



21 November 2024

RJC:24-209

Department of Planning, Housing and Infrastructure
4 Parramatta Square, 12 Darcy Street
Parramatta NSW 2150

Attention: Sam Kelly

email: sam.kelly@planning.nsw.gov.au

Dear Sam,

**Re: State Significant Development SSD-42425537 (“the SSD”);
Alterations and additions to Waverley College including demolition works,
refurbished Centenary Building, library extension, construction of a new 6
storey building, new sports facilities and ancillary works (“the proposal”);
Waverley College, 131 Birrell Street, Waverley (“the development site”)**

We write on behalf of the Owners Corporation of Strata Plan (SP) 104091 (“our client”). SP 104091 comprises a seniors housing complex of 55 apartments in four buildings collectively known as “The Langlee” which is bounded by Birrell Street, Henrietta Street and Langlee Avenue at Waverley. The Langlee is located on the eastern side of Henrietta Street, opposite the eastern end of the development site.

Our client is extremely concerned about certain aspects of the proposal and has asked us to prepare this submission on its behalf. Attached to this submission is a series of illustrative figures identifying the relationship of The Langlee to the development site. The illustrative figures are referred to in the body of the submission.

We make the following observations.

1. The Langlee

The Langlee, the location and extent of which is shown on **Figure 1**, comprises 4 buildings containing housing for seniors and people with a disability. The four buildings are as follows: -

- ‘Palmerston’ at 2A Henrietta Street (also referred to as ‘Building A’) which contains 33 units (of which, 14 face west directly towards the development site) over 5 levels;
- ‘Glenroy’ at 2D Henrietta Street (also referred to as ‘Building D’) which contains 7 units (all of which face west directly towards the development site) over 3 levels;

- 'Preston' at 40B Langlee Avenue (also referred to as 'Building B') which contains 11 units over 3 levels; and
- 'Norfolk' at 40C Langlee Avenue (also referred to as 'Building C') which contains 4 units over 2 levels.

The Langlee has excellent landscaping on and around the four buildings and along the street frontages. There is a landscaped roof terrace on the Palmerston building for the use of residents in The Langlee. It is comprehensively landscaped with a trafficable area which is well setback from the building's edges. It's use by residents is permitted only until 9.00pm on any day.

The site occupied by The Langlee was previously the Waverley Bowling Club which was redeveloped by East Leagues Club and Mirvac, the redevelopment being completed in October 2023. The redevelopment contains the new premises of the Waverley Bowling Club. The new club premises is on the ground level of the 'Palmerston' building. The club has two bowling greens adjacent to Birrell Street.

The relationship of The Langlee to the development site (see **Figures 2 and 3A**) is thus one where two of its buildings, 'Palmerston' and 'Glenroy', directly face towards the development site. In those two buildings there are 21 apartments which face towards and look out on the development site. All of the apartments in The Langlee are occupied by seniors, including a number who have a disability and/or have impaired mobility, and most of whom are retired or semi-retired so are much more likely than not to be at home during the day and therefore more prone to affectation from construction impacts than residents of non-seniors housing.

The two photos below are taken from apartments on Level 2 of each of the 'Palmerston' and 'Glenroy' buildings in The Langlee. You will appreciate that the outlook is one predominantly characterised by pairs of semi-detached dwellings and the canopies of large trees. The largest and most visually dominant tree in the image is the Port Jackson Fig (*Ficus rubiginosa*) at the centre left of **Photos 1 and 2** overleaf.

Photo 1



Photo 1: View west across Henrietta Street of the development site from Level 2 of 'Palmerston'

Photo 2



Photo 2: View west across Henrietta Street of the development site from Level 2 of 'Glenroy'

2. Henrietta Street

Henrietta Street, (which separates the development site from The Langlee) is one way southbound but with a northbound cycle lane on its western side.

Close to the intersection with Birrell Street on the western side of Henrietta Street is the entrance to a staff car park on the development site. The access off Henrietta Street is 'entry' only. (The proposal is to relocate this vehicular access further south along Henrietta Street and change it from 'entry' only to an 'entry/ exit' and to close the current exit from the staff car park onto Birrell Street).

