



18 December 2020

20108

The Secretary

Department of Planning Industry and Environment

Locked Bag 5022

PARRAMATTA NSW 2124

Attention: Ms Prity Cleary

**RE: MAJOR PROJECT SSD 10421
WEIGALL SPORTS COMPLEX, SYDNEY GRAMMAR SCHOOL**

Dear Prity

This submission is written on behalf of the owners of Strata Plan 11962 at 8 Vialoux Avenue, Paddington (the **neighbouring owners**) and is in respect of the above Major Project SSD 10421 (the **Major Project**) proposing a new Weigall sports complex (the **site**) for Sydney Grammar School comprising demolition of structures, construction of three-storey and single-storey building, ancillary works involving landscaping, tree removal, kiosk substation, car parking and signage.

The neighbouring owners building is a three storey walk up residential apartment building comprising 12 apartments and is directly to the site's south.

Information reviewed as part of this submission includes:

- Planning Secretary's Environmental Assessment Requirements 23 July 2020;
- Section 10.7 Planning Certificates;
- Survey, by Project Surveyors;
- Architectural Drawings and Architectural Design Report, by AJ+C;
- Environmental Impact Statement (**EIS**), Environmental Risk Assessment (**ERA**) and Social Impact Assessment (**SIA**) by Robinson Urban Planning;
- Arboricultural Impact Assessment (**AIA**) Tree Protection Specification, by Tree IQ;
- Visual Impact Assessment, by URBIS;
- Landscape Design Report, by Aspect Studios;
- Heritage Impact Statement (**HIS**) by Paul Davies;
- Aboriginal Cultural Heritage Assessment, by Ecological Australia;
- Noise Impact Assessment, by White Noise Acoustics;
- BCA Design Assessment and Access Design Assessment, by Design Confidence;
- Operational Plan of Management for the Weigall Sports Complex and Car Park and Indicative Usage Profile, by Sydney Grammar School;
- Community and Stakeholder Engagement Report, by Chikarovski & Associates;
- Traffic Impact Assessment, CCTMP and Green Travel Plan, by PTC;
- ESD Report, Lighting Design Report and Infrastructure Management Plan, by Steenson Varming;
- Civil Engineering Services, by Warren Smith & Partners;
- Flora and Fauna Assessment, by Fraser Ecological;

- Biodiversity Development Assessment Waiver, by the Department of Planning Industry & Environment (the **Department**);
- Demolition and Construction Waste Management Plan and Operational Waste Management Plan, by Waste Audit;
- Construction Management Plan, by ADCO;
- Structural Report and Flood Engineering Report, by Enstruct Group;
- Geotechnical Investigation, Preliminary Site (Contamination) Investigation, by Douglas Partners; and
- Detailed Site Investigation, Hazardous Materials Survey and Remediation Action Plan, by JBS&G Australia.

Having reviewed the above documentation submitted with the Major Project, the neighbouring owners acknowledge the rights of the applicant to redevelop their land, albeit appropriately. However, the neighbouring owners **raise a strong and considered objection to the proposal as it has unacceptable impacts on their asset**. It is respectfully requested that the Department thoroughly consider the following issues during its assessment of the Major Project:

- **Design excellence;**
- **The proposal is not in character with neighbouring and nearby properties and exhibits excessive height, bulk and scale;**
- **Traffic and parking;**
- **The proposal results in a loss of residential amenity to the neighbouring owners relative to visual and acoustic privacy, solar access and views and vistas;**
- **Stormwater management;**
- **Site works;**
- **Management plans;**
- **Vegetation;**
- **Asbestos and demolition;**
- **BCA compliance; and**
- **Infrastructure.**

A description of the proposal is provided at Section 1. The specific issues raised by the neighbouring owners follows at Section 2.

1. The Proposal

As described at Section 3 of the EIS, the Major Project seeks development consent for the following:

- Demolition of the following existing structures and buildings at the southern edge of the SGS Weigall Sports Ground:
 - multipurpose/tennis courts and associated fencing;
 - Barry Pavilion;
 - the existing cricket nets off Alma Street;
 - paved car park near Neild Avenue;
- Construction of the SGS Weigall Sports Complex comprising the following:
 - building 1 - Sports Facilities Building accommodating the following facilities:
 - ground floor: main pool, programme pool, terrace/assembly facing Weigall, entry foyer, offices, change rooms, back of house, services and external car parking (5 spaces) and loading
 - mezzanine floor: spectator terrace and services;
 - first floor: multipurpose sports hall 01 – basketball and volleyball, multipurpose sports hall 02 –cardio, weights, taekwondo, fencing, PDHPE, change rooms, storage and services;
 - level 2: multipurpose room 04; multipurpose sports hall 03 –cardio, weights, taekwondo, fencing, PDHPE, storage and services;

