

Assessment Officer

NSW Department of Planning and Environment

SCEGGS DARLINGHURST CONCEPT AND STAGE 1 DA - OBJECTION

The purpose of this document is to object to the proposed SCEGGS Concept and Stage 1 development application. The basis of my objection is set out below.

HERITAGE IMPACTS

The demolition of Barham additions (1907-1922), Chapel Building additions (1909-1926), Old Gymnasium (1925), Wilkinson House (1926) and the Science building does not respond to and enhance the positive qualities of their setting, landscape and heritage listing and will not meet the objectives of clause 5.10(1) of *Sydney Local Environmental Plan*:

The objectives of this clause are as follows:

- (a) to conserve the environmental heritage of the City of Sydney,*
- (b) to conserve the heritage significance of heritage items and heritage conservation areas, including associated fabric, settings and views,*
- (c) to conserve archaeological sites,*
- (d) to conserve Aboriginal objects and Aboriginal places of heritage significance.*

The SCEGGS Darlinghurst site is identified as a local heritage item (no. I301) within the C13: East Sydney Conservation Area. It is also located within the vicinity of a number of local and state significant heritage items.

The EIS's Heritage Impact statement purports to address the LEP objectives as follows:

The proposed Stage 1 redevelopment design for Wilkinson House achieves the objectives of this clause through the:

- retention of views through Forbes Street and St Peters Street
- establishment of a building of a similar height and mass to the preceding Wilkinson House

- establishment of a building which reinforces the street alignment of Forbes Street and St Peters Street

These documents do not demonstrate how the proposal conserves the environmental heritage of the City of Sydney, or achieves any of the LEP objectives. Far from conserving heritage, this proposal will result in its destruction.

To allow this demolition of these significant items of heritage would be entirely inconsistent with the planning principles established by the Land and Environment Court (see <https://www.caselaw.nsw.gov.au/decision/549f84273004262463abec2e>). This reasoning has been applied in the context of demolition of an item as well as in relation to demolition of a contributory building in a heritage conservation area (see: <https://www.caselaw.nsw.gov.au/decision/54a63a753004de94513dad19>)

Number of students at SCEGGS

The assessment has not considered the likely impacts which will almost certainly result from this concept proposal, given the increased size and capacity of the school facilities which it will authorise.

The EIS and the expert reports which inform it rely upon SCEGGS' "statement of present intent" that the redevelopment is not intended to increase the existing student population or the site area of the campus. However, while this proposal *does* include a large increase in Gross Floor Area of 3,123.3m² over the site, which in means a roughly 25% increase, the precise future uses of the added GFA are locked in with a particular configuration- this detail presumably being postponed until a later stage. Given the very large capital cost of these works (potentially exceeding \$50million), it beggars belief that SCEGGS will not later increase student numbers to use the additional space that has been provided. Assuming that the current student population is 940 students (a figure supplied to local residents by the Principal during a public meeting the current student "cap" under existing consents) that represents expenditure of roughly \$50000 per student. It is inconceivable that additional enrolments will not be sought to offset this cost. But this proposal does not include any form of cap on student numbers. Rather the matter is addressed as a "statement of present intent", presumably for the specific purpose of leaving the option of an increase in population entirely open, but unassessed at this point.

Assessing the environmental impacts of this proposal demands a consideration of the increase in capacity which the concept and stage 1 proposals will inevitably create. Both the concept and stage 1 DAs will allow more students to be accommodated, and they, their teachers and those who serve, attend or transport them, will create likely significant impacts which must be rigorously and transparently assessed against the current environmental conditions. This must include a proper cumulative impact assessment which shows precisely how the current environment will be impacted.

It would be a reviewable error to ignore these impacts (as the EIS and accompanying documents do) and somehow seek to postpone this assessment to a later time, after the concept and stage 1 proposals are locked in as a framework. Such a radical departure from assessment principles is not a proper basis for a valid assessment of impact, and it is certainly not condoned by s 4.22 (5) of the Act. It should be rejected.

HEIGHT OF BUILDINGS

The proposal involves a significant exceedance of the height of building development standard (refer to clause 8.1.1 of the EIS - Figure 6 and Figure 7. The clause 4.6 submission).

Clause 42 of the *State Environmental Planning Policy State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017 (Education SEPP)* does not allow the Department merely to ignore the height of buildings objectives under the LEP.

The proposed buildings which exceed the statutory height limits in the LEP should be rejected on the basis that this would be inconsistent with the objectives of the relevant provisions of the LEP relating to building height.

LOSS OF VIEWS

The height of the proposed new Multipurpose Building is approximately 2.8 metres higher than the existing heritage listed Old Gym Building (which will be demolished) with the inherent loss of views and light. Some residents in Forbes Street and Liverpool Street will lose entirely their iconic Harbour Bridge views. Others will lose their city views, including of the Centrepont tower. None of these impacts have been properly assessed and justified in accordance with the 'view sharing' principles outlined by Land and Environment Court planning principles. The statutory non-compliance with height limits immediately indicates that the significant view loss impacts are unacceptable, if the relevant Court precedents are correctly applied (see: <https://www.caselaw.nsw.gov.au/decision/549f893b3004262463ad0cc6>).

BULK

The proposed 7 storey multifunction building is too high and not set back from the existing two storey 19th century terraces that are adjacent to the building on both Thomson and Bourke Streets. The bulk and scale of the building is inappropriate for context of the surrounding heritage conservation zone. The non-compliance with the LEP is not justified in the circumstances.

TRAFFIC AND PARKING

Appendix K Traffic Impact Assessment to the EIS dismisses any traffic or parking impacts as follows:

In summary of the Concept Masterplan, there will be a net increase of 3,123.3m² GFA but importantly, no increase in either staff or student numbers, with the new facilities focussed on the delivery of improved functionality, efficiency and amenity.(p.29)

"In summary for Stage 1, there will be a net increase of 163.1m² GFA but importantly, as with the Concept Masterplan, there will also be no increase in either staff or student numbers for Stage 1.(p.30)

"The Development Application will not seek to change the number of students or staff and as

such an assessment on the trip generating potential of the school is not considered warranted.(p.53)

The additional GFA of 3,123.3m² proposed in this development is able to accommodate a significant increase in capacity for the student population and teacher population. This will inevitably result in a dramatic increase in traffic which has not been properly or transparently assessed.

NOISE

The acoustic report in the EIS make no reference to the number of students which are assumed for the purposes of the assessment. The assessment of noise impacts should have been made on the basis that the net increase of 3,123.3m² GFA must necessarily increase the capacity of the school to accommodate students, and that this must inevitably have an effect upon noise impacts on neighbours.