is occupied. It overlooks our back yard, court yard and barbeque areas. The noise and overlooking will render those areas useless when the school is occupied. I cannot imagine a building more destructive of a neighbour's amenity. (Appendix 6)
7. **The proposal skirts over additional development after Stages 1 to 3.** It is plain from the face of the proposal that more development will occur. A proper proposal would outline this. **The site ought not to be considered piecemeal.** (Appendix 7)

It is all very well for Shore to seek to justify its continuing expansion of its compound on the basis of offering its exclusive education.

There is no doubt that Shore is a well connected, wealthy school. In a sense this level of privilege demands that proper and transparent processes are adopted - in fact, are embraced by Shore. Not secretive, selective and misleading applications.

How petty is it to try to take advantage of every trick in the book to get your own way.

Shore must do this within the community of which - despite its best efforts to exclude and remain isolated from - it forms a part.

Shore acquired the Graythwaite property knowing:

- Of its heritage importance
- Of its proximity to local properties
- Of community interest in its development
- Of prior conservation plans
- Of its ANZAC significance

It cannot now simply say that as owner of a significant site it should be permitted to develop it regardless of impact upon the community and in disregard of so much of its cultural, heritage and ANZAC legacy. To do so would be wrong.

Director General, NSW Department of Planning

9 March 2010

Frankly, the disregard of proper process, and the plain attempt to ride roughshod over local concerns by seeking to invoke 3A justifies an inquiry not only in relation to this proposal **but into the 3A process generally**.

The present proposal should be rejected in its entirety for at least the following reasons:

- Contrary to the guidelines governing 3A the proposal fails to proceed on the basis of an adopted heritage plan. Given the heritage significance of the site this must be fatal.
- The number of DG requirements that have been ignored is staggering and unacceptable. For this reason alone the proposer should not enjoy the approval path allowed by 3A.
- The 3A approval process in effect permits a proposer to circumvent the more traditional local process. This does not mean that the proposer can ignore community concerns. Indeed it must be that they are just as important given the DG requirements - this proposal has all but entirely ignored community concerns, or misstated the impact of the proposal on the community in order to obtain approval.
- The proposal is piecemeal. Shore should disclose all of its plans for development so that the proposal might be properly considered. The development ought not be staggered so as to not disclose Shore's overall plan for the site.

If the Minister were minded to approve any part of the development, then a proper plan in relation to Stages 1 and 2 should be sought, and a full disclosure of the balance of the site development should be made.

Yours faithfully



Peter Keel, Partner

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Appendix 1

1. Shore has ignored many of the heritage aspects of the site.
2. For example - the report makes little or no mention of:
 - (i) the ANZAC pine, planted by the RSL in memory of lost ANZACs;
 - (ii) the WW2 bunkers;
 - (iii) the cistern;
 - (iv) the row of sensitive 100+ year old figs along Bank Street.
3. I leave it to other more expert submissions to deal with this aspect more exhaustively.
4. However, the threshold issue of appending and proceeding upon the basis of a conservation plan endorsed by the Heritage Council of NSW has not been met.
5. This is a mandatory requirement of the DG. It is impossible for the submission to be approved, much less considered sensibly, without one.

Appendix 2

1. The traffic impact has either been ignored, or understated.
2. Shore itself concedes - in the Weekly Record - 25/2/11, and in Prep Peek on 18/2 and 4 March, that:
 - (i) *"neighbours often have to negotiate heavy traffic to come and go from their premises"*
 - (ii) *"congestion in Mount Street is unsafe"*
 - (iii) *"these practices pose a significant safety risk"*
3. Bluntly, these comments by Shore itself must diminish the weight of the traffic report seeking to justify expanded numbers.
4. Shore cannot have it both ways.
5. The present traffic situation is "unsafe" and a "significant safety risk". That situation will only become worse.
6. The proposal seems to proceed on the basis that because Shore has acquired additional land to accommodate more students, somehow the surrounding area should expand to cope with them. That is nonsense. North Sydney is congested as it is. This will on any view simply exacerbate the dangers which Shore points out already exist.