- driveway entry from Neild Avenue;
- building 2 – Car Park comprising an ancillary car park of one/two split levels accommodating 93 spaces with an additional 4 spaces on grade, accessed from an existing entry from Alma Street. The lower ground level includes the flexibility to be used as an extension of the existing playing fields
- parking for a total of 102 cars comprising:
 - building 1: 5 spaces;
 - building 2: 97 car spaces (93 within the building and four at grade);
- landscaping of the site including tree removal/retention/replacement, paths, fencing and lighting;
- building identification signage;
- new kiosk substation.
- Use of the completed building as an educational establishment with external/community use of the proposed facilities that coordinates with the programming of the SGS.
- The proposal does not include any of the following:
 - general learning areas (GLA)
 - an increase in the existing student staff population.

The project's key numerics include:

- a GFA of 6,220m²;
- a height ranging from 10.1m to 17.2m for Building 1;
- a height of 4.8m for Building 2;
- a total of 102 car parking spaces, 6 motorcycle spaces and 22 bicycle spaces;
- a deep soil zone of 3,884.8m² representing 39% of the site;
- a building footprint of 3,885.19m² representing 46% of the site;
- removal of 20 trees; and
- provision of a total of 126 trees (including those retained and proposed).

2. Specific issues raised by the Neighbouring Owners

2.1 Design excellence

Notwithstanding that detailed documentation has been prepared for the proposal, it is questionable as to whether the site's future built form will exhibit design excellence, given the deleterious impacts of the proposed built form. The overall built form does not accord to the locality's desired future character, notwithstanding its location within the existing Weigall Sports Complex. The site is not appropriately located or suitable to accommodate the proposed built form.

It is acknowledged that design excellence is a subjective interpretation, however, the resultant impact is additional built form beyond that which is anticipated by the relevant planning controls. Given this ambiguity, an undesirable outcome based on subjectivity is likely.

Given the above, the potential approval of an uncharacteristic built form is an inconsistent approach when compared to other buildings in the surrounding locality which have been required to comply with the design objectives/standards. This is the expectation of the community. As continually found by consent authorities, design excellence relates not only to the design of the building itself, but how it relates to its surrounding buildings.

2.2 The proposal is not in character with neighbouring and nearby properties and exhibits excessive height, bulk and scale

Character

A substantial portion of the site is zoned R3 Medium Density Residential pursuant to the provisions of Woollahra Local Environmental Plan 2014 (**LEP 2014**). It is acknowledged that part of the site is also zoned RE2 Private Recreation. It is also acknowledged that the proposal is for a development that seeks consent pursuant to the provisions of State Environmental Planning Policy (Educational Establishments

and Childcare Facilities) 2017 (**SEPP 2017**), which prevails to the extent of an inconsistency over another environmental planning instrument, specifically in the circumstances of this Major Project relative to building height and FSR.

The objectives of the R3 Medium Density Residential zone are:

- *To provide for the housing needs of the community within a medium density residential environment.*
- *To provide a variety of housing types within a medium density residential environment.*
- *To enable other land uses that provide facilities or services to meet the day to day needs of residents.*
- *To ensure that development is of a height and scale that achieves the desired future character of the neighbourhood.*

Notwithstanding that the site already contains an educational establishment (Sydney Grammar School) and which may provide a daily service to residents, the proposal is considered to be inconsistent with the objectives of the zone as it:

- does not provide for a variety of housing types or the housing needs of the community within a medium density residential environment, the over arching desired future character and land use; and
- is of a height, bulk and scale which is unquestionably inconsistent with the prevailing built form character and that expressed by the relevant planning controls that apply to development in the R3 zone.

Further it is noted the site is part of the Paddington Heritage Conservation Area (**PHCA**). As stated within Woollahra Development Control Plan 2015 (**DCP 2015**), the desired future character of the PHCA is described as:

- a) *retains the unique national heritage significance of Paddington and recognises it as a rare and distinctive urban area;*
- b) *reinforces the area as a special residential precinct;*
- c) *retains and promotes evidence of the historical development of the area and enables interpretation of that historical development;*
- d) *retains the cohesive character evident in the low scale, high density built form;*
- e) *retains distinctive features such as parapets, chimneys, mixture of roofs, complex of roads, laneways and alleyways, consistency of colours, subdivision patterns and buildings which follow the landform and the distinctive patterns of terrace house groups;*
- f) *continues to cater for varied uses and building types within the residential area;*
- g) *retains the diversity of building types including multi-storey and single-storey terrace house rows, modest scale timber and masonry cottages, semi-detached dwellings, dwelling houses, commercial buildings, pubs, former industrial buildings, places of public worship and public buildings;*
- h) *enables people to walk or cycle to shops, public transport, schools, parks and entertainment facilities in a safe, pleasant and healthy environment;*
- i) *provides attractive and vibrant shopping areas for locals and tourists;*
- j) *provides for sharing of views and vistas; and*
- k) *exhibits contemporary design excellence.*

