

Our Ref: PM:20256190
Your Ref:

3 March 2026



Level 11
276 Pitt Street
Sydney NSW 2000

NSW Department of Planning, Housing and Infrastructure
Major Projects
GPO Box 39
SYDNEY NSW 2001

All correspondence to:
PO Box Q1108
QVB NSW 1230

T: 02 9261 0222

Attention: Independent Planning Commission

Submitted via NSW Planning Portal

Dear Sir/Madam

State Significant Development Application SSD-73688210
Queenwood School Sporting Facilities
1100 Oxford Falls Road, Oxford Falls NSW 2100

1. Introduction

- 1.1 I, Paul Morabito and my wife Jenny Morabito are the residents and owners of 33 Dreadnought Road, Oxford Falls NSW 2100.
- 1.2 This submission is made pursuant to the public exhibition of the Environmental Impact Statement (**EIS**) for State Significant Development Application SSD-73688210 (**the Application**) from 4 February 2026 to 3 March 2026, as notified by the Department of Planning, Housing and Infrastructure (**DPHI**).
- 1.3 We object to the Application in its current form on the grounds set out below. The proposal constitutes a gross overdevelopment of the site, fundamentally incompatible with the Desired Future Character of Locality B2 Oxford Falls Valley under the Warringah Local Environmental Plan 2000 (WLEP 2000), and will cause unacceptable amenity impacts to our properties. These impacts include risks to horse welfare, excessive noise, loss of privacy, degradation of the semi-rural character, visual intrusion, light spill, and olfactory nuisances. The proposal breaches multiple development standards under the WLEP 2000 without adequate justification under clause 4.6 or equivalent provisions, and the EIS fails to adequately address these non-compliances or the cumulative impacts with the nearby Oxford Falls Grammar School.
- 1.4 For the reasons detailed in this submission, we request that the Independent Planning Commission refuse consent to the Application.

2. Non-Compliance with WLEP 2000 Development Standards

2.1 Controls generally

- (a) The site is governed by the WLEP 2000, specifically Locality B2 Oxford Falls Valley, which imposes development standards designed to

preserve the semi-rural character of the locality, protect residential amenity, and ensure low-intensity development that blends with the natural landscape.

- (b) The proposal contravenes key standards, including those relating to building height, setbacks, and landscaping requirements, without structured justification under clause 4.6 of the WLEP 2000 or equivalent provisions in the Transport and Infrastructure State Environmental Planning Policy 2021 (**T&I SEPP**).
- (c) This non-compliance is not merely technical but represents a fundamental departure from the controls intended to maintain spatial separation, visual screening, and seclusion in a locality characterised by large-lot residential properties and low-impact uses.
- (d) The EIS's reliance on discretionary provisions in the T&I SEPP, such as clause 3.43, does not absolve the need for rigorous assessment under section 4.15 of the Environmental Planning and Assessment Act 1979 (EP&A Act), particularly where the breaches are substantial and unjustified.
- (e) The cumulative effect of these variations exacerbates impacts on neighbouring properties, including those at R1 and R9, by introducing high-intensity uses incompatible with the Desired Future Character. Consent cannot be granted without compelling evidence that the variations are necessary, reasonable, and offset by public benefits, which the EIS fails to provide.
- (f) The Consolidated Schedule of Non-compliances (**Schedule 1** to this submission) details these breaches, including a 66.6% exceedance in building height and a 50% reduction in side and rear setbacks.

2.1 Building Height Exceedance

- (a) Clause 10 of the WLEP 2000 requires buildings not to exceed 8.5 metres in height, measured from natural ground level to the topmost point (excluding vents or chimneys).
- (b) The EIS admits that the indoor sports hall reaches 14.159 metres (RL 89.827) to the upper roof and 11.675 metres to the lower roof (Document 3, p 117), representing a 66.6% exceedance (5.659 metres above the limit) for the upper roof and a 37.4% exceedance (3.175 metres) for the lower roof.
- (c) While the EIS invokes discretion under clause 3.43 of the T&I SEPP, it provides no clause 4.6-style justification demonstrating that compliance with the standard is unreasonable or unnecessary, nor does it establish sufficient environmental planning grounds under section 4.15(1)(a) of the EP&A Act to warrant the contravention.
- (d) The functional needs cited in the EIS, such as a 7-metre clearance for basketball and flood levels at RL 79.3 metres, are applicant-imposed operational requirements rather than valid planning grounds.

- (e) The argument that the WLEP 2000 is outdated and drafted for residential development is circular and ignores its ongoing operation as the operative instrument.
- (f) The height control is a development standard, not a guideline, reinforcing the intent to maintain low-scale development in the locality, as confirmed by the Desired Future Character statement.
- (g) Moreover, the proposal breaches the internal qualifier in the height control requiring buildings to be designed and located to minimise bulk and visual impact when viewed from downslope sides of the land (section 10.7 Certificate).
- (h) Architectural plans graphically confirm this exceedance, and a building at 14.159 metres cannot credibly minimise bulk when it exceeds the control by 66.6%.
- (i) The 22-metre-high sports field lights further compound the scale impact, although they fall outside the definition of "buildings" for height control purposes.
- (j) Here, the substantial exceedance demands refusal to uphold the statutory intent of preserving the semi-rural character.