Vehicular entry to the Waverley Bowling Club car park, which is beneath the 'Palmerston' building in The Langlee, is off the eastern side of Henrietta Street.

Henrietta Street and other streets surrounding the development site become highly congested at school pick up and drop off times resulting in frequent queuing and risky driving behaviour when parents/ carers are competing for limited kerbside spaces to pick up or drop off their children. The presence of other schools in the surrounding locality, including St Clares and St Charles in Carrington Avenue and Waverley College Junior School in Henrietta Street add to local traffic congestion at school pick-up and drop-off times.

The following photos illustrate relevant characteristics of Henrietta Street:

Photo 3



Photo 3: The northern end of Henrietta Street at its intersection with Birrell Street with the Palmerston building beyond. Note: Henrietta Street is one way southbound for cars but is two way for bicycles. The northern end of the northbound bicycle lane can be seen at the centre left on the above image. Henrietta Street is a 'school zone' between 8.00am and 9.00am and 2.00pm and 4.00pm on school days

Photo 4



Photo 4: Henrietta Street is limited to use by vehicles of 2t or less. It is a 'light traffic only' street and is not at all suitable for heavy construction vehicles

Photo 5



Photo 5: View north along Henrietta Street from the intersection with Salisbury Street. Note the extent of the Port Jackson Fig

Photo 6



Photo 6: View south along Henrietta Street which is one way southbound only, bicycles excepted

Photo 7



Photo 7: View north along Henrietta Street from opposite the entry to the car park of the Waverley Bowling Club. The building at the right of the image is 'Glenroy'. The building at centre/ centre left of the image is 'Palmerston'. The development site is to the left of the image. The overhanging tree canopy is that of the Port Jackson Fig

3. The Proposal

Our client is concerned with that part of the proposal which relates to what is identified in the Environmental Impact Statement (EIS) as the 'East Precinct' of Waverley College. The Langlee is opposite the eastern end of the 'Eastern Precinct'.

The East Precinct proposal involves the demolition of existing structures and the construction of a very substantial new building, a larger car park, a major stormwater detention structure and a new tennis court. The proposal for the East Precinct includes (as described in the EIS): -

- demolition of Nos. 5-7, 9-11 and 17-19 Henrietta Street;
- construction of new 6 storey building (Building 1) for school purposes to be undertaken in 2 stages;
- construction of new car parking;
- a new aquatic undercroft amenities area;

- new tennis court facilities, and
- new landscaping.

Although not specifically referenced in the EIS, the proposal includes construction of a very large stormwater detention structure in the south eastern corner of the development site and of a new tennis court which in part extends under the canopy of the Port Jackson Fig.

The above works are proposed to be undertaken over four (4) stages, intended to occur over a 15 – 20 year period. This is an excessively long and unacceptable period during which local residents, including the residents of The Langlee, will need to endure construction activity.

4. Issues of concern

4.1 The survey plans are inadequate

The survey plans in Appendix GG of the EIS are confined only to the development site. They do not show development around the development site, including The Langlee. The Proponent should be required to augment the submitted survey plans with details of surrounding development.

4.2 There is no proper consideration of The Langlee and its relationship to the development site

Although Section 2.2.1 of the EIS refers to “recently developed luxury apartments for residents aged 55 and over, along with new bowling greens and a community venue” in the description of the development to the east of the development site, there appears to have been no proper or thorough consideration of The Langlee and its relationship to the development site.

For example, there is no description of either the ‘Palmerston’ or ‘Glenroy’ buildings and their orientation to Henrietta Street, there is no reference to how many apartments there are in these two buildings which overlook the development site (21), nor is there any sufficient description of the form and function of Henrietta Street. This all combines to give the distinct impression that The Langlee has not been properly considered in the design and development of the proposal for which consent is sought.