The proposal is clearly inconsistent with the DCP 2015 expressed desired future character of the PHCA as:

- it does not retain the unique national heritage significance of Paddington;
- it is not congruent with and does not recognise the PHCA as a rare and distinctive urban area;
- it does not promote the historical development of the PHCA;
- it is a larger and overbearing built form compared to that which is prevailing in the site's vicinity;
- there is reduced curtilage to neighbouring properties;

- it reduces valuable and high amenity generating views and vistas from neighbouring properties through and over the site;
- significant mature vegetation is to be removed despite its nominated retention value;
- the site's natural landform is not respected and the excavation will alter the nearby water table thereby altering the locality's natural drainage patterns;
- although a contemporary built form is proposed, it is clearly not low scale development which would be more characteristic, given the relevant planning controls relating to height and FSR which would apply to residential development on the site;
- it provides for an imposing built form. In this regard Building 1 if for a residential land use would significantly depart from the relevant height development standard (see below);
- unquestionable increased traffic has the potential to increase pedestrian and vehicular conflict precluding the opportunity for a safe, pleasant and healthy environment.

FSR

Notwithstanding the Major Project seeks development consent through the provisions of SEPP 2017, which prevails to the extent of an inconsistency, the locality's desired future character is nonetheless defined by the height and FSR standards in LEP 2014 and the complementary building envelope and design guidelines in DCP 2015. A rigorous merit based assessment must result in a satisfactory environmental outcome irrespective of whether a proposal complies with the maximum built form development standards, whether they are a development standard or a discretionary standard.

In this regard, the proposal departs from the LEP 2014 FSR standard (0.65:1). An FSR of 0.78:1 for that part of the site zoned R3 Medium Density is proposed. This represents a departure of 20% from the LEP 2014 standard. The combination of excessive building height (see below) and non-compliant FSR / building envelope results in a built form that is of a size and scale that is clearly incompatible with the locality's desired future character (see above). Furthermore, and as demonstrated later, the proposed built form results in adverse environmental impacts to the neighbouring owners, an undesirable planning outcome.

The proposed FSR is nonetheless inconsistent with the following objectives as stated at Clause 4.4(1)(a) of LEP 2014:

- (i) *to ensure the bulk and scale of new development is compatible with the desired future character of the area, and*
- (ii) *to minimise adverse environmental effects on the use or enjoyment of adjoining properties and the public domain,*

Height

LEP 2014 prescribes a maximum building height of 10.5m for that part of the site zoned R3 Medium Density Residential. Building 1 is located on this zoned land. It has a varying height from 10.1m to 17.2m. Whilst parts of the building would comply with the standard, a substantial variation of 64% would be proposed to its maximum height.

Building 1's maximum building heights is nonetheless inconsistent with all relevant height of building objectives as stated at Clause 4.3(1) of LEP 2014 as follows:

- (a) *to establish building heights that are consistent with the desired future character of the neighbourhood,*
- (b) *to establish a transition in scale between zones to protect local amenity,*
- (c) *to minimise the loss of solar access to existing buildings and open space,*
- (d) *to minimise the impacts of new development on adjoining or nearby properties from disruption of views, loss of privacy, overshadowing or visual intrusion,*
- (e) *to protect the amenity of the public domain by providing public views of the harbour and surrounding areas.*

Additionally, and as demonstrated by **Figures 1 and 2** overleaf, the maximum building height for Building 1 provides for an inconsistent relationship with the neighbouring owners, directly to its south and precludes any northern outlook from the neighbouring owners.