2.2 Setback Non-Compliances

- (a) The WLEP 2000 setback controls require:
 - (1) a 20-metre front setback to roads, densely landscaped and free of structures except driveways and fences (clause 10), and
 - (2) a 10-metre rear and side setbacks, landscaped and free of structures, car parking, or site facilities other than driveways and fences.
- (b) The WLEP 2000 setback controls are **development standards**, not guidelines. These controls serve to maintain spatial separation, visual screening, and seclusion in a semi-rural locality, aligning with the Desired Future Character of limited detached-style housing and low-intensity, low-impact uses.
- (c) The EIS admits non-compliance, including:
 - (1) a front setback to Oxford Falls Road of less than 20 metres (exact dimension unspecified);
 - (2) sports field edges at 5 metres from the southern and western boundaries (a 50% reduction), and
 - (3) light poles, concrete paths, and covered seating within the 10-metre setback to Dreadnought Road.
- (d) The Consolidated Schedule of Non-compliances (**Schedule 1** to this submission) details these breaches, highlighting the failure to provide landscaped buffers free of site facilities such as synthetic turf fields, fencing, and lighting infrastructure.

- (e) The invocation of clause 3.43 of the T&I SEPP provides no justification for these departures.
- (f) The 5-metre setback to the southern boundary—bordering 33 Dreadnought Road, 1101 Oxford Falls Road, and in proximity to 86 and 88 Wearden Road—exposes us to direct visual and acoustic intrusion from an outdoor sports field accommodating hockey, soccer, and 12 tennis courts on synthetic turf, operational from 7:00 am to 9:30 pm on weekdays, 7:00 am to 9:00 pm on Saturdays, and 8:00 am to 8:00 pm on Sundays.
- (g) This includes exposure to up to 80 people (players, coaches, spectators) during competitions, 22-metre-high floodlights during winter evenings, and 6-metre-high chainwire ball barriers, which are industrial-scale structures inconsistent with residential privacy expectations.
- (h) The proposed 1.8-metre acoustic fence and native screening plants within the 5-metre setback are reactive mitigations necessitated by the inadequacy of the reduced buffer.
- (i) A 1.8-metre fence cannot screen 22-metre lights or 6-metre barriers, and the 4-metre screening hedge will take years to mature, offering no immediate protection.
- (j) The EIS's omission of the exact front setback dimension is a material deficiency, as the architectural site plan (AR DA 1100) positions the indoor sports hall close to the Oxford Falls Road frontage without quantification, contravening the requirement for densely landscaped areas free of structures.
- (k) The applicant's justification—that the outdoor sports field is not a "building" and requires spatial accommodation for competitions—ignores that light poles, paths, fencing, and synthetic turf constitute "site facilities" or "structures" under the WLEP 2000.
- (l) These controls, intended to protect residential amenity, are undermined by the proposal, creating an industrial intrusion into a residential interface, as evidenced by exceedances in the Noise and Vibration Impact Assessment (NVIA) at R1 and R9.
- (m) Multiple variations without adequate merit justification warrant refusal.
- (n) The failure to quantify the front setback or propose compensatory buffers renders the non-compliances unjustified, necessitating refusal.
- (o) We request that a 15m setback (on the western/southern boundaries) be imposed as a densely landscaped nature strip (endemic canopy trees) for acoustic/privacy screening.

2.3 **Parking shortfall**

- (a) The Transport Impact Assessment states:

"Neither the TfNSW Guide to Transport Impact Assessment nor the Warringah DCP specifies parking requirements for sporting facilities such as those to be provided on the subject site. In lieu of specific

guidance / generic parking rates a bespoke assessment has been undertaken which considers the potential parking needs for the site based on various factors."

