

Part 3A Revised Concept Plan and Project Application for Graythwaite (ref MP – 0149 and MP – 0150)

GRAITHWAITE PART 3A REVISED CONCEPT PLAN AND PROJECT APPLICATION
(Reference MP – 0149 and MP – 0150)

SUBMISSION TO THE NSW DEPARTMENT OF PLANNING

On behalf of

- The North Sydney Council Union Precinct
- The Save Graythwaite Community Group
- The SAD@Graythwaite Community Group

INTRODUCTION

This submission has been prepared on behalf of a coalition of three local community groups - the North Sydney Council's Union Precinct Committee, the Friends of Graythwaite group and the recently convened SAD @ Graythwaite (Stand Against Development at Graythwaite) group (the three community groups). None of these groups has ever made a reportable donation.

The submission has been prepared by a team of local residents with expertise in planning, heritage, law, architecture and environmental assessment. In preparing this submission the authors have had regard to the documentation submitted by the proponent, the Director-General's requirements for the Concept Plan and Project Application, their thorough knowledge of the site and neighbourhood in which it is located, and their understanding of local community concerns.

The 3 resident groups also made a detailed submission, dated 14 March 2011, in response to the previous proposal exhibited earlier this year. In that submission we raised a number of important issues including some very serious omissions on the part of the applicant in failing in to comply with the Director-General's Requirements. Whilst we note that some of the issues raised have been acknowledged, some have not. Furthermore in many cases the changes now proposed do not go nearly far enough in satisfactorily addressing the matters raised. There are numerous problems associated with the revised plans, although the three most serious failures are:

1. The failure of the statutory process. The fact that the process has effectively been 're-started' by the exhibition of a new Environmental Assessment (referred to the applicant as the "Revised EA" demonstrates that our previous submission, and those made by others, was correct in identifying that the original EA had failed to satisfy the Director-General's Requirements and should never have been allowed to proceed to exhibition. A "Revised EA" at this stage of the process is not provided for in the statutory process in the Environmental Planning & Assessment Act or the associated Regulations. Furthermore the subject site now appears to have been extended in area to include Shore school properties not previously included in the land defined as the site, and to which the Director-General's Requirements relate. The correct legal process would have been to refuse the original application or have it withdrawn, and commence the process again from the beginning, including the extended site. This failure leaves the application open to a legal challenge.
2. The failure to adequately resolve the traffic, access, parking and on-site loading facilities for students – that is both the drop-off and pick-up by private vehicles, and the loading / unloading of the coaches or buses used exclusively by the school for after-school sport and excursions. It is simply not acceptable, nor is it good planning practice to 'fob off' to some future time the resolution of these important issues, AFTER consent for the Concept Plan has been granted and the opportunity to design-in suitable facilities on-site has passed. Reliance on a "management" approach is completely unacceptable, when in fact facilities can be designed into the masterplan. It is particularly unacceptable when the School does not have the ability to manage the public road space upon which the coach loading "management" relies. For such a very large campus (of over 7.5 hectares), much of it unbuilt upon, there are no excuses for failing to mitigate these significant impacts by providing facilities on site.

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3. The failure to sufficiently amend the Stage 3 building envelope. The current scheme makes only minimal changes to the footprint, bulk, height, scale and setback of this building from the affected residents. This means it continues to have an unacceptably high impact on the local environmental and resident amenity. A carefully considered alternative envelope proposed by local residents and compliant with the current and draft LEP height limits has been summarily dismissed without any real justification. This alternative envelope and its greater setback from adjoining properties would have had a much reduced impact.

The second and third failures are a ***direct result of the overdevelopment of the site***. The number of additional students has reduced by a mere 10%, and remains excessively high at 450 extra students and 45 additional staff. The significant increase in population is causing the excessive building envelopes and traffic impacts. Without these impacts being fully internalised, such that the existing environment is no worse off, then the proposal continues to constitute an overdevelopment of the site and cannot proceed.

For the reasons outlined above, therefore, the application should be refused.

1. THE PROPOSED CHANGES

The changes to the proposed development as a result of the exhibition and consultation process (that the School was forced by the authorities to undertake subsequently) are minimal and woefully inadequate in addressing the environmental impacts of the development. Those changes are summarised below:

1. There is NO CHANGE to the number of parking spaces on site (at 7 additional visitor parking spaces provided on site in Stage 1 or the 41 additional staff parking spaces in Stage 2). This is despite the apparent reduction in staff numbers. (We note however, that the latest traffic report leaves some doubt about the final number of extra staff when it states at page 2 that the additional staff numbers will now reduce to somewhere in the range of 45 to 50).
2. There is NO CHANGE to the existing problematic Preparatory School drop off / pick up area accessed via Edward Street, and to the de facto informal drop off / pick up area along William Street for the Senior School. We note that on William Street the drop off / pick up relies on kerbside parking spaces that are unlimited in time until 8.30am, when School classes commence, after which parking is restricted to 1 hour other than for residents. Accordingly these spaces are usually fully occupied by parked vehicles when parents are attempting to drop off or pick up students, resulting in dangerous double parking in Blue Street and William Street.
3. There is NO SOLUTION to the DROP-OFF / PICK UP problems, although this is now recognised as a critical issue by the applicant. The applicant has proposed that there be an ADDITIONAL AREA now proposed somewhere within the south-east corner. The application however fails to clarify precisely which of several options will occur. The drop off / pick up area favoured by the School will still not cope with the demand. It can only accommodate a small number of cars queued on site, resulting in a significant overflow of cars, this time in busy Union Street, which is already operating close to its environmental capacity. The additional traffic in Union Street will increase the traffic there to more than 500 vehicles and hour and over its capacity. The applicant proposes that this significant issue be sidelined for resolution at some future date, *after* the new building envelopes and the additional population are approved.
4. There is NO CHANGE to the existing student loading and unloading by buses/coaches that occurs in Mount Street outside the Mary McKillop centre. In addition to the continuation of this dysfunctional arrangement the traffic report now proposes additional coach loading in the narrow one-way William Street at the expense of public parking spaces. As mentioned above this Street is already congested at this time by private vehicles attempting to pickup students. This solution requires the agreement of North Sydney Council as the local roads authority and there is no guarantee that this will be forthcoming bearing in mind the safety and other issues involved.
5. There is MINIMAL CHANGE to the bulk and scale of the proposed West Building and to its impact on neighbouring houses or on the heritage landscape. The reduced height still

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exceeds the LEP standard and amounts to one extra storey. The breadth of the building has increased slightly with the new fan-shaped footprint that presents its broad side to the west where it has the most impact on the directly affected neighbours. This response is the opposite to that proposed by the residents as part of the so-called "consultation". The residents proposed a smaller footprint with a fan shape that broadens towards the east (closest to the other school buildings) and narrows towards the Bank Street houses. This perfectly reasonable solution prepared by highly qualified and experienced architects results in only a small reduction in the amount of floor space. Not only was this solution unilaterally rejected by the applicant, the revised scheme now introduces a fan shaped building that broadens OUT towards the neighbouring houses, and increasing the breadth of the building at this critical western façade.

6. There has been a MINIMAL INCREASE IN THE SETBACK of the West Building from the west boundary to the adjoining residences. The northern classrooms have been setback further by only 4 metres, although this part of the building has an additional 'step' that helps reduce its visual dominance. The southern classrooms have been setback further from the boundary, but step more dramatically in a two storey increment, which fails to mitigate the visual impact. In contrast, the residents alternative proposal rejected by the School, would have resulted in a much more meaningful setback.
7. There has been a MINIMAL DECREASE in the amount of additional floor space; a decrease of approximately 400 square metres (from 5,345 square metres to 4,945 square metres), or less than 8%.

The consequences or impacts of the proposed development therefore have also not changed significantly and remain unacceptable. The main concerns with the current proposal are addressed in more detail in the following sections of this submission.

2. THE PART 3A PROCESS & NON-COMPLIANCE WITH HEIGHT CONTROLS

2.1 Process failure and invalidity of the application.

Our legal advice suggests that the Part 3A applications (the Concept Plan and associated Project Application for Stage 1) are potentially invalid and vulnerable to a legal challenge on the basis that:

1. The original declaration that the applications were matters to which Part 3A of the Environmental Planning & Assessment Act 1979 applied was made by the previous Minister Kelly. It relates to land that is a different site to the land to which the current application relates. The land defined in the Preliminary Environmental Assessment, and to which the Minister's declaration relates, clearly covers the 2.4 hectare Graythwaite site, and possibly **some**, but certainly not all, of **one** of the properties that comprise the existing Shore School campus adjoining. The area of "the site" that is covered in the Director-General's requirements and beyond the Graythwaite land is not defined in any plan. On the contrary numerous documents that comprise the application clearly delineate "the site" as only the Graythwaite property, and this uncertainty alone creates a legal issue. The original site does not include other parcels of land upon which the School now proposes student drop-off and pick up facilities. These facilities are essential if the development is to manage its

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considerable traffic impacts, and therefore the land on which they are located must form part of the application. The location and design of these facilities must also be properly identified and assessed for their impact.

2. The original Environmental Assessment submitted in late 2010 was allowed by the Department of Planning to proceed to exhibition in the first quarter of this year, notwithstanding it failed to pass any objective “test of adequacy” that is required as a prerequisite to exhibition. Most relevantly it failed to satisfy a number of important Director-General’s Requirements, including:
 - a. there was no adopted Conservation Management Plan lodged or exhibited at that time;
 - b. there had been no consultation with the local community; and
 - c. there was no consideration of development contributions.