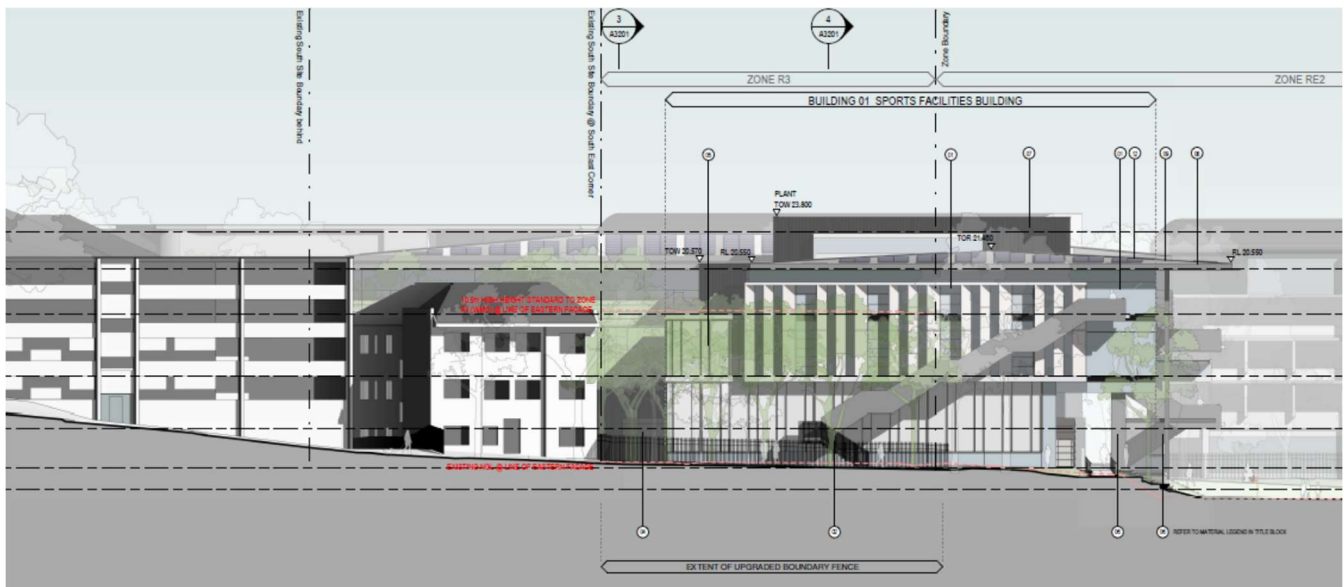


Figure 1 – Proposed Building 1 eastern elevation with the smaller built form of 8 Vialoux Avenue immediately adjacent (source AJ+C Architectural Drawings)



Figure 2 – Montage of the built form and its over bearing relationship with built form adjacent and blocking outlook from the neighbouring owners now not visible (source AJ+C Architectural Drawings)

Generally

The following should be noted:

- although SEPP 2017 applies to the extent of an inconsistency, the proposal nonetheless is inconsistent with the locality's desired future character through combination of excessive height, and FSR. This built form has material environmental impacts to the neighbouring owners (and other properties);
- maximum planning controls are not a right, rather an applicant must adequately demonstrate that a proposal results in a satisfactory or equitable planning outcome. In this regard, the proposal results in adverse environmental impacts and a built form that proposes excessive yield at the expense of internal and external amenity of neighbouring properties including the neighbouring owners;
- the site's high visibility of the site when approaching from the surrounding road network increases the perception of the proposal's excessive height, bulk and scale;
- the proposed built form is intrusive in the context of the streetscape of Vialoux Avenue and Alma Street. The additional built form increases the site's visual perception when viewed from the

surrounding public domain including all the neighbouring owners and those beyond. A human scale is not maintained;

- the curtilage to the neighbouring owners relative to apparent built form is significantly reduced. This limited separation accentuates the environmental impacts;
- the proposal represents a significant intensification in use from that existing on the site and from that permitted or desired;
- the cumulative impact of the proposal is a redevelopment of the site which:
 - exhibits excessive bulk and scale;
 - is inconsistent with the character of the locality; and
 - results in adverse environmental impacts to the neighbouring owners.

Alternative and a more appropriate redevelopment option should be explored.

2.3 Traffic and parking

Paddington and the site's surrounding locality suffers from chronic traffic gridlock resulting from existing development density and land uses. The intersection performance of the surrounding road network and in particular the aforementioned signalised intersection is already poor. AM and PM peak hours suffer chronic gridlock in all directions. The surrounding road network (apart from the arterials) generally comprises narrow carriageways providing through traffic.

The site has excellent access to numerous public transport (bus and railway) facilities / services and whilst based on its expected use, the proposal technically complies with the site's maximum provision of car parking spaces, it will undoubtedly result in additional (or continued) demand for on street car parking on the surrounding local road network, including local streets such as Vialoux Avenue and others nearby.