- (b) The EIS proposes 83 basement spaces but relies on a "bespoke assessment" in the Transport Impact Assessment (TIA) assuming peak demand of 68 spaces for 140 people, based on an optimistic 2.5 persons per car occupancy.
- (c) The WLEP 2000 Schedule 17 requires one parking space per staff member for educational establishments. With up to 20 operational staff consuming 20 spaces before students or spectators arrive, the provision falls short, particularly in a semi-rural location isolated from public transport (nearest stop 3 km away at Wakehurst Parkway/Warringah Road).
- (d) This risks overflow parking on Dreadnought and Oxford Falls Roads, exacerbating congestion from Oxford Falls Grammar School drop-offs and pickleball activities. The Social Impact Assessment notes community concerns about limited public transport and worsened peak-hour congestion.
- (e) The analysis assumes 100% of indoor sports hall students arrive by car with parents/spectators, but applies a car occupancy of 2.5. For a Saturday competition scenario with teams from visiting schools, spectators from multiple families, and officials, the assumption of only 68 parking spaces being required is questionable.
- (f) The Social Impact Assessment records that community stakeholders raised concerns about traffic congestion and parking, noting "limited public transport access in the local area" and that the proposal "is seen to exacerbate existing traffic congestion in the local area, particularly on Dreadnought and Oxford Falls Roads during peak drop-off and pick-up hours".
- (g) The EIS states the facility will have a maximum capacity of 250 people during an emergency evacuation event. Even at the stated operational maximum of 140 people, with the site's isolation from public transport, 83 spaces may prove in-adequate during peak events, leading to overflow parking on Oxford Falls Road and Dreadnought Road - precisely the concern raised by the community.
- (h) The TIA's assumptions are unrealistic for Saturday competitions involving visiting teams and multiple spectators, and the facility's 250-person emergency capacity underscores inadequacy during peaks.
- (i) Adequate parking is essential and refusal is required absent justification.
- (j) In summary, the parking assessment relies on optimistic assumptions about car occupancy in a location with virtually no public transport, creating a real risk of overflow parking onto local roads.

3. Incompatibility with Locality B2 Desired Future Character

- (a) The Desired Future Character for Locality B2 mandates an unchanged semi-rural character with development limited to detached-style housing conforming to density standards and low-intensity, low-impact uses. It prohibits ridgetop or skyline disruption, requires protection and enhancement of vegetation and landforms, ensures buildings blend with the landscape, mandates dense buffers along arterials, and prevents siltation or pollution of Narrabeen Lagoon.
- (b) The proposal—featuring a 14.159-metre hall, 8,000 m² synthetic turf pitch, 22-metre lights, 250-person capacity, and operations to 9:30 pm—represents high-intensity industrial-scale development inconsistent with this character.
- (c) The removal of 120 trees, including 33 of high retention value, results in a 75% immediate loss of existing canopy cover (from 40% to 10.2% retained), directly contravening vegetation protection mandates. The Landscape Plans confirm 6,850.74 m² of canopy removal, with proposed additional planting (4,824.47 m²) immature and unable to mitigate immediate impacts or enhance the riparian corridor.
- (d) The application has not identified the watercourse that runs from the south-western corner into the central watercourse of the property. This oversight indicates that the site analysis is incorrect as it does not accommodate for additional water flow.
- (e) Skyline disruption from the height exceedance and lights is evident from Wakehurst Parkway views, while 6-metre chainwire barriers and other fencing detract from landscaped vistas.
- (f) The EIS's claim at section 6.1 that the facilities are "low impact" ignores the tension with contemplated uses, industrialising a semi-rural enclave and breaching section 4.15(1)(a) of the EP&A Act.
- (g) Proposals altering locality character without merit must be rejected.
- (h) The applicant-imposed needs do not justify this transformation, warranting refusal to preserve the locality's integrity.
- (i) The Consolidated Schedule of Non-compliances (**Schedule 1** to this submission) highlights these inconsistencies in scale, vegetation, skyline, and fencing.

4. Amenity Impacts

The proposal will inflict severe amenity impacts on our properties, as detailed in the Summary of Impacts by Property (**Schedule 2** to this submission). These include noise, privacy loss, visual intrusion, light spill, and olfactory nuisances, arising from reduced setbacks and non-compliant infrastructure. The 50% reduction in side and rear setbacks—from the WLEP 2000's mandated 10-metre landscaped buffers to 5 metres—directly contravenes protections for residential amenity in Locality B2, exposing our area to industrial-scale sporting activities at unacceptably close proximity. This halves the spatial and acoustic buffer, with every doubling of distance providing approximately 6 dB attenuation under free-field conditions; the 1.8-metre fence offers limited screening

for ground-level sources but fails against elevated elements like spectator seating, 22-metre lights, and 6-metre barriers.

