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14 March 2011

Director
Government Land and Social Projects
NSW Department of Planning

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

Attention Mr Ben Eveleigh

Dear Sir

**GRAYTHWAITE - Application Number – Concept Plan (MP 10_0149)
and Stage 1 Project Application (MP10_0150)**

I am the owner and occupier of the above residential property in North Sydney. My property shares a boundary with the Graythwaite land, and I am therefore a directly affected neighbour. I have resided at this address for 24 years, and I am very familiar with the Graythwaite site and the existing operations and impacts of Shore School upon the neighbourhood.

I am a professional consultant town planner (Director of JBA Planning) with over 30 years experience in the preparation and assessment of development applications and Part 3A applications. I am the immediate past President of the Planning Institute of Australia (NSW Division) and also a member of the Heritage Council of NSW. This submission is made in a private capacity.

In preparing the submission I have studied the Part 3A Concept Plan application, including appendices, and the Director-General's Requirements in detail. I have also reviewed the Stage 1 Project Application.

I hereby request that the Minister, as empowered by clause 268R of the Environmental Planning and Assessment Regulations, hold a public inquiry into the matters raised in this and other submissions before any determination is made. The reasons for holding an inquiry are set out in this submission, but principally rest on the fact that the application fails to address or adequately address several of the "Key Issues" in the Director-General's requirements. The extent of this failure is such that the application should never have satisfied the 'test of adequacy' and been put on exhibition.

In particular the application as lodged and cleared by the Department for exhibition:

- does not include a Conservation Management Plan that has been adopted by the Heritage Council of NSW (Key Issue 8);

- does not address development contributions or include any VPA (Key Issue 6); and
- the proponent has failed to adequately and appropriately consult with the community (Key Issue 16).

The application as currently proposed should not be approved. Significant changes are required in the form of a revised project or Preferred Project Report. In essence those changes are needed to contain to an acceptable level the impact of the proposal on the heritage significance of the site, the environmental amenity of the adjoining properties and the amenity of the locality generally. In doing so the proponent will need to demonstrate how the proposed development can satisfactorily internalise or mitigate its impacts rather than export them to the adjoining properties or public streets.

The changes needed to achieve an acceptable planning outcome are:

- A significant reduction in the number of students and teachers to be accommodated on the Graythwaite site.
- A significant reduction in the scale of the new buildings generally and in particular the proposed Stage 3 West Building. The reduction is to take the form of reduced building height so that no portion exceeds 8.5 metres (or 2 storeys) above existing ground level and the footprints do not exceed that of the Graythwaite House.
- A relocation of the smaller Stage 3 West Building further away from the adjoining affected dwellings in Bank Street. The western wall of that building should not be located west of the RL 66 metre contour line as shown on the site survey – that is on the level portion of the Middle Terrace and NOT down the western slope.
- No excavation of the land to accommodate basement floor space for educational purposes.
- Retention of all existing vegetation on the slopes to the west and south-west of the site (except for the carefully controlled removal of weeds) with supplementary planting to ensure the existing habitat, landscape amenity and privacy to adjoining residential properties is retained or enhanced.
- Retention and protection of all Fig trees on the site, including specifically trees T60 and T163, located near the stand of Giant Bamboo.
- Mandatory fixed screens of the Stage 3 Western Building so that there is no potential for overlooking of the adjoining properties.
- Mandatory acoustic treatment of all buildings and outdoor play areas so that the noise impacts do not exceed background noise levels (as measured at the boundary to neighbouring residential properties) plus 5dBA at any time.
- Prevention of student access to any land within the setback between any new building and the boundaries to residential properties, to mitigate noise impacts and protect the privacy of those properties.
- Dense planting within that same setback - also to protect privacy.

In summary my responses to the current proposal, and why the above measures are needed, are set out below:

1. I support in principle the adaptive reuse and conservation works to the buildings contained in the Stage 1 Project Application, subject to the Heritage Council's endorsement of that application and its endorsement of the Conservation Management Plan. The conservation of the House and Coach House is a good outcome for the site. I do not however support the Stage 1 landscape works which will destroy large amounts of vegetation and thereby impact adversely on the landscape amenity of the site, the privacy of neighbouring properties and the local bird habitat.
2. The proponent has demonstrably failed to consult adequately with the local community, which is also one of the Key Issues listed in the D-GR's. There is no community consultation consultant included in the team and there has been no approach made by the proponent or its representatives to me or any of my neighbours who immediately adjoin the property and who will be significantly affected by the proposal.

As a local resident expert in planning matters I was asked by the Chair of the Union Precinct Committee to attend one presentation organised by the proponent during the exhibition period. In my experience of more than 30 years in planning in NSW I can attest that this 'invitation only' presentation to 6 local people is *seriously deficient*. It does not satisfy the Department's consultation Guidelines for Major Projects in terms of the process or output, nor in terms of attempting to genuinely engage with the community. Requests for more information made at that meeting and subsequently by email have gone unanswered.

The Environmental Assessment has not documented the discussions held during an earlier 'invitation only' meeting with 6 local precinct representatives (late last year that I did not attend), nor disclosed what the issues raised then were, or how they have been addressed.