The response of the applicant was to effectively recommence the process in October of this year by submitting this “Revised Environmental Assessment”, even though this is not part of the legal process under the Environmental Planning & Assessment Act, 1979 (the EP&A Act).

Instead the application should have been either withdrawn or refused. With the O’Farrell Government’s removal of Part 3A of the Act a different and more robust process under Part 4 is now required, and this new process should be followed.

2.2 Failure to comply with the Current and Proposed Height Standard.

The application for a Concept Plan and Project Application was submitted under Part 3A of the Environmental Planning and Assessment Act 1979 (the Act) because the proposal was prohibited under the existing *Special Use (Hospital)* zoning provisions of the North Sydney LEP.

It will, however, become permissible under the new *Infrastructure (Schools)* zoning proposed in the draft North Sydney LEP 2010 that is currently on exhibition, should that zoning be approved.

The conservation and reuse of the Graythwaite House and Coach House buildings is supported in principle by the three community groups. These works however could, and should, be approved by way of a Part 4 Development Application (DA) using the clause 51 of the North Sydney LEP.

As an education facility, to qualify as a Part 3A application the project must have a Capital Investment Value (CIV) of more than \$30 million. This means that the application by necessity must be inflated to get over the CIV threshold, irrespective of whether the proponent ultimately needs to construct such a large amount of development or whether the site can sustain such a large amount of development. The choice of the Part 3A approvals pathway, therefore, inflates the scale of the development.

In this particular case the subject proposal is a SERIOUS overdevelopment of this site. It is not, by any stretch of the imagination, a development that could reasonably be described as of “state or regional significance”. The use of Part 3A is in fact an abuse of Part 3A. The overdevelopment is a function of the process, **but this does not warrant its approval.**

Whilst we understand that Part 3A Concept Plan applications are not bound by land use permissibility or development standards in LEPs or DCP’s, the Director-General’s Requirements

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specifically includes the North Sydney LEP and DCP on the list of statutory instruments or policies that must be taken into account. These local instruments are very important rules that the community has come to accept as governing development of their own private properties and on other land in their neighbourhood.

Under the North Sydney LEP 2001 buildings in the Special Use zone must be consistent with the objectives, permissible uses and development standards for the particular building type on adjoining land and on land directly across the road. The most restrictive planning regime applies when a site is adjacent to more than one zone, and in this case the most restrictive zone is the Residential A2 zone. The adjoining residential area to the west and the land opposite on Union Street are also part of a long-standing heritage conservation area.

Under the A2 zone the height limit is 8.5 metres. The height limit is a fundamental control that is essential to help protect the character of the area and contain the scale and impacts of buildings. It has been carefully and consistently applied by the Council over many years.

Furthermore the Director-General of the Department of Planning, only two days after issuing his DGR's for this project endorsed a 8.5 metre height limit *specifically for the Graythwaite site*, when granting a s.65 certificate for the public exhibition of the North Sydney draft LEP 2010 (this letter to Council from the DG dated 29 October 2010, was enclosed with our earlier submission as a Attachment A).

Clearly the intended height limit for this land is 8.5 metres, and this limit must be upheld. The integrity of the planning system and the public interest are not served by an application that is fundamentally at odds with current and proposed statutory instruments supported by the Director General of the Department of Planning.

In marked contrast to the LEP height limit the proposed East Building is over 10 metres. This has not changed from the exhibited proposal. The height of the proposed West Building, which is in close proximity to the Residential A2 zone, is now 12 metres, marginally less than the 14 metres originally proposed. Even with the reduced height of the West Building, at 12 metres it is still one storey above the limit, and it continues to dominate the slope upon which it is perched.

The height, mass and footprint of these buildings, particularly the West Building, far exceeds that of any other buildings in the residential area, including the other predominantly two storey school buildings on Lord Street that also interface with an adjoining residential area.

The West Building has a footprint which is larger than most commercial floor plates in the North Sydney CBD. It remains massive and significantly out of scale and character with the other buildings in the A2 zone. It is also out of scale and character with the Graythwaite Mansion which is undisputably recognised, along with its grounds, as being of State heritage significance. This scale dominance is contrary to the Council's DCP controls for the site and the principles in the Conservation Management Plan, now adopted by the Heritage Council.

As with the previous proposal, the applicant has failed to 'justify' these major breaches of the height controls. There is no analysis of the objectives of the height control and why it is unnecessary or unreasonable to dispense with it, as would be the case for a SEPP 1 objection to development

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standards. The significant breaches of the height limit continue to be unacceptable and can not be sustained on environmental planning or merit grounds.

