

Warren & Vicki Marsh
3 Bank Street, North Sydney
Dec 6, 2011

Major Projects Assessment
Department of Planning
GPO Box 39
Sydney NSW 2001

Attn: Ben Eveleigh

Application Name: Graythwaite Concept Plan
Application No.: Concept Plan (MP10_1049)
Stage 1 Application (MP10_0150)

Submission – OBJECTION TO REVISED EA APPLICATION

Dear Sir,

We are the owner-occupiers of No.3 Bank Street, North Sydney, which is adjacent to the Graythwaite site at the south-west corner. As residents of Bank Street, we submit that the above application, as it stands, should be rejected or radically modified due to its substantial negative impact on adjoining and neighbouring residential properties and the community, including our own. This report is in addition to our previous submission for the same project, and we have not repeated all of the details here, but confined this commentary to the main points.

MP10_0150 Stage 1

We have no objection to, and in fact support MP10_0150 Stage 1 of the project being the restoration and adaptive reuse of the Graythwaite House and Tom O'Neil Centre.

MP10_1049 Master Plan

We also support in principle the Stage 2 component (the East Building) of the master plan, except for potential traffic impacts of Stage 2 when combined with the impact of Stage 3. Our objections relate to Stage 3, being the West Building, which is also the trigger for a substantial increase in the school's population and potential traffic impacts. We contend that Stage 3 negative impacts are so significant as to justify that Stage 3 alone be refused.

The key points of our objection are, in equal order of import –

Failings in process or documentation of the Revised EA MP10_1049.

- Serious irregularities / illegalities in the current application.
- A lack of certainty that prevent a proper assessment of potential impacts.
- Incomplete Traffic Study

Unacceptable impacts from the proposed West Building development in MP10_1049

- Non-conforming building height of the West Building
- Lack of appropriate setback from residential boundaries of the West building
- Serious negative impact on Union Street as a collector road
- Unacceptable negative impact on Union Street due to queuing for a student pickup

Details of our Objections:

■ Serious irregularities / illegalities.

- Traffic Report Part 3, p3, in analysing Option 1 drop off / pick up states – this option *“requires purchase and rezoning of land”* for the pick up facility. The application is confined to two lots of land (Lot 2 DP 539853 and part of Lot 1 DP 120268). Clearly, the applicant is proposing development on land it does not own, control or have permission to include in this application. The necessity for this additional land relates entirely to the Stage 3 development, and given the land is not included, then Stage 3 cannot be included in any approval. The masterplan application for Stage 3 must fail on this point alone.
- If the school does have permission to include this land as part of the masterplan (it is not disclosed in the application) then where is the rezoning application? It is not part of the documents supplied. If an uncertain rezoning is required at a later time due to impacts of Stage 3, then Stage 3 itself must be separated from this application and dealt with by a separate DA at a later point in time.
- No bus turning options were disclosed or shown at the community open day on Nov 12, but p35 of the traffic report states *“bus stop arrangements which could be implemented as part of the Stage 2 and 3 works”*.

Buried in part 5 of the Traffic Reports are actual diagrams of bus turning circles on the lower terrace facing Union St, which is an area not approved for development under the endorsed CMP. The non-disclosure of these bus turning options at the open day is a deliberate mismanagement of the claimed “community consultation” process. The fact that the consultant has drawn, or been requested to draw by the project managers of this application the actual turnings circles on a “non-development” portion of the site shows a complete disregard and negative arrogance towards the binding legality of the CMP.

- The drawings clearly and undeniably show that the west building design exceeds the LEP building height limit of 8.5m set for this site. Under normal planning law when an LEP provision is not complied with, every application must include a SEPP 1 objection for that non compliance. Whilst the 3A process relieves the applicant of this formality, we contend that the applicant has failed to justify the non-conformance in any way, and ignored the normal responsibilities and process.

In summary, we contend that the application fails on these irregularities and legalities alone.

■ Lack of Certainty.

This application seeks masterplan consent for buildings over three stages. If approved, the applicant will have permission to develop those buildings subject to a future Project Application for stages 2 and 3.

Yet the application fails to provide certainty on the impacts associated with the future development with regards to traffic, and seeks to defer the final considerations of traffic impacts to some future point in time. The following quotes from the traffic reports illustrate the clear attempts to defer.

- Page 34. *“Any future increase in School population on the Graythwaite site (ie. Stage 2 and Stage 3) will be considered in detail as part of future development*

applications. This is considered appropriate as the timing of Stage 2 and Stage 3 development is still conceptual, and the detailed proposal will need to consider the traffic and parking conditions at that future time."