The following issues require additional consideration:

- the surrounding street network already struggles with the availability of parking and its varied design and siting;
- in addition to normal motor vehicle use, the surrounding road network is extensively used by buses, service vehicles (loading and unloading) and Council garbage trucks and emergency vehicles (as/when required). This mixed use results in unacceptable queuing of vehicles and has the potential for pedestrian and motor vehicle conflict;
- increased traffic within the locality during school drop off and pickup times and the high intensity use of the Weigall Sports Complex for numerous school and sporting events whether during the weekday, weeknight or on the weekend;
- given the proposed development and existing built form on nearby properties, the continued and on-going redevelopment of properties (and resultant construction traffic and construction zones) existing levels of traffic congestion at peak (morning and afternoons) periods, the potential for further queuing within the immediate vicinity of the site and its neighbours may be immeasurably increased to an unacceptable level;
- the prevalence of nearby driveways requiring reversing manoeuvres adds to potential traffic impacts; and
- the potential for vehicular and garbage vehicle conflict with garbage vehicles required to park on the local road network and collect all waste from the kerbside.
- swept path analysis should be provided to ensure the car parking court complies with the requirements of AS 2890;
- the relative proximity of the vehicular crossover, in relation to car park access and egress and numerous pedestrian entrances to adjacent properties; and
- whether adequate sightlines are provided along each street frontage, given the prevalent mature vegetation established on neighbouring and nearby properties and the surrounding public domain; and
- the visual impact of an above ground two level car parking built form – Building 2.

2.4 The proposal results in a loss of residential amenity to the neighbouring owners relative to visual and acoustic privacy, solar access and views and vistas

As a result of the proposed excessive built form for Building 1 and its proximity to the ‘common boundary’ with the neighbouring owners, the NSW Land and Environment Court (**NSW LEC**) planning principle relating to general development impact (*Davies v Penrith City Council 10269 of 2013*) should be considered and addressed in detail. The principle requires an assessment of impact on neighbouring properties as follows:

- How does the impact change the amenity of the affected property? How much sunlight, view or privacy is lost as well as how much is retained?
- How reasonable is the proposal causing the impact?
- How vulnerable to the impact is the property receiving the impact? Would it require the loss of reasonable development potential to avoid the impact?
- Does the impact arise out of poor design? Could the same amount of floor space and amenity be achieved for the proponent while reducing the impact on neighbours?
- Does the proposal comply with the planning controls? If not, how much of the impact is due to the non-complying elements of the proposal?

In terms of the above, the proposed development (in addition to existing site conditions and constraints) is considered to be inconsistent with the NSW LEC general development impact planning principle (and the complementary development guidelines within DCP 2015 relative to visual and acoustic privacy, solar access, views and vistas) and therefore has an unacceptable impact on the residential amenity enjoyed by the neighbouring owners for the following reasons:

- although the proposal has been lodged pursuant to the provisions of SEPP 2017 which overrides, the LEP 2014 height and FSR standards, substantial departures to these LEP 2014 are nonetheless proposed. The result is a higher, larger and bulkier built form than that anticipated by the planning controls and which furthermore is inconsistent with the locality’s desired future character;
- the site’s overall use and its intensity (at all times including night) may result in a detrimental cumulative impact to the neighbouring owners and other nearby properties. A smaller built form (that does not materially compromise the project’s viability) in an alternative and more appropriate location away from sensitive receivers such as dwellings and apartment buildings will unquestionably assist in maintaining amenity of the neighbouring owners and other nearby properties;
- increased higher and bulkier adjacent built form;
- overlooking of and loss of solar access to all of the external communal open space at the rear of 8 Vialoux Avenue;
- increased aural privacy impacts (increased noise level is sensitive to residents and adjoining/adjacent properties no matter what time it occurs) on the adjoining and adjacent residential properties. This could be through people either entering or leaving the site by foot, conversations, music and traffic noise. Therefore, it is considered the proposal significantly reduces existing levels of amenity enjoyed by those residents and businesses in the site’s vicinity;
- the true acoustic impacts of the proposal require additional treatments to both Building 1 and Building 2 as provided within the recommendations of the Noise Assessment, notably and of particular relevance to the neighbouring owners:

Any openable glazing is to be closed towards the south and east of the building during high noise generating periods including periods when whistles are being used and any time after 6pm

Install a solid building element to the façade of the carpark facing towards to residential receivers to the south

Hardstand drop off – A 30 minute time frame for pick-up and drop-off including times between 6am and 6:30am in the morning and then between 5pm and 5:30pm.

