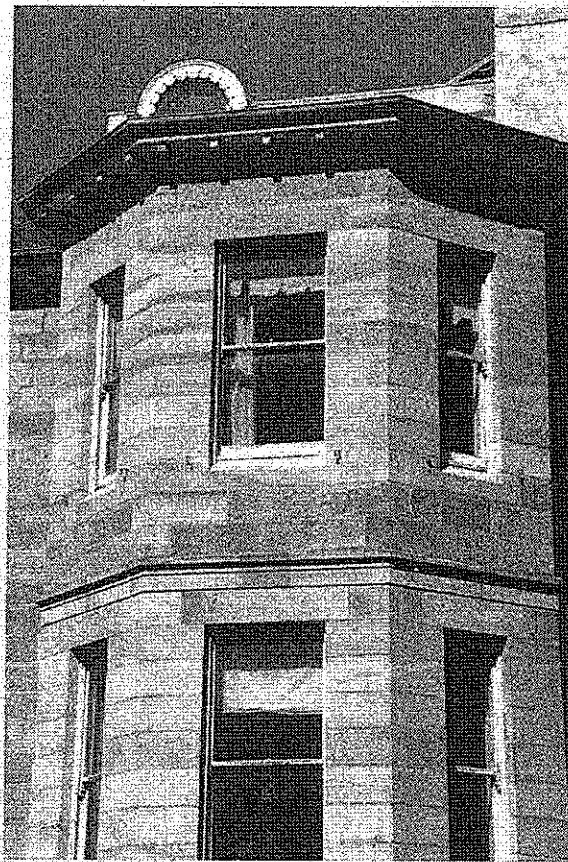


Sub 45



To: The Director
Government Land and Social Projects
Department of Planning
plan_comment@planning.nsw.gov.au

Submission in relation to Application:

**Concept Plan (MP 10_0149) and
Stage 1 Project Application (MP10-0150)
Graythwaite, 20 Edward Street, North Sydney 2060
Lot 2 in DP 539853 and part 1 in DP 120268
Proponent: Sydney Church of England Grammar School (Shore)
Council Area: North Sydney Council**

Submitted by: [REDACTED]

Suppression of name: I do not want my name or address to be made available to the proponent, other interested public authorities, or on the Departments website.

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

- Sydney Church of England Grammar School's (Shore) Part 3A Concept Plan for Graythwaite.

The proposed development will have a significant and adverse impact on not only the heritage significance of the site but on the surrounding community, the environmental amenity of the locality and surrounding residences. It is completely devoid of any public benefits. I request the Minister refuse the application as an overdevelopment of the site.

I am one of many residents who live a stones throw away, plus a bit, from Graythwaite. I walk or drive past it on my way to and from home each day and consider I am 'home' as I see Graythwaite's open space. It is one of the reasons I was attracted to live where I do. As you would be aware this locality has in the past demonstrated an appreciation for green space with small pocket parks.

I write to request the above named application be refused and ask that the Minister hold a public inquiry into the matter before making any determination. A public inquiry will go some way towards helping restore the faith of the local community that the matter has been openly and transparently considered.

I believe Shore's submission fails to satisfy a number of the Director-General's requirements. Most importantly failure to consult with the community. The community I refer to is as defined by the Macquarie dictionary: a social group of any size whose members reside in a specific locality; the public. Shore's proposal expects the wider community to bear the environmental costs yet this community has not been consulted.

Without community consultation there is no full and proper information from which to judge this submission. Neither can the community nor the Minister rely on the application as submitted.

- Abuse of the Part 3a process & non-compliance with local controls.

I am aware the application for a Concept Plan and Project Application has been made under Part 3A of the Environmental Planning and Assessment Act 1979 (the Act) as the proposal is prohibited under the existing *Special Use (Hospital)* zoning provisions of the North Sydney LEP.

I realise it is permissible under the new *Infrastructure (Schools)* zoning proposed in the draft North Sydney LEP 2010, currently on exhibition.

I am, as are many others in the area, concerned that Part 3A approvals avoid not only the local North Sydney Council as the assessment or decision-making agency, but also the Heritage Council approval under the Heritage Act. Both

authorities have been put in place for a valid reason. All applications need to be rigorously scrutinised and thoroughly assessed for the benefit of all.