- Page 35. *"The revised Concept application has included the identification of alternative and additional pick up and bus stop arrangements which could be implemented as part of Stage 2 or Stage 3 works, depending on the nature of the future School population (ie. proportion of Senior and Preparatory School students)."*
- Page 45 *"It is noted that the provision of an additional pick up facility is not proposed as part of the Stage 1 Project Application. It is intended that the pick up facility would be proposed as part of either Stage 2 or Stage 3 depending upon when there is an increase in Preparatory School student numbers. As such detailed assessment of the pick up facility options, including selection of a preferred option, would be undertaken as part of a Stage 2 or Stage 3 Project Application."*

The school has failed to identify the actual proposed development works, in that it has floated 8 options on significant traffic matters, and is attempting to defer consideration of significant impacts of the master plan to a later time. There must be certainty at the time this application is considered and assessed by both the consent authority and the stakeholders.

We submit that the applicant must choose one of the following alternatives –

- decide which set of traffic option it intends to adopt, fully and properly analyse its impact and present it for exhibition and assessment in a modified EA –
- OR
- withdraw Stage 3 totally from this application, and submit a separate development application when desired through the normal planning system with N.S. Council as the consent authority.

It is totally unreasonable for any Consent Authority to agree to future masterplan development components without knowing the full impact of that development. We contend that the application fails on this lack of certainty.

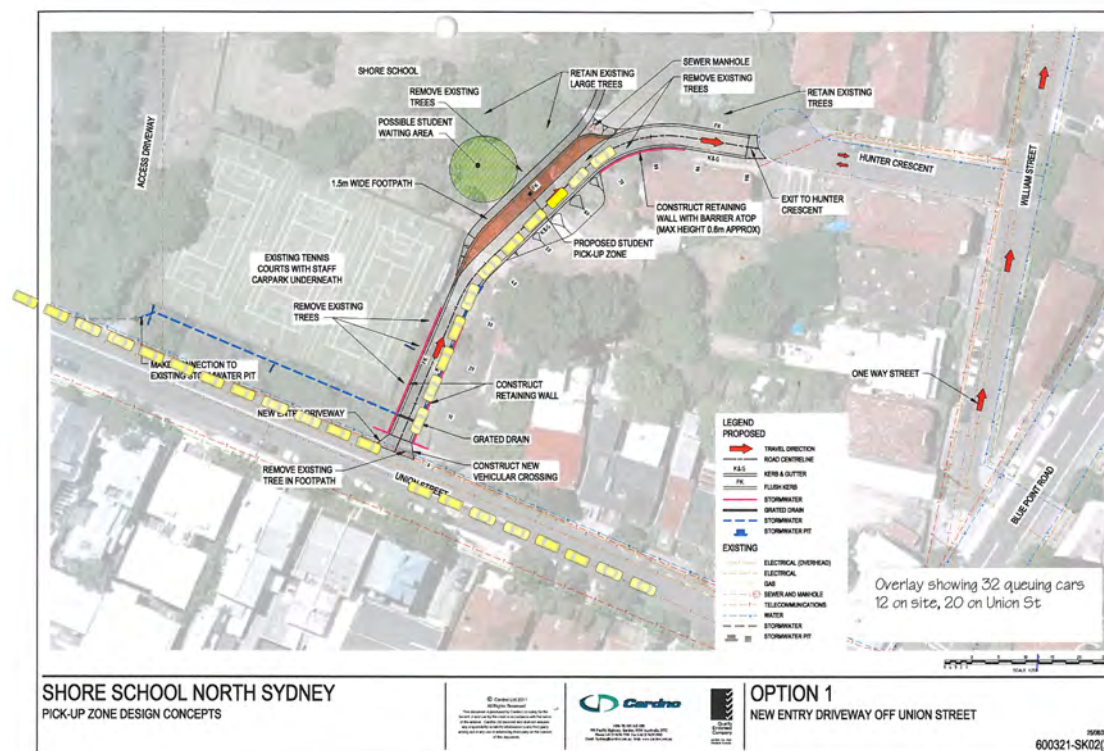
■ **Incomplete Traffic Study.**

The application proposes options for a new student drop off with entry from Union St, or reverse direction alternates with entry from William St / Hunter Cres. Nowhere in any of the reports or the optional studies has there been any attempt to analyse or disclose the queuing demand nor capacity of any of these options.