This reasonable concern is, however, compounded when reference is made to the Noise and Vibration Assessment Report in Appendix W of the EIS. It incorrectly identifies The Langlee as “Private Recreation – Waverley Bowling Club”. The Langlee is not identified as a “residential receiver” for the purposes of the assessment. In these circumstances, there is a reasonable basis for the Department to engage an independent acoustic consultant to undertake a noise and vibration assessment of the proposal.

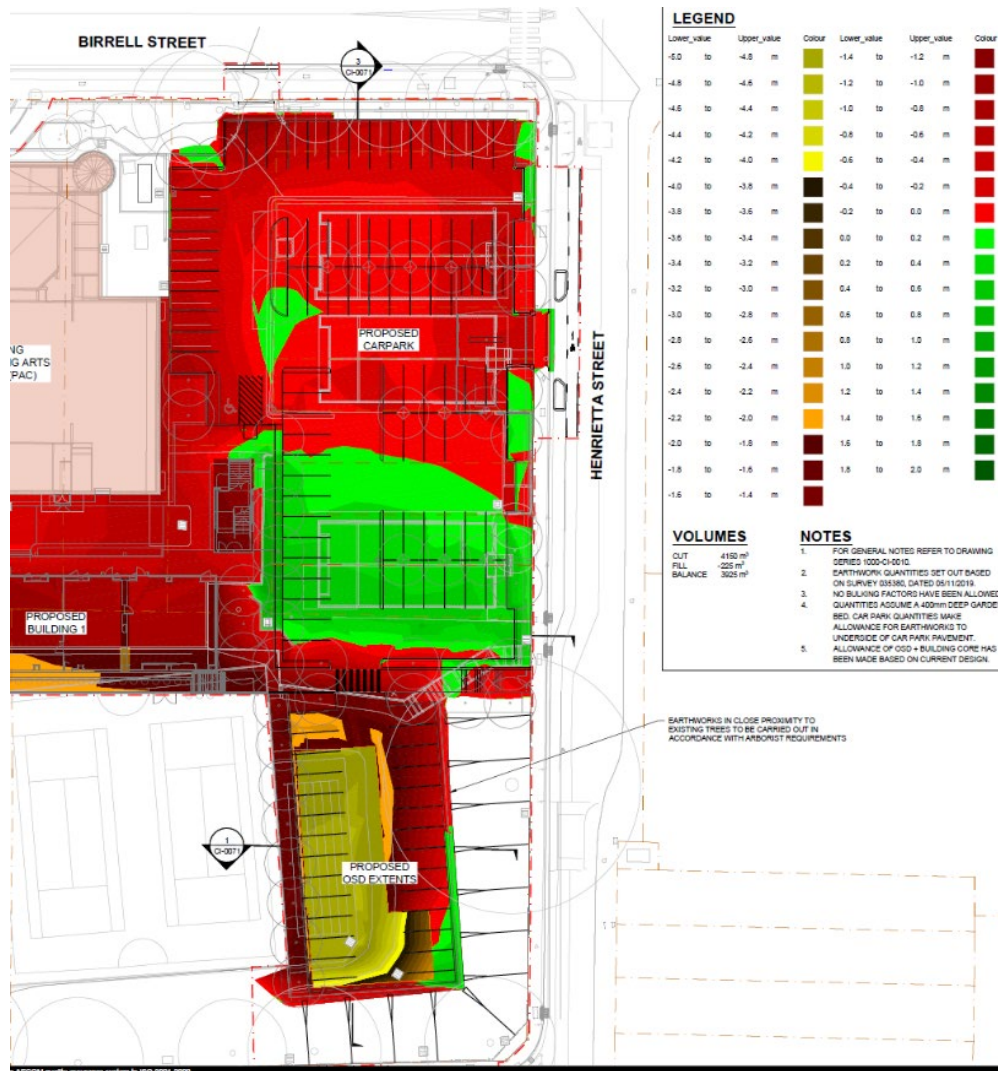
4.3 Stormwater drainage details are inadequately explained and assessed

In relation to stormwater drainage, the EIS states (in Section 3.4.2.1): -

“The stormwater management design outlined in the IWMP (Appendix S) involves a staged approach. In Stage 1, a network of building downpipes and an underground piped system will direct stormwater to a combined On-Site Detention (OSD) tank before discharging into Henrietta Street. Future stages (2-5) include minimal impacts on stormwater management. Stage 2 involves minor modifications, while Stage 3 includes extending a building and converting parts of the car park, necessitating new stormwater pits and pipes.