4.1 Noise Impacts

- (a) The Noise and Vibration Impact Assessment identifies our property, "R1 33 Dreadnought Road — Residential" and "R9 1101 Oxford Falls Road — Residential", as noise-sensitive receivers
- (b) Modelling exceedances including 49 dB(A) daytime at R2 (Peace Park) against a 48 dB(A) criterion and 46 dB(A) evening (3 dB exceedance) against 43 dB(A).
- (c) These predictions assume vocal efforts for only 5 minutes per 15-minute period and exclude impulsive sources such as whistles, ball impacts on synthetic turf, hockey sticks, and PA announcements, which are more intrusive and unmodelled. The assessment characterises operations as a "worst-case scenario" but qualifies typical levels as 5-10 dB lower without empirical support, relying on the 1.8-metre fence (12 kg/m² surface mass) that is ineffective against elevated or impulsive noise.
- (d) Critically, the NVIA assesses the proposal in isolation, omitting cumulative effects with Oxford Falls Grammar School's facilities, including existing noise from the use of the pickleball courts, and ongoing works like the TfNSW Wakehurst Parkway upgrade. The Social Impact Assessment acknowledges general cumulative risks but dismisses them, noting no planned developments while ignoring current Oxford Falls Grammar School operations. A proper and complete analysis of the noise impact is essential.
- (e) Horses at our property (and neighbouring properties) are highly susceptible to these unmodelled impulsive noises (e.g., 93 dB(A) rock breaker, 103 dB(A) vibratory roller during construction), potentially causing flight responses, injury, and stress. The precinct's equestrian history, including recent stables on the site (EIS and AR DA 1001), and NVIA's failure to categorise rural receivers or model livestock impacts (using only residential criteria at 53 dB(A) NML) is a material omission.
- (f) Operational sports noise—impulsive and variable—differs qualitatively from background traffic, altering the quiet semi-rural acoustic environment. A supplementary assessment of impulsive characteristics, ground-borne vibration, and cumulative effects on horses is required.
- (g) The Summary of Impacts by Property (**Schedule 2** to this submission) links these to specific properties, with R1 and R9 facing upper-limit operational noise and construction exceedances.
- (h) The NVIA's operational noise mitigation relies principally on:

"A 1.8m high solid fence (above the ground level of the adjacent receivers) with minimum surface mass of 12kg/m² has been modelled around the western and southern sides of the outdoor playing field area."

- (i) A 1.8 m fence provides acoustic screening only for ground-level noise sources. It is ineffective against elevated noise sources such as spectators on raised seating, ball impacts at height, referee whistles, and the 22 m high floodlight structures which will attract nocturnal insects and associated bird activity.
- (j) The NVIA does not model ball-on-synthetic-turf impacts, hockey stick impacts on synthetic turf, or referee whistles, which are impulsive noise sources that are more intrusive than the continuous vocal noise modelled.
- (k) The modelling assumes vocal efforts for only **5 minutes out of every 15-minute assessment period**. During an actual hockey or soccer match, sustained shouting, whistle blowing, and ball-striking noise will be continuous, not intermittent. The NVIA itself concedes: "The noise of persons associated with the space will be highly variable as there are several factors which will drive the noise emissions."
- (l) The assessment does not model noise from **ball-on-synthetic-turf impacts, hockey stick impacts, or referee whistles**, which are impulsive noise sources that are more intrusive than the continuous vocal noise modelled.
- (m) The NVIA states the assessment is "worst case scenario with maximum expected spectator noise" but then immediately qualifies: "Typical operation for the fields is expected to have noise levels that are 5-10dB lower than predicted." This qualification is unsupported by any empirical data and should not be relied upon by the consent authority.

4.2 Privacy and Visual impact

- (a) The removal of 120 trees along western and southern boundaries eradicates existing mature screening, replacing it with a 1.8-metre fence and immature native planting that provides no immediate privacy. From private domains—yards and bedrooms—the 5-metre setback exposes direct views of up to 80 people, synthetic turf, 6-metre barriers, and 22-metre lights, obliterating seclusion.
- (b) The Visual Impact Assessment (VIA) limits analysis to public viewpoints, omitting private domain photomontages despite 1087 Oxford Falls Road's elevated position with minimal vegetation and 33 Dreadnought Road and 86 & 88 Wearden Road and 1101 Oxford Falls Road's filtered views post-removal.
- (c) Impacts rated "low to medium-low" from public perspectives underestimate transformative private effects, breaching section 4.15(1)(b) of the EP&A Act. Amenity protection demands private VIA
- (d) Future planting cannot substitute mature vegetation.

4.3 Tree Removal

- (a) The EIS confirms:

"The proposal will require the removal of 120 individual trees to allow for the construction of the proposed activity."

- (b) The Arboricultural Impact Assessment identifies that of the 120 trees to be removed, 33 are of "High Retention Value."
- (c) The Canopy Cover Analysis provides the following data:
 - (1) "CANOPY COVER CALCULATIONS SITE AREA: 21,408.85m²
 EXISTING CANOPY COVER: 8,575.07m² (or 40.0%)
 REMOVED CANOPY COVER: 6,850.74m² (or 31.9%)
 RETAINED CANOPY COVER: 2,174.43m² (or 10.2%)
 ADDITIONAL CANOPY COVER: 4,824.47m² (or 22.7%)
 TOTAL CANOPY COVER: 6,845.61m² (or 31.9%)"
- (d) This means 75% of existing canopy will be removed immediately, reducing retained canopy from 40% to just 10.2% of the site area.
- (e) The removal of 120 trees, including the existing mature vegetation along the western and southern boundaries, will fundamentally alter the visual environment for our property and our neighbours properties. The existing trees provide a dense visual screen that will be replaced by a 1.8 m timber fence and immature planting that will take years to reach screening height.
- (f) The proposed "4m high screening hedge" is new planting that will not provide any screening at the time of construction or for several years thereafter. The consent authority should not accept future planting as a substitute for existing mature vegetation.
- (g) The VIA concludes that visual impacts range from "low to medium-low" but this assessment is based on public domain views. From the private domain of the neighbouring properties (including 33 Dreadnought Road), the visual impact of 22 m floodlights, 6 m chainwire ball barriers, and a synthetic turf sports field at 5 metres from the boundary would be transformative, not "low."