3. TRAFFIC & PARKING ISSUES

The scale of the development in terms of additional student numbers (450 extra students and 45 extra staff) is excessive. This is an increase of over 30% on the existing number of 1430 students (Preparatory and Secondary Schools combined).

In assessing the traffic generation and parking demand of the School, and the additional student and staff population, the traffic engineers have sort to rely in large part on a survey they conducted of the existing students and staff. An analysis of the results of that survey, however, demonstrates a number of significant deficiencies. It is evident that the results of this survey are of poor quality, and do not offer a reliable guide to the actual situation.

In Section 2.4.1, page 14, of the original traffic report prepared by Halcrow it states:

"About 830 people responded to the survey (i.e. 667 students and 163 staffs), which is about a 46% survey response. While the data set is not perfect, it does provide a very definite picture of typical travel patterns."

This has been edited since our last submission which pointed out the significant deficiencies in the survey. In the revised Section 2.4.1, page 14 again, Halcrow no longer admit to the imperfect nature of the data, even though this has not changed and they have not conducted a further survey. The revised Section 2.4.1 states:

"About 830 people responded to the survey (i.e. 667 students and 163 staffs), which is about a 46% survey response. This is considered to be a reasonable response rate and appropriate for use in planning purposes. What the travel survey does do is provide a very definite picture of typical travel patterns."

As we pointed out in our previous submission, the picture is a lot less clear than claimed, and the deficiencies with the survey remain and have not been acknowledged. The problem is that even though 830 people responded, many of them skipped some or most of the important questions.

For example:

- Only 30% answered the question "How many other people were in the car with you when you travelled to school?"
- * Only 30% answered the question "How many people were dropped off at the School including you?"

Furthermore, there has been no attempt to determine whether the differential response rates for different categories of respondent have a material effect on the interpretation of the responses.

Nevertheless one of the questions which did attract a high response rate (807 responded and 23 skipped the question) was the simple but telling question: "How did you arrive at school?", to which 46.1% responded that they arrived by car. This is an alarmingly high mode split to private transport, particularly in an area so well served by public transport and for a school where the majority of the population are not old enough to be car drivers.

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The School's Current Failure to Manage Existing Problems

The school currently fails to adequately manage the parking and traffic impacts or its transport arrangements for the existing school population. This will be exacerbated by the massive increase in student and staff numbers, and extrapolating out the high number of people arriving by car.

In particular the school currently fails to adequately manage the following traffic and parking impacts it causes:

- The school's coaches that use Mount Street at least four days out of five for excursions and sporting teams. These coaches are increasingly coming into conflict with the growing number of coaches accessing the Mary McKillop Museum and Chapel with which the school coaches share road and pavement space on upper Mount Street.
- The drop off and pick up of students, especially those attending the junior school. This results in unacceptable congestion in William, Mount, Edward and Lord Streets in particular.
- The students parking in neighbouring residential streets – in terms of numbers of students, and driving behaviour. Residents observe senior school students on a daily basis parking in 2 hour parking zones and returning to their vehicles to move them during the school day to avoid fines. This impacts on local visitors and residents with parking permits being able to park in their streets during school hours.
- The overflow parking by staff in local streets.

These considerable problems are elaborated on below.

A simple site inspection of the Preparatory School's drop off / pick up area in Edward Street and of William Street (a narrow one-way public road) will reveal that these "facilities" are woefully inadequate (at the Preparatory School) or non-existent (at William Street) and during the morning and afternoon school hour peaks can not satisfy the current demand. This is supported by the submission from North Sydney Council, which very clearly documents the problem, including a number of photographs showing the congestion, illegal queuing of vehicles and double parking of buses, and the illegal and dangerous manoeuvres from frustrated motorists trying to get around the vehicles blocking the carriageway.

The Halcrow report acknowledges (at page 19) that *"Observations indicate that some congestion occurs during the peak PM pick up period. This suggests that the (Preparatory School drop off / pick up) facility is approaching capacity under its current management."*

The School itself is acutely aware of the problem. In the "Prep Peek" newsletter to parents of the Preparatory School, dated Friday 18 February 2011 it states:

"Pick-Up and Drop-Off

Thank you to all parents who have been thoughtfully and co-operatively negotiating the difficult circumstances of Edward Street particularly of an afternoon. Your care and patience has been greatly appreciated in ensuring our students arrive and leave the school safely.

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Please be mindful of our neighbours who often have to negotiate heavy traffic simply to come and go from their premises."

There is no bus drop off and pick up area on William Street or anywhere in close proximity to the main school gate on that side of the campus. The bus drop off and pick up area on Mount Street is also seriously deficient. It is located in a public parking area of 8 car lengths in Mount Street that is made available for the coaches between 10.00am and 4.00pm.

The length of this bus loading area is approximately 48 metres, meaning it is capable of accommodating no more than three buses. The bus loading area is also ***shared with buses accessing the adjoining Mary McKillop Museum*** and Chapel which is experiencing large increases in visitors since Mary McKillop's canonisation.