Stage 4 transforms a temporary car park into a sports field, maintaining similar stormwater conditions, and Stage 5 focuses on internal building modifications, not significantly affecting stormwater design.”

Unfortunately, there is no proper or adequate description in the EIS of the extent of proposed works associated with new stormwater drainage in the East Precinct. Reference to the Bulk Earthworks Plan in the Integrated Water Management Plan in Appendix 5 of the EIS shows the extent of excavation.





Source: Figure 10 in Integrated Water Management Plan (Appendix S in the EIS)

A structure of this size and scale will almost certainly have a most significant adverse effect on the Port Jackson Fig. The Department should request the Proponent to provide alternative design options for the proposed stormwater management arrangements on the development site with a view to avoiding the necessity for a structure of this size and scale in the location proposed.

Our client contrasts this over-engineered stormwater detention solution (i.e. a massive tank to detain stormwater before releasing it into the existing drainage system in Henrietta Street) with the more sustainable principles displayed in The Langlee whereby rainwater is collected and re-used for irrigation of the abundant and verdant landscaping. The alternative design options which the Proponent should be requested to explore should be using more sustainable principles to reduce hard surfaces and stormwater run-off from the development site as well as capturing rainwater for onsite irrigation.

4.4 The impacts on the Port Jackson Fig Tree have not been properly addressed

Whilst the Arboricultural Assessment which forms part of the EIS notes that the Port Jackson Fig (Tree 76) is listed on Waverley Council Register of Significant Trees, the EIS makes no specific comment on the Port Jackson Fig.

This significant tree is on the part of the development site which is identified as a local heritage item and is intended to be retained. With a height of 16m and a canopy spread of 17 to 20m, it makes a very significant contribution to the quality of the streetscape at the northern end of Henrietta Street opposite The Langlee.

It is essential that any works which jeopardise the health, vigour and safe useful life expectancy of this significant tree be avoided. Unfortunately, major encroachments into the canopy spread of this tree are proposed.

In this regard, Section 7.8 of the Arboricultural Impact Assessment in Appendix C of the EIS states: -

“Tree 76

7.8.1 The portion of the carpark to the west of this Port Jackson Fig requires a two metre deep excavation and will cause a major encroachment into its TPZ. Given the distance of the tree from the line of excavation, this will not cause excessive root loss. Combined with the tree's good vitality and the and the tolerance of the species to root loss, the level of impact on the tree will be sustainable.

7.8.2 The tree sensitive design of contiguous piling for the retaining wall will reduce the impacts that will occur from the construction process.”

In addition to the impacts of the proposed new car park are the impacts of the stormwater detention structure referred to above in Item 4.3 and the works in Stage 2 which will see a new tennis court extending beneath the canopy of this significant tree.



Source: Drawing of proposed layout and new tennis court to be built beside exiting fig tree in Appendix D - Architectural Design Report, page 107

Locating a tennis court beneath the canopy of a significant tree is highly inappropriate. It gives the impression that there has been little thought given to maintaining the health and vigour of this tree.

Such is the significance of this tree that an independent arboricultural assessment should be obtained by the Department.

4.5 The height, bulk and scale of Building 1 are excessive

Reference to **Figure 4A** shows that Building 1 is predominantly on that part of the development site which is zoned R3 Medium Density Residential and reference to **Figure 4B** shows that the height limit applying to the site is 9.5m. Building 1 is also on that part of the development site which is identified as a heritage item (see **Figure 4D**). Notwithstanding these planning controls in Waverley LEP 2012, Building 1 has a proposed height in Stage 2 of 24.5m and will extend to within 4.353m of Henrietta Street. In Stage 2 it will have a length of around 75m and part of it will extend into the canopy of the Port Jackson Fig tree which is adjacent to Henrietta Street.