- considering the above, any recommendations within the Noise Assessment should be incorporated into conditions of consent should the Major Project be recommended for approval;
- the requirement for all mechanical plant and equipment to be housed in acoustically attenuated structures and further located away from the nearest sensitive receivers, which includes the

neighbouring owners. This will significantly reduce the external acoustic and visual impacts of such equipment;

- a condition of consent be imposed which requires all construction works and the future internal/external performance of the building, air conditioning and pool (and associated plant and equipment) to comply with the 'highest' noise performance/acoustic criteria in the BCA / NCC and the relevant Australian Standard(s);
- detailed plan shadow diagrams and solar access diagrams have been provided. The over scaled built form adversely impacts the northern elevation of the neighbouring owners building. Currently solar access to this elevation and its openings at each of the building's three levels is not a challenge given the orientation and more appropriate tennis courts / general sports use of the Weigall Sports Complex;
- the shadow diagrams demonstrate the overshadowing impact from a larger, higher and bulkier built form than that anticipated by the planning controls is unacceptable relative to the neighbouring owners and most likely other nearby properties in Lawson Street. In this regard the site can more appropriately accommodate a lower scaled built form in an alternative location away from sensitive residential properties that is more consistent with the locality's desired future character and which would not result in adverse overshadowing impacts to northern elevation openings of residential buildings, particularly those at each level of the neighbouring owners building;
- the height, bulk and scale of the proposal demonstrably reduces levels of direct solar access to the north facing primary living rooms at each level of the neighbouring owners building. These apartments do not benefit from a dual aspect and therefore their internal amenity is unquestionably compromised by the proposal;
- the site is not suitable to accommodate the density and built form proposed;
- inadequate building setbacks and landscaping is proposed along the common boundary between the site and the neighbouring owners. Increased setbacks and a reduction in building height of Building 1 would not materially compromise the site's redevelopment potential and at the same time may enable or retain the northerly outlook and views and vistas from the neighbouring owners building, a more characteristic built form than that proposed;
- the curtilage to the neighbouring owners and other nearby properties has been significantly reduced. This reduction in separation distances between the site, the neighbouring owners and other nearby properties results in a loss of outlook, views and vistas;
- despite the proposal being designed by a well regarded architectural practice, an appropriate environmental performance is still required. In this instance the proposal does not result in an acceptable environmental outcome as excessive built form is proposed which results in adverse impacts to the neighbouring owners and other nearby properties and
- the external lighting strategy is not provided with a detailed design, rather a holistic statement advising of future compliance with the relevant Australian Standard. This is an ambiguous element of the proposal and which should be considered in further detail considering the potential for light spill and its impact to sensitive receivers including the neighbouring owners.

The resultant visual and acoustic privacy, solar access and views and vistas impact is not an appropriate planning outcome. The utility and useability of the neighbouring owners apartments are unquestionably compromised by the proposal and the resultant impacts are not an appropriate planning merit based outcome, irrespective of the project's capital investment value and Sydney Grammar School's desire / want to expand its uses.

2.5 Stormwater management

It is recommended that Council thoroughly review and consider whether the site's underground conditions are suitable for the proposal and whether strict compliance is achieved with the relevant stormwater guidelines. Detailed construction methodology recommendations should be made and to assist in the adequate maintenance of runoff and water flows on/to the neighbouring properties and their relative structural integrity.

It is noted that substantial OSD is proposed, reflecting the site's overall density and relative lack of permeability, however, and notwithstanding, Council should be satisfied that the overall stormwater arrangements are satisfactory. Additionally, the site's altered landform is likely to influence existing

natural watercourses or worse continue unabated into the neighbouring properties. This is likely to occur during a standard rain event, much less a more intensive rain event.

See also Section 2.11 in relation to the proposed / required stormwater management deviation.

2.6 Site works

The following is noted:

- the single level basement and pool deck will require approximately 2m to 3.5m of bulk excavation below the existing surface (ground level). The swimming pools are setback about 4-5 m from the boundaries and may (ambiguous) require approximately 4m to 5.5m bulk excavation below current surface levels;
- it is expected that excavation for the pool deck and basement will be close to, and possibly slightly above the groundwater level in some areas during normal/dry weather. Following heavy rainfall and prolonged wet weather it is likely that the groundwater level may rise and be temporarily above the bulk excavation. Bulk excavation for the swimming pools is likely to be 1.5m to 2m below the groundwater. Excavation for the pools, and possibly the pool deck and basement, will require excavation below the groundwater and will require dewatering to enable excavation and construction to be completed;
- lowering of the groundwater is likely. This impacts on natural drainage patterns;
- the extent of excavation is greater than that prescribed by DCP 2015 (0.3m v 1.5m);
- considering the above extent of excavation, the Geotechnical Investigation advises that vertical excavations in filling and natural sands will not be self supporting and will need to be temporarily and permanently supported by retaining walls. It further states that consideration should be given to stabilising and/or underpinning the foundations beneath the neighbouring properties. This is alleged to improve the strength of the sands and reduce differential movements. These types of works would require the consent of potentially affected properties including the neighbouring owners;
- the Geotechnical Investigation states that further advice should be obtained from specialist contractors regarding the suitability of stabilisation and/or underpinning options. This is a far from desirable outcome for the neighbouring owners, who would be reluctant to grant consent for such works. The neighbouring owners should not be subjected to the likely detrimental consequences of movement, caused by the proposed construction works. The expected excessive vibrations and any machinery noises which will be required to excavate and then reinforce the underground conditions will disturb and create a nuisance to the residents and may potentially impact the integrity of the built form. Carefully crafted conditions of consent designed to address these matters are required.
- given the above extensive site works, it is highly recommended that the Department require the preparation and submission of a dilapidation report and photographic survey of the neighbouring owners (and others) built form and its surrounds prior (prior to the release of a CC) and post construction (prior to issue of an OC) be required. It is requested that the applicant be required to provide these reports to the neighbouring owners for their records. This will ensure that if the construction works have an adverse impact on the structural integrity, the neighbouring owners have an appropriate course of action (safety net) with the applicant;
- more stringent vibration criteria relative to the impact on the neighbouring properties is recommended and should be imposed as a condition of consent;
- dewatering of the basement is likely to be required and it is unknown whether natural drainage patterns are affected;
- the adverse impact of the development (specifically the amount of excavation and site works) on existing natural landforms within the site and those adjacent;
- the public safety impacts of the amount of site works and the impacts on neighbouring properties;
- it does not reinforce the locality's landform (topography and relative closeness of the water table and associated potential adverse impacts) and landscape (vegetation) qualities; and
- a groundwater management plan is recommended.

2.7 Management plans

The surrounding locality is characterised by a narrow street network, medium density residential development and limited buffers between properties. Extensive construction works are proposed.

The following is noted:

- the submitted Construction Management Plan, Construction and Demolition Waste Management Plan and Construction Traffic Management Plan be imposed as a condition of consent should they be considered acceptable. The Department should be satisfied each addresses the following prior to being imposed as a condition of consent:
 - the subdivision pattern and existing built form generates a pattern of closely spaced development with limited buffers and a narrow street network;
 - significant, established and mature vegetation which is adjacent the site, may be directly impacted;
 - mitigation measures to ameliorate potential impacts to biodiversity values outside the development area;
 - the establishment of clearly defined areas, such as the works area and any ‘no go’ areas within / adjacent to work site boundaries that are not to be in any way disturbed or damaged by the works;
 - restricted on street parking for residents and the community in general;
 - limited sight distances;
 - the site’s frontages to Alma Street and Vialoux Avenue both narrow dead end cul-de-sac two way carriageways and on street parking;
 - the site’s frontage to Neild Avenue which is subject to large amounts of through traffic;
 - the requirement for significant heavy vehicle movements within medium density residential areas;
 - maintaining clearances to existing driveway crossings and at grade car parking areas on neighbouring properties;
 - the identification of traffic management techniques and work zones;
 - identification of site access, sheds, materials and handling areas etc;
 - parking requirements/locations for relevant tradesman; and
 - the local street network (including existing on street car parking) will unquestionably restrict the size of trucks able to access and egress the site during construction works. This is a particularly relevant consideration/impact on amenity for the neighbouring owners. Recommendations in relation to the size of trucks used during the construction works are required;
 - there is no plan for mitigation and reduction of dust particles (particularly silica dust) from demolition and construction. The silica dust that would be generated by these works at a distance of approximately 6.5m away is likely to breach the recommended levels. An occupational hygienist should be engaged to assess the risk and develop a management plan to protect the health of surrounding residents including the neighbouring owners;
- such conditions in relation to the above may alleviate unacceptable impacts to the neighbouring owners, other neighbouring and nearby properties and the surrounding public domain; and
- the Construction Noise and Vibration Management Plan (**CNVMP**) at Section 9 within the Noise Assessment Report should be critically reviewed relative to the acoustic impacts during construction to the most sensitive owners which includes the neighbouring owners only some 6.5m away. Specifically, the Department should satisfy itself that the acoustic impacts associated with the construction activities (122dB(A)) during site demolition works and 120dB(A) during construction works are acceptable having regard to the relevant legislation and further consider what mitigation measures can be implemented to ensure the retention of equitable residential amenity for the neighbouring owners should the Major Project be approved.