The bus parking area takes up parking that would otherwise be available to the public on a 2 hour basis or to local residents with a resident parking permit on an unlimited basis. The public and local residents are therefore already impacted by the demand for coach parking generated by the school and Mary McKillop Centre. The Part 3A applications NOW provide the means by which this demand could be met, in the School's case at least, on the School's own land.

Despite the considerable number of well-founded objections on the basis of the traffic impacts very little has changed with the current application. Whilst the serious problems of loading and unloading students (from private cars and school coaches) has now belatedly been acknowledged by the applicant, alarmingly the School has failed to find a suitable solution. Instead the applicant suggests that the application be approved with these issues to be resolved 'down the track'. It would.

This is such a major issue, upon which the ***physical planning*** of the site and its entire ***capacity*** in terms of student numbers rely. Therefore NO APPROVAL can reasonably be granted without this significant problem being comprehensively assessed. There needs to be a single suitable solution put forward, not the plethora of different options, none of which resolve the issues. That single workable solution must be publicly exhibited and agreed upon with all the relevant authorities including the North Sydney Council, as the local roads authority, and the RTA. This cannot be pushed off to a later stage in the project after concept approval has been given. By that stage approval of such fundamental issues as student and staff numbers, building locations, site planning and access arrangements will have been granted and the proverbial horse will have bolted.

The revised Halcrow report (at page 34) attempts to defer this critical issue when it states"

".. it is noted that the Stage 1 Project Application would not increase student or staff numbers. Any future increase in the 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."

This is nonsense. It is contrary to all sound planning principles to grant an approval without first resolving the fundamental site planning and adequately mitigating the impacts. The parking

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numbers, vehicular access points and traffic generation are some of those fundamental issues than cannot be dealt with later as a matter of detailed design.

Our analysis (following) of the various options for on-site facilities demonstrates that none of them work well or at all. Furthermore they have not been adequately or thoroughly assessed, nor accepted by the relevant road agency. There are several other options that have been dismissively rejected, and others that are not even canvassed.

Some options have the potential to affect the proposed site planning. For example the current scheme has introduced a new "North Building" to the north of the historic Graythwaite Mansion in what is now an open area. This open area could potentially be used for the turning of vehicles (including coaches). If, however, the North Building is approved in this location it is extremely unlikely that it would be reconsidered at Stage 2 or 3 for traffic management purposes.

Bus/Coach loading facilities.

Regarding the bus / coach facilities, the revised Halcrow report notes that the amount of kerbside parking for buses in Mount Street is expected to decline in the future due to North Sydney Council diverting the available space to coaches accessing the Mary McKillop centre. It also notes that the demand for bus transport will increase by one extra bus, notwithstanding the number of students increases by 450.

The original EA stated 8 coaches 4 days per week with that increasing to 9 coaches in Stage 2 and to 12 coaches in Stage 3.

This Revised EA states, "Halcrow has been advised by Shore that the School currently operates a maximum fleet of 5 buses at any one time, providing some 8 trips in the peak afternoon (ie. some buses make 2 trips over the afternoon)."

With the return trip to Northbridge taking at least 45 minutes this would mean that some students arrive at sports training at least 45 minutes later? It also means that the current School coach operations span a longer period than previously thought.

"It is estimated that the additional student numbers would increase the demand from 8 trips to 10 trips per afternoon however there is unlikely to be a need to increase the number of buses used (ie. 5 buses) with each bus undertaking 2 trips".

At section 4.7 the traffic report purports to deal with the bus/coach loading problem but fails to come up with any substantive reason for not providing facilities on site.

It also purports to have examined options for locating bus facilities on site and includes rough sketches of 4 options all accessed (in and out) off Union Street. These have been summarily dismissed without any serious consideration. It appears from comments found elsewhere in the documents that the School has rejected any coaches on campus. This 'no coaches on campus' policy is totally unacceptable in this instance where the campus is over 7.5 hectares in area, and the alternative public streets demonstrably cannot accommodate these vehicles. Other schools do accommodate their vehicular needs on their land (including coaches) and there are no valid excuses for why Shore School should be exempt.

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It is a standard and long held planning principle that loading and unloading facilities must be accommodated on site (except in highly unusual circumstances where there is genuinely no land available), with all loading vehicles entering and leaving the site in a forward direction. This is an essential requirement for other forms of development including shopping centres, hospitals, industrial buildings or commercial office development, which are usually located on much smaller and more constrained sites.

Providing open-air facilities on a driveway would not create an unacceptable impact on the heritage significance of Graythwaite, which is conveniently cited as a rationale for not putting coaches on this land.