The proper professional approach is to analyse and quantify the potential demand for queuing spaces, and then analyse the actual queuing capacity of the options presented. We can only assume that this vital missing information has been withheld. It demonstrates the complete failure of the total approach to traffic planning for this application, which result in external community impacts that would be clearly unsustainable and unacceptable had they been properly revealed. The diagram below (by the resident group) is typical of the information that should have been provided but has been withheld.

As mentioned in our analysis later, the applicants figures result in an afternoon queuing demand of 32 spaces for the 15 min. period leading up to pick up time. But the basic option for the pickup design, Option 1, has onsite capacity for only 12 cars.!

The consent authority, the local Council, community and stakeholders can only properly assess and comment on any application if full disclosure is made. The study presented with this masterplan is grossly inadequate in disclosing and analysing real impacts, and the application should fail on this point also.



■ Non-conforming height of the West Building

The current North Sydney LEP 2001 has a general height limit of 8.5 metres away from the NS CBD, including Graythwaite. In the new Draft NSLEP 2009, a height limit of 8.5m is stated for the Graythwaite site. The Director General has confirmed that the Department specifically supports the Graythwaite 8.5m height limit in the Draft LEP and that this is an appropriate height limit for this site. (Letter DoP / NS Council 29/10/11)

The building sections on Dwg. A161 clearly show the height of the building exceeding the 8.5M height limit for a significant proportion of the buildings volume. This is a gross violation of the height controls. Height Controls in North Sydney are traditionally strictly enforced by the local consent authority, and there should be no exception here with a differing consent authority. In the absence of any attempt to put forward justifications for the non-conformance, Stage 3 must be refused.

■ Lack of appropriate setback from residential boundaries

The West Building is now shown as being setback 20.8m at its NW corner from the west site boundary. The applicant claims that the building has been moved twice during the redesign process, but the total improvement in setback is only 4.0m.

We still contend that this is a totally inappropriate response to the residents concerns. Additionally, despite the submission of design principles from the resident group showing a design with significantly less impact to the western boundary, the School has ignored some key ideas from that alternate design and kept the maximum width of the building on the west face. In doing so, they have maximised

impact rather than minimised it, and it is therefore more important that the minimum setback should be 25m or more.

■ Increased traffic impact on Union Street and surrounds

Page 10 of the traffic report states the current and overall capacity of Union St –

- *“Union St, which is a collector road, carries less than 500 vehicles per hour,. The volume of 500 v/hr is the upper limit for a collector road.”*
- Existing traffic counts show *“Union St - 413 west of Chuter, Union St - 477 east of school, morning peak”*

Page 8, figures 3 and 4 show additional traffic generation for Stage 2 alone of -

- *“Morning peak 62 in 13 out, Afternoon peak 7 in 48 out”*

The RTA Guidelines have a design goal for collector roads of 300 v/hr. 62 additional movements in the morning peak added to the existing 477 results in 539 Union St movements, which is above the upper limit of a collector road by the applicants own admission. This development cannot be allowed to result in unacceptable external impacts on a collector road, and alternative routes must be found to enter the staff car park.

Additionally, and most importantly, as the later report pages disclose, there will be an additional 264 trips for students in the morning peak hour. If Union St takes 50% of these additional trips, then the Union collector road will be operating at 671 trips per hour. The applicant confirms the RTA upper limit at 500 trips per hour. Clearly this is a totally unacceptable external impact on the community. The trigger for this extraordinary impact is Stage 3, and Stage 3 must be refused until the applicant can design an appropriate traffic management arrangement that does not grossly exceed the RTA policy..

■ Unacceptable negative impact on Union Street due to queuing for a student pickup

The application proposes a new student drop off with entry from Union St. Nowhere in any of the reports or the optional studies has there been any attempt or disclosure of the queuing demand nor capacity of the options.

Note that the applicant themselves have assumed an even split between operation of drop offs, as per page 58-

“For the purpose of this assessment it is assumed that the School would operate the pick up facility such that the loads are evenly split between the existing Edward Street facility and the proposed Union Street / Hunter Crescent facility.”

In the total and complete absence of analysis within the reports, we have done the appropriate analysis, and the results are –

The report identifies the additional traffic generation as follows on page 43 -

- *Total additional trips / peak hour 117 prep, 168 senior, 285 total*

After discounting the staff component of 21 trips, there is an additional 264 trips per hour. If only 50% of the additional traffic generated use the Union St pickup, there will be 132 cars arriving for pickup over the afternoon peak hour, resulting in significant queuing onto Union Street.