3. The proposal is an unsatisfactory overdevelopment of the site by virtue of the considerable increase (over 34% increase) in the number of students and staff, and the resultant impacts this will have in terms of traffic, parking, student drop-off and pick-up and the accommodation of coaches used by the School. The proposed development exacerbates the severe congestion problems already experienced in the Edward Street/ Lord Street / Mount Street area that is caused by dropping off and picking up students by private vehicle and by coach. The School currently externalises these impacts on to the local streets and the proposed development continues to adopt this same unsustainable approach. These traffic congestion problems must be solved as part of any redevelopment and/or expansion of the School.
4. The scale of the increase in student and staff numbers has meant an overdevelopment of the site in terms of the quantum of additional floor space to accommodate that growth. The amount of floor space results in buildings that are excessive in their height, bulk, and scale and mass. They are out of character and scale with the built context of this historic site and the adjoining residential area, which is a long standing heritage conservation zone. North Sydney's DCP

2002 explicitly requires new buildings on the Graythwaite site to be “... *subordinate to the massing and scale of Graythwaite Mansion, are lower in height and have a smaller footprint*”. These planning principles are not only sound in this context they need to be upheld to contain the heritage and other impacts to an acceptable level.

5. The proposed building envelopes also significantly exceed the 8.5 metre height limit in the North Sydney LEP and in the draft LEP 2009 that is currently on exhibition. The 8.5 metre height limit was explicitly supported for the Graythwaite site by the Director General when confirming the draft LEP was certified under s. 65 for exhibition. This height limit is critical to protect the local environmental amenity and an appropriately subservient relationship between the State significant heritage buildings and any new buildings. The greater building heights as advocated in the draft CMP (and other Tanner Architects documentation) have not been adequately justified on heritage or planning grounds.
6. The proposed Stage 3 West Building is massive in its height, bulk and scale. Up-slope and looming above the rear yards of the houses in Bank Street this huge building of more than 30 metres by 35 metres and over 14 metres in height will have a significant adverse visual impact on those houses, including my own house. This impact is made even worse by the proximity of this huge building to the houses, at approximately 17 metres from the boundary. The scale and dominance of this built mass is also contrary to North Sydney Council’s 2002 DCP’s desired future character for the Graythwaite site, which is appropriate and reasonable, particularly for a major State Heritage listed property.
7. The proposal, unless carefully regulated by suitable conditions of consent, has the potential to impact adversely on the privacy of my house and private open space areas, and the privacy of many of my neighbours. This arises if occupiers of the elevated buildings are able to overlook our properties from the classrooms or circulation areas in either the buildings or grounds. Even filtered views through the trees is not acceptable to protect privacy from potentially hundreds of people using the site and facilities located so close to our homes.
8. The acoustic report raises a number of serious concerns about the high noise levels generated by students using the outdoor plays areas, as well as when these spaces are used for other unspecified School functions or events. The acoustic assessment fails to address the noise impacts from students using the circulation areas in the West Building. These impacts are potentially considerable with such a large number of (rowdy) secondary school boys using this building (some 400 students). The naturally ventilated circulation spaces are open on the western elevation where they will directly transmit reverberated noise towards the Bank Street houses. The acoustic report also fails to document how the considerable excavation and construction noise impacts are to be mitigated so as not to impact on residents. The main concern in the documentation appears to be how to

mitigate the noise impacts on the School's operations by undertaking these works out of school hours, when they will impact more heavily on residents.

9. The heritage significance and intact nature of the grounds, and the remaining historic planting is not adequately addressed in the Environmental Assessment report. Nor is the landscape amenity value properly assessed and weighted in the EA report. The proposed landscaping works included in the Stage 1 Project Application should not be approved. These works involve the unnecessary removal of large amounts of vegetation and replacing it with groundcovers. There is no substantive reason why these areas need to be cleared. The proposed landscape design will wipe out the majority of the screening vegetation, particularly the understory planting. This important vegetation, especially the rainforest species, provides habitat for a variety of birds and must be retained for habitat, privacy and visual amenity reasons.

Two highly significant and large Fig trees (T 163 and T60) are to be removed to make way for future building works (in the case of T163) or for driveways (in the case of T60) and the very tall and historic Washington Palms to the south of the House are being 'relocated' for no apparent reason and to an undisclosed location. These Figs and Palms must remain in situ and be properly protected from construction impacts.

THE PROCESS FROM HERE

As a directly and significantly affected adjoining resident I hereby request that the officers of the Department advise me of the progress of this application. I also respectfully request that I be given the opportunity of making a presentation to any public inquiry.

Whether or not an inquiry is held I request that any additional information provided by the proponent or requested by the authorities is made available for me and others who have made submissions to comment on. Further information includes, but is not limited to, any Preferred Project Report, VPA or draft conditions. It is essential that this level of transparency and community engagement is undertaken by the Department as the proponent has failed to date to fulfil its responsibilities of properly consulting with affected residents or community organisations.

Thank you for your assistance, and I look forward to hearing from you in due course.

Yours Sincerely,

Julie Bindon