4.4 Lack of curfew, Floodlighting Nuisance and Light Spill Impacts

- (a) The EIS acknowledges:

"the outdoor multi-purpose field will be flood lit, namely, to allow usages during winter months"
- (b) There is no curfew proposed for the use of the floodlights (the proposal indicates that the facilities will be used until 9:30pm weeknights).
- (c) The 22 m high floodlights will be visible from all our house and our neighbours properties and will fundamentally alter the evening and night-time character of the locality during winter months.
- (d) The Preliminary Light Spill Assessment states:

"Obtrusive Light (south) — 2.9 Lux" "Obtrusive Light (west) — 4 Lux"
- (e) While these values are stated to be within the maximum allowable value of 10 Lux under AS4282:2023, the assessment must be read in context. The existing ambient light environment in Oxford Falls is extremely low — this is a semi-rural locality surrounded by bushland with no street

lighting on many roads. An increase from near-zero to 2.9–4 Lux at the southern and western boundaries represents a significant change in the nocturnal light environment for our property and our neighbours.

- (f) The Desired Future Character statement for Locality B2 emphasises that the "present character of the Oxford Falls Valley locality will remain unchanged" and that development will be limited to "low intensity, low impact uses." The introduction of 22 m high floodlights operating during evening hours in winter months is fundamentally inconsistent with this character statement.
- (g) The 22 m height of the floodlights means they will be visible from a wide area, well beyond the immediate site boundaries. They will be visible from our property (and all of our neighbours properties) and will fundamentally alter the evening and night-time character of the locality.
- (h) The EIS dismisses impacts on nocturnal fauna on the basis that "few mobile nocturnal animals" were found on site. However, the site contains a riparian corridor that the applicant itself proposes to rehabilitate as a biodiversity corridor. The introduction of 22 m high floodlights immediately adjacent to this corridor will create a permanent barrier to nocturnal fauna movement along the corridor.
- (i) The EIS acknowledges that the riparian corridor connects to Middle Creek and ultimately to Narrabeen Lagoon. Nocturnal species including microbats, owls, and arboreal mammals use riparian corridors as movement pathways. The introduction of high-intensity lighting adjacent to the corridor will disrupt these movement patterns.
- (j) The Community and Stakeholder Engagement Report records that community members raised concerns about:

"the effects on wildlife habitats"

and:

"Measures will be implemented to minimise potential impacts on local wildlife from floodlighting, with lighting design including mitigation controls to reduce light spill beyond the site. These strategies aim to ensure minimal disruption to species such as owls in the surrounding environment."

- (k) However, the EIS does not specify what these "mitigation controls" are, beyond stating compliance with AS4282:2023. There is no assessment of the spectral composition of the proposed lighting (warm vs cool white), no assessment of the timing of lighting use, and no commitment to specific lighting curfews.
- (l) The BDAR (referenced in the EIS) found no threatened species on the site, but this does not mean the site and its riparian corridor are not used by nocturnal fauna. The absence of threatened species does not equate to the absence of ecological value, particularly for a corridor that the applicant proposes to rehabilitate.
- (m) Amenity loss from light spill justifies refusal.

4.5 Other Amenity Impacts – Substation and Waste enclosure

- (a) The padmount substation and waste enclosure will be located in the southeastern corner of the site, which is the closest point to 1101 Oxford Falls Road and 1087 Oxford Falls Road along the Oxford Falls Road frontage. Waste will be collected three times per week per the Operational Waste Management Plan.
- (b) The substation will produce a constant low-frequency hum, and the waste enclosure will generate olfactory impacts, particularly during warmer months which is unassessed in the EIS.
- (c) The waste enclosure is screened by 2,100 mm high aluminium slat fencing, but this does not address olfactory impacts. Six 1,100-litre bins serviced three times weekly in a semi-rural location where existing ambient odour levels are negligible will represent a noticeable change in amenity.
- (d) The EIS does not include any odour assessment for the waste enclosure. Given the proximity to residential boundaries and the semi-rural character of the locality, an odour assessment should be required.
- (e) The substation location should be reviewed to determine whether it can be relocated further from the residential boundaries, potentially within the basement or on the northern side of the building where it would be further from residential receivers. Amenity safeguards mandate this.