I am aware the conservation and reuse of the Graythwaite House and Coach House buildings is supported in principle by the three community groups. These works however could, and should, be approved by way of a Part 4 Development Application (DA) using the North Sydney LEP.

If it weren't for the overriding power of Part 3A of the Act this otherwise local matter could not currently be approved. It could be approved, however, if it either waited for the draft LEP to be gazetted or the land was rezoned via a planning proposal process under Part 3 of the Act. A planning proposal process has the advantage of greater community involvement as it is managed and largely decided by the Council. I am aware this is the process favoured by three community groups and I am in agreement.

As an education facility, to qualify as a Part 3A application the project must have a Capital Investment Value (CIV) of more than \$30 million. This means that the application by necessity must be inflated to get over the CIV threshold, whether the proponent ultimately needs to construct such a large amount of development or whether the site can sustain such a large amount of development. The choice of the Part 3A approvals pathway, therefore, inflates the scale of the development.

Shore's proposal is a serious overdevelopment of the Graythwaite site. It cannot in any way be described as a development of "state or regional significance" and therefore the use of Part 3A is in fact an abuse of Part 3A. The overdevelopment is a function of the process, **but this does not warrant its approval.**

I have been advised that Part 3A Concept Plan applications are not bound by land use permissibility or development standards in LEPs or DCP's, and that the Director-General's Requirements specifically includes the North Sydney LEP and DCP on the list of statutory instruments of policies that must be taken into account. These local instruments are very important rules and we as the surrounding community have come to accept them as governing development.

Under the North Sydney LEP 2001 buildings in the Special Use zone unless they are consistent with the objectives, permissible uses and development standards for the particular building type on adjoining land and on land directly across the road. The most restrictive planning regime applies when a site is adjacent to more than one zone, and in this case the most restrictive zone is the Residential A2 zone. The adjoining residential area to the west and the land opposite on Union Street are also part of a long-standing heritage conservation area.

Under the A2 zone the height limit is 8.5 metres. The height limit is a fundamental control that is essential to help protect the character of the area and contain the scale and impacts of buildings. It has been carefully and consistently applied by the Council over many years.

The public interest and integrity of the planning system are not served by an application that is fundamentally at odds with current and proposed statutory instruments supported by the Director General of the Department of Planning. When granting a s.65 certificate for the public exhibition of the North Sydney draft LEP 2010 The Director-General of the Department of Planning endorsed a 8.5 metre height limit specifically for the Graythwaite site, clearly the intended height limits for this land. This limit must be upheld.

The proposed East Building is over 10 metres and the proposed West Building, in close proximity to the Residential A2 zone, is over 14 metres. The mass of these buildings far exceeds that of any other buildings in the residential area. The West Building has a footprint of over 1,000 square metres, larger than most commercial floor plates in the North Sydney CBD. It is massive and significantly out of scale with the other buildings in the A2 zone.

Section 7.3 of the Robinson EA report purports to 'justify' these major breaches of the height controls, but fails to do so. It addresses only the visual impact of the buildings. There is no analysis of the objectives of the height control. The significant breaches of the height controls are unacceptable and cannot be sustained on environmental planning or merit grounds. I note it is stated an effort has been made to fit in, to intergrate, with the Shore buildings but the Robinson EA report is silent on the wider community. The works contained within this proposal are within a Heritage Conservation area yet it appears the proposal is all about the betterment of the proposer, Shore.

Other serious concerns that require addressing are:

- traffic flows and parking
- overshadowing of residential properties
- loss of privacy.

The development is as close as 16 metres away from houses in Bank Street. Being a school community noise will affect these residents.

The Union Precinct Committee has been told there would be no public meeting to discuss the proposal and a representative of Shore stated "that (a public meeting) wouldn't do us (Shore) any good." Please ensure proper open and timely community consultation takes place.

I request the Minister refuse the application as an overdevelopment of the site.

Any future applications for a lesser and more reasonable development can and should be made by way of the Part 4 DA process, and if necessary a Part 3 planning proposal process.