Appendix 3

Noise

1. The Heggies assessment proceeds on unrealistic assumptions - 100 students, at a distance of 70 meters - and concludes that the noise is above acceptable limits.
2. The realistic assumptions ought to be significantly different. For example - 500 students changing classes at the same time 16 metres away from the nearest neighbour is a more helpful and entirely more realistic assumption. The reality is at least 5 times as bad as the report suggests.
3. The assumptions upon which it is based make the report unhelpful, and completely misleading.
4. Plainly, the report, while calculated to give a level of comfort (which it does not) is cause for alarm.
5. Noise levels will be intolerable.

Appendix 4

1. Conservation plans have been sought and slanted solely to justify the development.
2. No explanation is given as to why the Tanner CMP is to be preferred over the previous Edds CMP. The back flip should be thoroughly investigated. Why is development previously impermissible now embraced?

Appendix 5

1. The local community has not been adequately consulted or at all.
2. The DG requires that a proponent undertake an appropriate and justified level of consultation. This has not happened.
3. The Shore headmaster has refused to have a public meeting.
4. As at the date of this report - days before submissions close - Stage 3 has not been pegged out, Shore has not provided any photomontage, and the precinct request (demanded by the headmaster to be sent in writing) remains unanswered.
5. No neighbours adjacent to the Stage 3 site have been approached by Shore.
6. No residents along Union Street have been approached.
7. DG requirement 18 has been effectively ignored.
8. The only conclusion is that Shore does not wish to comply with the DG requirements.

Appendix 6

1. The scale and bulk of Stage 3 have been all but ignored from the perspective of the community, in particular those of us most impacted in Bank Street.
2. In a sense, the real impact of Stage 3 upon the residents explains Shore's lack of consultation, lack of co-operation and secretiveness.
3. A mock up of the Stage 3 development is on the next page.
4. Note the open atrium at the centre – this will serve to direct the noise of 500 students towards Bank Street residents.
5. Contrary to the DG requirements there has been no consideration of the surrounding environment, no examination of the loss of view of Bank St residents, no view analysis.
6. Further, in relation to my home the survey is incorrect, both as to the boundary, and in its failure to show our swimming pool (which will be overlooked by 500 students) and the glass atrium on the roof of our house.
7. Any privacy we have enjoyed will be utterly eliminated. The 500 students will look directly into two bathrooms, dining room, kitchen, family room, study, bedroom, and laundry.
8. They will overlook the swimming pool in which our 11 year old daughter plays – rendering it useless when there are students at the school.
9. They will overlook our courtyard and barbeque areas – rendering them useless when there are students at the school.
10. No one should be under any misapprehension here – the school grounds will be used on weekends, and many nights there are school functions.
11. A more invasive, insensitive and destructive building could hardly be imagined.
12. When we renovate our own homes we consider the impact on neighbours, and are sensitive to their concerns, and the environment in which we all live.
13. An approval of a building of this sort would make a mockery of the community, and reflect appallingly on the process.

Current view from Bank St residence to Graythwaite site highlighting family swimming pool area



View from Bank St residence to Graythwaite site showing the area the west building will cover



Appendix 7

1. The site ought not to be considered piecemeal
2. The Shore proposal envisages further unspecified development on the site. This is plain from the following (at least):
 - (i) Tanner envisages "Potential future development" in the SW corner of the site at p9 of his report.
 - (ii) The CMP has identified two large areas (fig 6.1) as having "potential scope for sensitive new development."
3. It is axiomatic that the complete plans for the overall development of such a sensitive site ought to be considered under this process. Part 3A is not simply an expeditious process for the benefit of fast tracking a development.
4. As the DG guidelines and requirements make clear, it is incumbent upon a proposer to address a number of matters in a way that assists the Minister, and the Department of Planning.
5. If it is the intention of the proposer to develop a site that proposal should be open, transparent and properly address all issues.
6. It should not obfuscate and disregard guidelines and DG requirements.
7. The proposal should be entirely rejected as a result of the proponent's failure to frankly disclose its entire plan for the site.