5. Impact of Construction and Operational Noise on Horses

5.1 The Presence of Horses in the immediate area

- (a) The precinct has long been known for equestrian uses in the immediate vicinity, including at properties east of the site along Oxford Falls Road, south of the site along Wearden Street and west of the site at 33 Dreadnought Road.
- (b) The site at 1100 Oxford Falls Road itself previously included horse stabling as recent as 2025. The EIS states:

"The site currently contains a single dwelling and pool with ancillary sheds and stables. The existing use of the site previously included storage of boats and stabling of horses which has resulted in degradation of the existing vegetation on site."
- (c) Our property at 33 Dreadnought Road, and neighbouring properties along 86 and 88 Wearden Street and 1101 Oxford Falls Road are identified as residential receivers in the NVIA.
- (d) Horses are kept at each of these properties (and other adjacent properties along the southern boundary and to the east of the property), and the NVIA does not separately assess the impact of construction or operational noise on horses or other livestock.
- (e) The Heritage Impact Statement further confirms:

"In front of the dwelling consists of a swimming pool and pool guest house, and a full-size tennis corner situated in the northwestern section of the property."

- (f) And the existing site plan (DOCUMENT 17, AR DA 1001) annotates "TIMBER STABLE" and "TIMBER STABLES" on the eastern portion of the site.

5.2 What the NVIA Does and Does Not Assess

- (a) The NVIA identifies "R1 33 Dreadnought Road — Residential"
- (b) The assessment applies residential noise criteria to these properties. However, there is no assessment of noise impacts on animals, livestock, or horses at any receiver location. The NVIA states:

"The noise of persons associated with the space will be highly variable as there are several factors which will drive the noise emissions."

- (c) The preliminary construction noise assessment predicts the following levels at the nearest residential receivers (R1, R2, R9, R10, R11):

Equipment	Predicted Level at Nearest Receiver dB(A)
Truck (>20 tonne)	85
Piling rig (bored)	89
Excavator	85
40-50tn Mobile crane	89
Concrete pump truck	86
Hand Tools (electric)	80
Rock Breaker	93
Roller (vibratory)	103

- (d) The NVIA confirms:

"the noise associated with the normal construction works is expected to exceed the noise management levels and management levels for highly noise affected receivers within standard hours."

5.3 Objection Points — Horse Welfare

- (a) The NVIA classifies all surrounding receivers as either residential, recreational, educational, commercial, or place of worship. No category exists for rural/equestrian receivers. This is a material omission in a locality where the Desired Future Character statement contemplates rural and semi-rural land uses, and where the existing site itself contained horse stables.
- (b) Horses are recognised as being highly susceptible to sudden, impulsive noise sources. Construction activities such as rock breaking (93 dB(A)), vibratory rolling (103 dB(A)), and piling (89 dB(A)) at distances as close as 10 metres from the boundary of 33 Dreadnought Road will produce noise levels that are not merely above the residential Noise Management Level of 53 dB(A) but are in the range that can cause flight responses, injury, and chronic stress in horses.
- (c) The NVIA does not model impulsive noise characteristics (rise time, peak level) which are the critical parameters for assessing startle responses in horses. The LAeq,15min metric used in the assessment averages noise over 15-minute periods and does not capture the peak instantaneous levels that trigger flight responses.
- (d) The operational noise from the outdoor sports field — including whistles, ball impacts, crowd noise, and the public address system — will represent a permanent change in the acoustic environment for horses that have been accustomed to a quiet, semi-rural setting. The NVIA acknowledges that the site's background noise is dominated by traffic on Wakehurst Parkway, but the character of sporting noise (impulsive, variable, human vocal) is qualitatively different from road traffic noise and more likely to disturb horses.
- (e) The consent authority should require a supplementary assessment of noise impacts on horses and livestock at the adjoining properties, including consideration of impulsive noise characteristics, vibration transmission through the ground (particularly during piling and rock breaking), and the cumulative impact of construction and operational noise on animal welfare.

6. Specific Impacts on neighbouring Properties

- (a) The proposed 5 m setback to the southern boundary halves the prescribed 10 m standard and brings a synthetic turf pitch, 22 m floodlights, and associated infrastructure to within 5 m of the property boundary.
- (b) The Summary of Impacts by Property (**Schedule 2** to this submission) illustrates tailored effects:
 - (1) 33 Dreadnought Road (R1) is identified in the Noise and Vibration Impact Assessment as the nearest residential receiver, at approximately 10 m from the outdoor sports field boundary. The reduced setbacks and presence of light poles and paths within the 10 m setback directly affect this property. This property faces direct sports field exposure at ~10 metres, visible floodlights and fencing, construction exceedances at R1, and semi-rural loss;