Of particular concern is the selective nature of the options that were considered, with some obvious options not even been contemplated. For example, one option not examined is a one-way movement of buses, (and other vehicles dropping off or picking up students) entering from Edward Street and exiting to either Union Street or Hunter Crescent. This and other options not canvassed by the School are included in the diagram at **Attachment A**. It should be noted, however that these alternative options have also not been thoroughly tested by the community groups, nor are they endorsed by them. They are simply included to demonstrate that other potentially viable and better options exist, and that they could be accommodated on the site and with less impact than the current proposal. It is unacceptable to continue to externalise the School's traffic impacts on to the narrow and congested local streets which demonstrably are unable to accommodate these vehicles.

By failing to provide coach loading / unloading on the site, the School and its traffic engineers seem to again be relying on a "management" solution for dealing with the coaches on the public roads. Despite raising this issue in our previous submission there is still no explanation of how the coaches will be managed, and where waiting coaches are to lay-by until there is parking space available. There is certainly no room for lay-bying buses in the streets of North Sydney. Nor it is possible for the school to "manage" or commandeer the three bus spaces to the exclusion of the other buses that use these three spaces for visitors to the Mary McKillop centre. Again this dismissive approach to a very real and increasing problem is irresponsible and unsustainable, resulting in yet more significant impacts being transferred to the general public and the local residents in particular.

With the acquisition of the Graythwaite site Shore School has the rare opportunity and the public responsibility to resolve these existing problems and **accommodate its own traffic and parking impacts on its own land**. The current problems and opportunity to improve them was recognised by NSW Transport as early as October 2010 before the original application was even lodged. In its letter to Daniel Cavallo for this project (dated 28.10.10) the Department states "... *this project application presents an opportunity for the Sydney Church of England Grammar School to improve transport and accessibility impacts regardless of changes to student and staff numbers.*" (our emphasis).

Parking

The original EA report notes that there is currently 390 staff employed by the School – of which 240 are full time. This is a ratio of 1.615:1 full time staff to one part time staff. The proposal will add 50 more full time equivalent staff, which in fact equates to 80 employees, based on the current ratio of full time to part time staff. The EA admits (at page 96) that "*Based on the travel questionnaire completed by Halcrow, it is estimated that some 70% of all staff drive to the School and park either*

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*on the site **or on street**. This reflects the travel needs of staff which includes early starts, late finishes and flexible / part time hours. This demand occurs despite the proximity of the School to good public transport."* (our emphasis). The parking demand for the School's staff (in total) will therefore rise to 329 spaces (390 + 80 x 70%).

The School currently provides 151 formal parking spaces, although it is not clear how many are for staff and how many for visitors. To this number it is proposed to add 41 staff spaces and 7 visitor spaces. Therefore the total onsite parking provision, post development, will be 191 spaces (excluding the additional 7 visitor spaces on the Graythwaite land. Even if all 191 spaces are used by staff there will be 178 cars that will overflow onto the local streets. While many of the streets already have restricted parking others do not, or have a mixture of some restricted and some unrestricted, as in Bank Street for example. The fact that there are some all day parking places in the local streets of itself encourages commuters from the school and elsewhere to scour the streets looking for spaces and further adding to congestion.

The 'reasons' for why the School's staff 'need' to drive to work are unacceptable and unreasonable for a school that is so exceptionally well served by public transport. The same excuses could equally be used by a vast number of workers in the North Sydney CBD, yet the North Sydney Council does not provide any dispensation for those employees.

The School also fails to provide any on-site parking for the senior students who persist in parking in local residential streets, apparently with impunity from the school administration. These students are easily recognised by their uniform, and are observed scouring the local streets every school day looking for spaces. They are also regularly observed by local residents parking in the 2 hour restricted spaces, and returning at the end of the two hour period to move their vehicles or remove any tyre markings left by the North Sydney parking officer patrols. Presumably the students skip classes to do so.

The traffic impacts associated with the school's operations, currently and with the larger school population contemplated by the Concept Plan are significant. Furthermore they can and should be managed on site. They need not and should not impose those environmental costs on the local community.

Pick Up Zone Options

The subject development, with such a huge increase in student numbers, cannot be approved without **first** solving the severe traffic impacts arising from the loading and unloading of students. This is a fundamental threshold issue that goes to the capacity of the site to accommodate this significantly increased intensity of use.