The afternoon pickup activity of any school is well known to create significant traffic queuing as parents arrive early and wait for their child to be brought to the pick up point at an agreed time. Using averages of 132 cars arriving over the afternoon peak

hour, there will be 32 cars queuing in the first 15 minutes before the pickup activity has commenced.

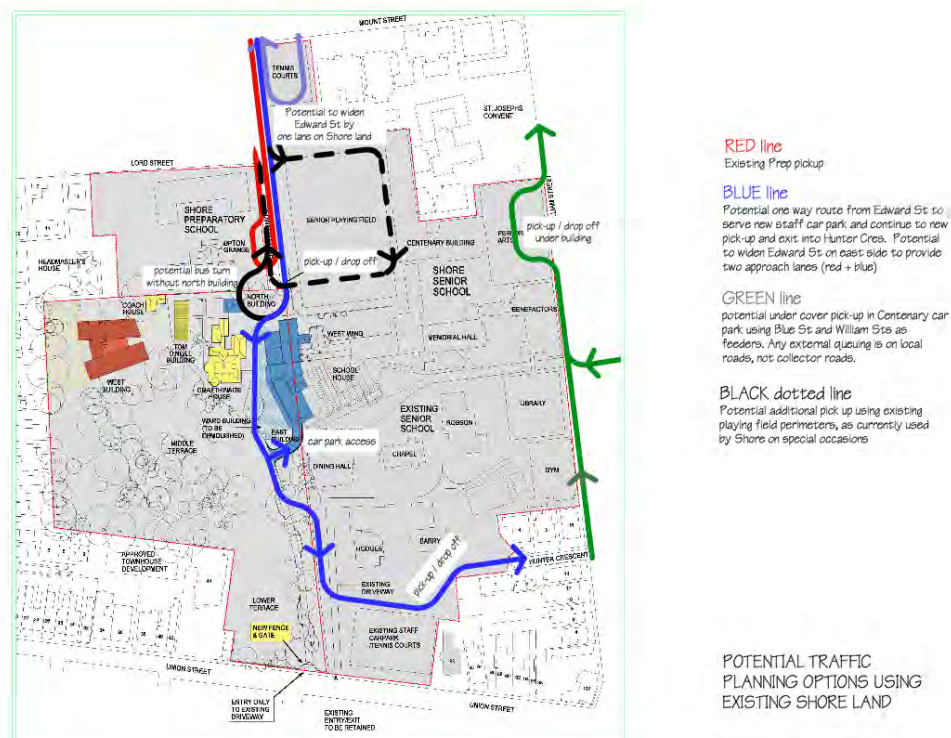
However, Option 1 has only 6 pickup spaces and 6 queuing spaces on site, which is only one third of demand. This will result in a minimum of 20 cars queued on Union St, which will render the Sydney Buses route 265 bus movements and other traffic completely inoperable. Potentially the Union / Blues Pt Rd intersection will reach gridlock.

On Page 46, the traffic report states – *“The use of Union Street as an ENTRY (applicants emphasis) is dependent upon providing sufficient on site queuing between entry and the pick up zone such that vehicles queue on site rather than on the street.”*

Clearly, the capacity of any of the options using Union St as an entry completely fail to meet the criteria stated by the applicant. As any of the Options 1,2 or 3 put forward by the applicant fail their own test, then the application must be refused on that basis.

The applicant has failed completely to attempt to internalise its traffic impacts within its own considerable site boundaries. Stage 3, we repeat, is the trigger for these unacceptable impacts and until the applicant designs a traffic management system that eliminates current external impacts rather than create additional new ones, then Stage 3 must be refused.

Below is a resident diagram that shows some alternate traffic routes that clearly would assist in minimising the external impact, and we strongly believe the applicant must go this process and reach an acceptable balance between managing traffic on its own land and minimising the use of public roads for their personal use at the expense of the community.



Summary

The masterplan application as it stands in total must be refused.

We contend that the real impacts of the Stage 3 development remain totally unacceptable, both on building height and traffic grounds, and that the right course of action those involved in the consent process and PAC is to **approve Stages 1 and 2**, and to **refuse Stage 3** of this application.

We trust the Department, the Director-General and PAC will act to ensure that proper and reasonable planning processes are followed.

Declarations.

We have not made any political donations or gifts of any amount to any political party or person.



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