Whilst we acknowledge that pursuant to Section 3.43 of the Transport and Infrastructure SEPP, development consent may be granted even though the proposal contravenes a development standard in Waverley LEP 2012 (i.e. in this case, the 9.5m maximum height standard by 15m), the size of Building 1 in Stage 2 is excessive: it is too high, too long, too close to Henrietta Street and too close to the Port Jackson Fig tree. Building 1 should be limited to what is proposed in Stage 1.

4.6 The roof terrace on Building 1 could potentially create amenity impacts

Building 1 is intended to be a Science and Innovation Centre, so the inclusion in the proposal of a rooftop terrace for recreation (and entertainment) seems inappropriate and unnecessary as it has the clear and obvious potential to impact on the amenity of nearby residents by way of loss of privacy and increased noise.

4.7 The proposal has inadequate landscaping and tree planting

Our client respectfully submits that the Proponent is out of step with the NSW State Government's "Greening Our City" programme. That programme aims to increase green cover across Greater Sydney and contribute to an uplift in urban canopy coverage by 2036. The proposed removal of trees and the proposed carrying out of actions which jeopardise the planned retention of trees (such as by placing a huge stormwater detention tank close to the Port Jackson Fig which is on Council's Significant Tree register, and by placing firstly car parking and subsequently tennis court beneath its canopy) are inconsistent with the drive towards increasing tree canopy coverage. The Proponent should be aiming to retain existing trees. Where mature trees must be removed they should be replaced in equal number by mature specimens.

4.8 The proposed car parking arrangements are inadequate and insufficient

The proposal is to provide 106 staff car parking spaces for Stage 1, 136 for Stage 2, 107 for Stage 3 and 73 for Stage 4. There is no explanation in the EIS (or in the traffic assessment report in Appendix II of the EIS) as to why it is that in Stage 4 (which coincides with the peak student enrolment and peak GFA), the number of staff parking spaces will reduce to less than the number of staff parking spaces currently provided on the development site (i.e. 87). It appears inexplicable why in the last stage of the major development the number of staff parking spaces, having been increased from the current 87 to 136, should then reduce to 73. It is clearly the case that there is sufficient on-site parking now as the Traffic Assessment Report reveals that the 190 staff currently go into a ballot to be able to use the existing 87 staff parking spaces. The proposal, however, is to increase the number of staff to 220 but reduce the number of parking spaces to 73, thereby accentuating the existing shortfall. This is a matter on which the Department should seek an independent expert traffic and parking assessment.

4.9 The proposal will result in long term traffic and parking impacts

The proposed increase in student enrolment is 21.5% from 1,234 to 1,500. The proposed increase in staff is 15.8% from 190 to 220. Residents in The Langlee already experience significant traffic and parking congestion and risky driver behaviour around school drop-off and pick-up times. The proposed increase in the size of the staff car park opposite The Langlee and the closure of the staff car park exit to Birrell Street, thereby requiring all vehicles entering and exiting the staff car park to do so via Henrietta Street (crossing the bicycle lane in doing so), will significantly add to traffic volumes in Henrietta Street and Langlee Avenue, create additional potential conflict with pedestrians and cyclists, and add to resident's existing access difficulties when they are either arriving back at or departing from The Langlee in their cars. It is therefore essential that the long-term traffic and parking impacts of the proposal be the subject of independent assessment by an independent traffic consultant.

4.10 The Construction Traffic Management Plan is inadequate

Item 9 in the SEAR's requires preparation of a Construction Traffic Management Plan ("CTMP"). Appendix BB of the EIS contains a "SEAR's Table" which identifies that the CTMP is dealt with in Section 6.5.4 of the EIS. The CTMP in Section 6.5.4 comprises approximately one page of text which is so vague and undemanding as to be of no practical effect or utility. For example, in relation to 'contractor parking'. Section 6.5.4 of the EIS states: -

"On-site parking for construction contractors will be limited, as Waverley College will remain operational throughout the construction program. Contractors will be informed of the limited parking availability and must comply with on-street parking restrictions. Secure storage areas and drop-off arrangements for tools and equipment will be considered to reduce the need for contractors to drive to the site. During school breaks, some existing school parking areas may be available for construction use."