The current proposal does not solve the critical issue of the student drop off / pick up facilities that must be located on site to prevent further traffic chaos of the type experienced on a daily basis in Edward/ Lord and Mount Streets and also William Street. The applicant has undertaken an alarmingly cursory assessment of some 7 options, and has made a preliminary conclusion in favour of a preferred option (Option 2). Even the applicant's traffic engineers concede however that this matter is not sufficiently resolved. The traffic report states (at page 46)

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“Notwithstanding the above (the comparative assessment), it is recommended that all feasible options be evaluated and assessed in detail as part of the development application Stage 2 works”

Of the options presented the preferred Option two suffers from a number of fatal problems. Like all options which propose ingress from Union Street there are real safety issues with the limited sight lines at the entrance for right turning traffic. As the large majority of the traffic will approach the entrance from the east along Union Street this right hand turn will be the most heavily used, as occurs presently with vehicles using this entrance to access the staff car park located there. Union Street is, however very narrow with effectively only three lanes – one in each direction and one for parking on the south side of the street. Vehicles turning right in the Shore properties inevitably block the through traffic travelling east as they stop due to the on-coming traffic and extremely limited sight lines. This frequently causes queuing back down Union Street and at times affects the operation of lights at the Union Street / Blues Point Road intersection. It also creates a hazard for the many pedestrians who use Union Street as they move between the residential areas and North Sydney train station or CBD.

The current difficulties will be exacerbated with the additional access way on the Graythwaite site coming into use. This heritage driveway has not been used for many years and is only one carriageway wide, with trees on both sides. This Graythwaite driveway crossing is located only one car length to the west of the existing Shore driveway. It will provide two way access for visitors to the School's administrative offices in the old mansion building as well as access to the new Stage 2 car park. The heritage constraints of this single carriageway drive preclude its widening and so the current proposal is for passing bays to be constructed at certain intervals.

The potential for severe congestion and major traffic and pedestrian safety problems at this already constrained double driveway is inevitable. Yet this is not addressed in the traffic report of the applicant. The Halcrow report does however clearly note (at page 46) that the use of Union Street as an entry point to the new drop off / pick up area *“is dependent on providing sufficient onsite queuing between entry and the pick up zone such that vehicles queue on the site rather than on the street.”*

Yet the so-called “options assessment” has failed to examine queuing lengths. Based on the applicant's own figures it is apparent that at the afternoon pick up time there will be a demand for at least 28 cars queuing to access the pick up zone.

The queuing cars will spill out onto Union Street, as illustrated on the plan at **Attachment B**. This plan clearly shows that Union Street will become impassable, with the eastbound lane blocked by vehicles trying to turn left into the site and the westbound lane blocked as vehicles turning right. The vehicles slowed or queuing to turning left will effectively block the Graythwaite driveway immediately adjoining to the east, and prevent that driveway from operating.

Vehicles attempting to exit the Graythwaite driveway will consequently need to wait on the Graythwaite site and queue on that single lane driveway. Vehicles attempting to enter the Graythwaite driveway, when it is occupied by queued vehicles, will not be able to do so as this driveway is only one lane wide. In this confused and highly dangerous situation at the crest of the hill pedestrians will also be put at risk. For a major school access point with young pedestrians

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inevitably present at this most congested time, there are significant safety risks. None of these detailed yet critical issues are fully and properly explored in the applicant's assessment. The current plans (including the two way flows of both the Graythwaite and existing School driveways) are already problematic from a traffic conflict point of view, without adding large numbers of cars accessing a drop off / pick up area.

These problems affect options 2, 3 and 4 which rely on the existing Union Street access at the crest of the hill and/or the Graythwaite driveway. Option 1, which relies on a new Union Street access further east, does not directly conflict with access to the Graythwaite driveway but does exacerbate the problem of queuing vehicles blocking traffic flows at and the operation of the lights at the Union Street / Blues Point Road intersection. Option 3 would wipe out the existing trees and vegetation along the Union Street frontage. This landscaped setback is critical to help screen the carpark and its removal would have an unacceptable visual impact on the streetscape.

The applicant's assessment report prepared by Cardno (Appendix E of the Halcrow Traffic Report) notes that Option 1 would require the purchase of another property (at 80 Union Street) notwithstanding that to our knowledge the School owns that property. Nevertheless it correctly notes the safety issues as a constraint and that North Sydney Council "may require a traffic study to assess the safety issues". It is noted that the Council is the local roads authority for Union Street and will need to approve any additional crossing. Furthermore we are in no doubt that a traffic study would be required, as Council or any other approval authority would be negligent in NOT doing one. Similarly the Minister (or the Planning Assessment Commission as the case may be) can not approve this or any of the other options without first conducting a full and proper assessment (including safety study) and neither can the consent authority approve the development of the Graythwaite site without first resolving this threshold issue of the location, design, impacts and management of the drop-off / pick up facilities for the WHOLE School campus, or at the very least for the additional 450 students.