- (2) 86 & 88 Wearden Road and 1101 Oxford Falls Road (R9) are identified as a residential receiver along the southern boundary. The sports field edge is only 5 m from the southern boundary, halving the prescribed 10 m setback. This property will experience the combined impacts of a synthetic turf pitch, 22 m high floodlights, and 1.8 m timber paling fencing at close proximity. The properties endures 5-metre field edge, inadequate screening, evening noise near limits, unmodelled impulsives, and substation/waste nuisances;
- (3) 1087 Oxford Falls Road is specifically identified in the Visual Impact Assessment as having "minimal intervening vegetation" and occupying "an elevated position south-east of the site". The reduced front setback to Oxford Falls Road will directly affect views from this property. The reduced front setback to Oxford Falls Road compounds the privacy impact for this property, as the indoor sports hall itself will be visible with limited screening. 1087 Oxford Falls Road experiences elevated views of the hall via reduced front setback, oblique noise, and traffic increases, with VIA ratings understating immature planting impacts.
- (c) The landscape section drawings show the relationship between the sports field and the southern boundary. At 5 metres, our property at 33 Dreadnought Road and the neighbouring properties in Wearden Road and 1101 Oxford Falls Road will look across at:
 - (1) 1,800 mm timber paling acoustic fence
 - (2) A modest landscape buffer of native screening plants (immature at commencement)
 - (3) Synthetic turf sports field
 - (4) 6,000 mm high chainwire ball barriers
 - (5) 22 m high sports field lights
 - (6) 3,600 mm high ball barriers on retaining walls
- (d) This is an industrial-scale sporting infrastructure assemblage at residential-scale proximity.

7. Heritage Significance of the Cottage (Original Post Office)

- (a) The Heritage Impact Statement prepared by Urbis assesses the heritage significance of the existing structures on the site. The HIS identifies:

"The pool house is positioned centrally within the western portion of the site. Evidence suggests it was established between 1923 and 1943."
- (b) We understand that the existing cottage on the property formerly served as the original post office for the Oxford Falls area.
- (c) The Oxford Falls Post Office opened on 2 January 1924 and closed in 1984. This would be a material fact that the HIS has failed to

investigate (Historical Significance). The HIS concludes no historic significance based on incomplete history, prepared by the applicant's consultant without independent verification.

- (d) The use of Cottage as the first post office in the Oxford Falls area would necessitate reassessment under Criteria A (historical), B (associative), D (social), E (research), F (rarity), and G (representativeness).
- (e) A full historical investigation via postal/parish records and maps is mandated under section 4.15(1)(a) of the EP&A Act, and independent assessment is required if substantiated.
- (f) Refusal pending verification is essential to avoid irreversible heritage loss.

8. Inadequate Road Network and Safety Risks

- (a) Oxford Falls and Dreadnought Roads suffer chronic congestion from Grammar School drop-offs, pick-ups, and pickleball, unmitigated by the TIA's addition of 68 peak vehicles (Saturdays 11:00 am-12:00 pm).
- (b) With no public transport (nearest 3 km) and 83 spaces at 83% occupancy, overflow parking endangers pedestrians (no Dreadnought footpaths) and blocks ambulance access amid 5-metre setbacks.
- (c) The TIA ignores cumulatives, breaching section 4.15(1)(c).
- (d) The over-55s development at 1113 Oxford Falls Road (which is in close vicinity to the proposed site) was denied vehicular access to Oxford Falls Road. The proposed access on Oxford Falls Road is too close to the corner of Dreadnought Road. Increased traffic along Oxford Falls Road, particularly with vehicles turning towards the school and the hospital, heightens the risk of accidents, especially for schoolchildren crossing the road. There is currently no indication of footpaths or safe crossing areas.
- (e) Refusal is required for site unsuitability.

9. Conclusion and Requests

The proposal merits refusal for breaching WLEP 2000 standards, Desired Future Character, and EP&A Act section 4.15 considerations, inflicting unacceptable impacts without justification. Based on the above analysis, we request:

- (a) Refusal of Application SSD-73688210.
- (b) If the committee considers the application further, the following matters should be addressed as part of the review of the proposal:
 - (1) a minimum 15m setback along the western and southern boundary as a nature.
 - (2) enforce a 15m setback (on the western/southern boundaries) as a densely landscaped nature strip (endemic canopy trees) for acoustic/privacy screening.