2.8 Vegetation

Currently the site contains established landscaping with prevalent vegetation. The AIA assessed 104 trees, 90 of which are within the site. The removal of 20 trees is proposed. Additional landscaping to be removed includes low level plantings, shrubs, hedges and lawn.

Of the 20 trees to be removed, trees 15-19, 29, 31, 32, 35, 37, 61, 125 and 126 all have moderate landscape significance and should be considered to be retained. These trees unquestionably add to the locality's streetscape character. Furthermore, the built form and its surrounds is shown to have a major encroachment on a substantial number of trees, whose health, vigour and vitality could be adversely impacted by the proposed works.

The site following demolition will effectively become a greenfield development despite. This is despite the findings and recommendations of the AIA. This is clearly an unacceptable planning outcome. The proposal unquestionably has an adverse impact on landscaping, vegetation, natural landforms, natural drainage patterns, scenic quality and local flora and fauna as it involves:

- major demolition works;
- use of large scale civil and earthmoving equipment;
- access to and from the site with large trucks and construction plant;
- major site excavations;
- stockpiles of excavated material and demolition waste;
- stockpiles and storage of building materials;
- re-grading, cutting and filling of the surface levels;
- trenching for major services;
- major building works involving concreting, retaining walls, painting and general construction;
- use of large cranes and piling equipment;
- parking for site personnel and deliveries;
- paving and landscape retaining walls;
- landscaping and planting.

Further points to consider include:

- existing vegetation within the site and adjacent provides an effective screening. The removal of vegetation and construction of two significantly larger built forms than existing will unquestionably increase the visual impact of the new built form and reduce the scenic outlook of the neighbouring owners;
- the Department and Council has a responsibility to regulate tree removal, particularly on such a large scale, and to ensure it assesses the potential impacts in accordance with legislation;
- trees are an important asset for the community and they provide ecological benefits. Vegetation has a direct relationship with the visual impact of properties and enhances urban, landscape and scenic character; and
- in relation to the protection of existing vegetation (including essential heritage listed vegetation), the Department impose appropriate (as outlined by the relevant legislation) bonds as conditions of development consent in the event of their damage, death or demise.

2.9 BCA / access compliance

The following is noted:

- the BCA and Access Assessment reports have identified components of the proposal as currently designed that do not comply with the deemed to satisfy provisions of the BCA and / or AS 1428 and require a performance based solution or design amendments. Appropriate design amendments should be required prior to any favourable determination.

2.10 Asbestos and demolition

Demolition of numerous and varying built form is proposed. If asbestos is found to be present on the site, the following advising/condition is recommended:

- ‘Specialised controlled demolition of the current buildings is to be carried out only by contractors licensed in asbestos removal to arrest and encapsulate airborne dust particles and dispose of such debris in a licensed hazardous waste pit in accordance with the relevant Australian Standard(s).’
- the above works would be included within an Asbestos Management Plan in accordance with the Code of Practice: How to Manage and Control Asbestos in the Workplace [Safe Work Australia, 2011].
- given that demolition works are required to facilitate the proposal, it is requested that the Department impose a condition of development consent requiring all demolition works (and soil and sediment erosion works) to comply with the relevant Australian Standard(s).

2.11 Infrastructure

The following is noted:

- proposed works external to the site require the relevant owners’ consent. It is unclear as to whether this consent has been granted;
- the proposal generates the requirement for a new substation relative to the satisfactory provision of electricity to the site, however, it is unknown whether the utility/infrastructure services available to the site including telecommunications, sewer, gas and stormwater require augmentation resulting from the significant intensification of land use; and
- it is readily apparent the site’s and locality’s stormwater infrastructure is inadequate given the proposed deviation of infrastructure around the site’s northern and eastern perimeter. The final design and requirements for the new stormwater deviation are unknown and which requires (as stated in the Civil Engineering Report) additional discussions with Sydney Water and Council. Additionally, substantial disturbance to the nearby public domain will be required.

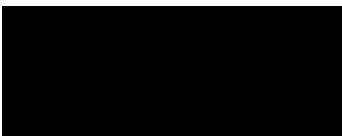
3. Conclusion

The neighbouring owners raise a strong and considered objection to the proposal. Given the issues raised above, it is in my opinion that the proposed development has unacceptable and deleterious environmental impacts and does not in any way provide for an equitable planning outcome relative to residential amenity.

Considering the above, the Major Project should be refused. However, should amended plans be submitted addressing the above concerns and others raised by the Department or other nearby properties, the neighbouring owners request to be re-notified.

Should you have any further queries, please do not hesitate to contact the undersigned.

Yours Faithfully



Scott Lockrey
Director