Such superficial non-commitments provide my client with no comfort whatsoever that construction traffic management has been properly considered as intended and requested by the SEAR's.

Additionally, the CTMP states: -

“Work Zone

A Work Zone may be required on the west side of Henrietta Street, between Birrell Street and Salisbury Street during later portions of the delivery of Building 1 – Phase 1 works. This will be required to support civil works along Henrietta Street. This will have no material impact on the intersection performance as heavy construction vehicles access and deliveries are required to be scheduled outside of the school bell times. In this regard, construction activity during school bell times will be limited to general vehicle movements and will not compromise the existing traffic performance.

Refer to Appendix H of the TIA for a Draft Traffic Guidance Scheme for details of the proposed work zone and associated traffic management measures.

Construction Vehicles

The majority of construction vehicles will be up to 12.5m heavy rigid vehicles for spoil removal and material transport. Larger vehicles may be required for specific tasks, and permits will be obtained as needed. The maximum number of heavy vehicles is estimated to be 4-6 trucks per hour during peak construction activities, with an average of 20-40 workers on-site. Workers will be encouraged to carpool or use public transport.

Site Access

Primary site access for construction vehicles will be via existing driveways on Birrell Street (Gate 11), with secondary access via Henrietta Street for light vehicles. Access during school hours will be managed by authorised traffic controllers to ensure safety.”

The notion that the western side of Henrietta Street could become a Work Zone is of great concern to our client. Henrietta Street is a 'light traffic only' one way southbound street but with a northbound bicycle only lane. It is not suited to use as a work zone (even on a temporary basis). In this regard, the bicycle lane in Henrietta Street is linked to the cycle way which runs through Waverley Park. The photos overleaf show the bicycle way close to where it crosses Birrell Street. It can also be seen in the aerial photo in **Figure 3B**.



We respectfully submit, as intended by the SEAR's, that the Proponent should be required to have a Construction Traffic Management Plan prepared by a suitably experienced and qualified Traffic Consultant. For example, reference to other SSD DA's for development at Eastern Suburbs schools shows that: -

- the EIS for the major reconstruction of the Stevenson Library building at Scots College included a Preliminary Construction Management Plan as a stand-alone document;
- the EIS for the major development works at Cranbrook School included a Concept Construction Traffic Management Plan as a stand-alone document; and
- the EIS for the major development works at St Catherine's school included a Preliminary Construction Management Plan as a stand-alone document.

The Department should request the Proponent to submit a Construction Traffic Management Plan prepared by a suitably qualified and experienced consultant.

5. Further Action

Please consider this to be an interim submission. We will be discussing the proposal further with our client and may wish to augment this submission with further comment in due course.

In the interim we would appreciate your advice on what further information the Department intends to require the Proponent to submit. In our respectful opinion, this should include: -

- updated survey plans which include details of properties surrounding the development site;
- alternative design options for stormwater detention which would avoid the necessity for the very large drainage structure proposed in the south eastern corner of the development site; and
- a stand-alone Construction Traffic Management Plan prepared by a suitably qualified and experienced consultant.

These should all be made available for review, once submitted. We also respectfully submit that there are three issues which warrant independent expert assessment, these being the impacts of the proposal on the Port Jackson Fig, the traffic and parking impacts of the proposal (including traffic and parking impacts on Henrietta Street generally, and on the bicycle lane in Henrietta Street) and acoustic and vibration impacts. In relation to the acoustic and vibration impacts, at the very least, the Noise and Vibration Assessment Report needs to be amended so that it recognises and take into account The Langlee as a 'residential receiver'.



Thank you for the opportunity to make this submission.

Yours faithfully
BBC Consulting Planners

A handwritten signature in blue ink, appearing to read 'Robert Chambers', with a long, sweeping horizontal line extending to the right.

Robert Chambers
Director
Email bob.chambers@bbcplanners.com.au