- (3) Installation of appropriate acoustic treatment wall panels (on the western/southern boundaries) in lieu of the 1.8m timber fence
- (4) a supplementary noise assessment that addresses impacts on horses and livestock at adjoining properties, including impulsive noise characteristics and ground-borne vibration during construction.
- (5) a cumulative noise assessment that models the combined effect of the Queenwood proposal operating simultaneously with Oxford Falls Grammar School's sports facilities, including the "pickleball" noise identified by residents.
- (6) a detailed historical investigation of the cottage's use as the original post office. If substantiated, an independent heritage assessment should be required.
- (7) private domain visual impact assessments from the yards and living areas of 33 Dreadnought Road, neighbouring properties on 86 & 88 Wearden Road, 1101 Oxford Falls Road, and 1087 Oxford Falls Road, not merely from public domain viewpoints.
- (8) an odour assessment for the waste enclosure and review the location of the padmount substation relative to residential boundaries.
- (9) specific lighting mitigation measures beyond AS4282:2023 compliance, including warm-spectrum lighting, lighting curfews aligned with the proposed operating hours, and an ecological lighting assessment for the riparian corridor prepared by a qualified ecologist.
- (10) the applicant to quantify the actual front setback to Oxford Falls Road, which the EIS admits is non-compliant but does not state in metres — a material omission in any assessment of the extent of non-compliance.
- (11) review the proposed hours of operation and implement a reasonable curfew factoring the residential neighbours and the low intensity/low impact amenity of the locality.

Yours Faithfully
Morabitolegal



Paul Morabito
Solicitor

☎ direct 02 8115 9833

✉ paul@morabitolegal.com.au

Schedule 1 - Consolidated Schedule of Non-compliances

Development Standard	WLEP 2000 Requirement	Proposed	Departure
Maximum building height	8.5 m	14.159 m (upper roof)	+5.659 m (66.6%)
Maximum building height	8.5 m	11.675 m (lower roof)	+3.175 m (37.4%)
Front setback (Oxford Falls Road)	20 m	Less than 20 m (not quantified)	Non-compliant (admitted)
Side/rear setback (southern boundary)	10 m	5 m (field edge)	-5 m (50% reduction)
Side/rear setback (western boundary)	10 m	5 m (field edge and covered seating)	-5 m (50% reduction)
Side setback (northern boundary — Dreadnought Road)	10 m (structures)	Light poles, concrete path within 10 m	Non-compliant
Front setback landscaping	Densely landscaped, free of structures	Building within setback	Non-compliant
Side/rear setback landscaping	Landscaped, free of structures other than driveways and fences	Sports field, light poles, paths, covered seating within setback	Non-compliant
Desired Future Character — scale	Detached housing, low intensity uses	14.159 m hall, 8,000 m ² pitch, 250-person capacity	Inconsistent
Desired Future Character — vegetation	Protected and enhanced	120 trees removed; 75% canopy loss	Inconsistent
Desired Future Character — skyline	No disruption from Wakehurst Parkway	14.159 m building, 22 m floodlights	Inconsistent
Desired Future Character — fencing	Not to detract from landscaped vista	6 m chainwire ball barriers	Inconsistent

Schedule 2 - Summary of Impacts by Property

Property	Privacy Impact	Noise Impact	Amenity Impact
33 Dreadnought Road	Direct exposure to sports field at ~10 m; 22 m floodlights; 6 m chainwire fencing visible	Identified as R1 (nearest residential receiver); construction noise predicted to exceed NMLs; operational noise at upper limit of criteria	Loss of semi-rural character; light spill from floodlights; industrial-scale fencing on boundary
86 & 88 Wearden Road & 1101 Oxford Falls Road	Sports field edge 5 m from boundary; 1.8 m fence inadequate to screen 22 m lights and 6 m barriers; immature screening planting	Identified as R9; predicted evening noise at or near criterion limits; impulsive noise sources not modelled	Substation and waste enclosure in proximity; retaining walls up to 3 m; fundamental change from residential to sporting precinct interface
1087 Oxford Falls Road	Elevated position with "minimal intervening vegetation"; reduced front setback to Oxford Falls Road exposes indoor sports hall	Oblique exposure to operational noise; traffic noise increase on Oxford Falls Road	Visual impact rated as "low" by VIA but based on mature planting that does not yet exist; 14.159 m building visible from elevated position

Schedule 3 - Summary of Additional Key Issues

Issue	Key Finding	Document Source
Horse welfare	NVIA does not assess noise impacts on horses or livestock despite equestrian uses in the immediate locality	NVIA; EIS
Cumulative noise	No cumulative noise assessment combining Queenwood with Oxford Falls Grammar School operations	NVIA; SIA
Noise modelling assumptions	Vocal effort assumed for only 5 of every 15 minutes; no modelling of impulsive sports noise	NVIA
Heritage — cottage	HIS does not investigate historical use of site as the original post office in Oxford Falls	HIS
Tree removal — privacy	120 trees removed (75% canopy loss); VIA does not assess private domain views from objectors' properties	EIS; VIA; Canopy Cover
Substation and waste	Located in closest proximity to 1101 Oxford Falls Road; no odour assessment undertaken	Architectural Plans; OWMP
Light spill — character	22 m floodlights in a near-zero ambient light environment; technically compliant but transformative change	EIS; Architectural Plans
Light spill — fauna	No assessment of spectral composition, lighting curfews, or impact on riparian corridor fauna movement	EIS; BDAR referenced in EIS