There are also many other options for locating the drop off / pick up areas on the site which have simply not been considered. For example:

- using the one way system referred to above for coach access and parking, namely entry off Edward Street and exit to either Hunter Crescent or Union Street via the existing School driveway (to avoid the single lane Graythwaite heritage driveway). Suitably qualified members of the resident team have examined the site and concluded this is physically possible with minimal loss of trees and minimal cut and fill.
- using the School's existing car park on William Street north of Blue Street. Vehicles could enter and load / unload students within the carpark before exiting back to William Street.
- widening Edward Street on its eastern side between Mount Street and the entrance to Graythwaite by 2.5 to 3 metres. There is sufficient room on Shore land to accommodate the additional lane and still accommodate the rugby field. This would allow drop off and pick up on the east side of the widened street, south of Lord Street in that part of Edward Street that only provides access to the School.

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These options are illustrated on in the plan at **Attachment C**. All possible options need to be comprehensively evaluated. Any further options assessment, however, needs to be done by the Department of Planning, the Council or some independent traffic engineers, as the School has failed to demonstrate its capacity or willingness to do so.

4. IMPACT ON RESIDENTIAL AMENITY

The main residential amenity issues associated with this proposal arise from the adverse impacts on noise levels (both during construction and once operational), privacy, overshadowing, views, visual impact and landscape amenity. Each of these is discussed below.

Other major impacts on amenity arising from the noise and safety issues associated with the additional traffic generated and the additional demand for on-street parking are addressed above.

Much of the adverse impact on amenity arises from the overdevelopment of the site in terms of additional student and staff numbers which has generated the excessive amount of built space and unacceptable bulk, height and scale of buildings, and/or the proximity of the proposed West Building to the dwellings on Bank Street. The 10% reduction in student numbers and 8% reduction in floor space compared to the earlier proposal do not address this fundamental problem. The current proposal remains a serious overdevelopment of the site by virtue of its continued high level of impacts on the surrounding residential area.

The Graythwaite site was and remains a part of the North Sydney residential area, as evidenced by its historic use and more recently as a residential care facility for aged persons. This site provides an essential buffer to the high rise high activity area of the North Sydney Central Business District (CBD) to the north and east. A significant increase in land use activity that impacts severely on the existing and future amenity of the residential neighbourhood of which it is an integral part constitutes an overdevelopment of the site. The number of students and size of the buildings, particularly the West Building need to significantly reduced rather than marginally dropped by the tokenistic 10%.

4.1 Noise

Noise loggers were deployed at only three locations on the site. The number of loggers is too few and the choice of the three locations is flawed, with the results distorted accordingly. Originally L1 was shown on Figure 1 of the Heggie report dated 23 November 2010 as being located outside the Graythwaite site on the Headmaster's tennis court, at a location relatively remote from the West Building future noise source and where it is shielded to some extent by the cliff on the eastern side of the tennis court. Figure 1 of the revised report (dated 28 September 2011) now shows that L1 has moved to within the Graythwaite site, yet there does not appear to have been further noise data collected as the results in both reports are identical. The correct location of this logger is therefore now confused, and no explanation provided. L2 is located at the top of the slope between the middle terrace and the lower terrace, immediately above the railway line, remote from the residential boundary and clearly impacted by the railway noise. Other than now possibly L1, logger L3 appears to be the only logger located appropriately near the **residential boundary**, this time on the Lower Terrace at the rear of the Union Street properties.

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As noted in our previous submission the noise loggers are too few in number and must be located at the **boundary** of the residential properties most affected. As Note 1 to Table 1 (page 7) of the Heggie report makes clear *"Noise levels apply at the property boundary that is most exposed ... and at a height of 1.5 metres."* The acoustic testing should therefore be re-done to overcome these shortcomings, as we would have expected bearing in mind this problem was clearly identified in our previous submission and there is no adequate response to these issues raised previously.

The noise report acknowledges that for new noise sources generated by the School's activities the INP Intrusiveness Criteria of RBL plus 5 dBA is the appropriate Project Specific noise emission. This performance standard is supported and must be applied to any condition of consent, and applied irrespective of the particular noise source.

For example the three community groups do not support the School's proposition to allow for greater noise when generated by children in outside play areas. The Heggie report proposes that for any noise generated by children in outside play areas, the noise criteria should be increased to RBL plus 10 dBA for up to 2 hours per day (and dropping back to plus 5dBA for anything over 2 hours per day). This exception for playground noise is related to child care centres, which presumably generate less noise than older children. In any event the playground exclusion is unacceptable, particularly as the Graythwaite site is large enough for playgrounds to be located well away from residential areas and/or mitigated with appropriate design measures, such as acoustic walling.

The noise generated from the play areas is clearly underestimated. Again the acoustic consultants are reliant upon the School's advice that of the 450 additional students accommodated on the site, only up to 100 will play on the Middle Terrace and up to 100 on the Lower Terrace during recess and lunch times. The School also advised that it may hold "special events" and functions on the terraces where more people attended, although the number of attendees or frequency of these events is not specified.

A significant problem with the noise criteria selected in the Heggie report is that the noise source should not be more than 5 dBA above the measured RBL over any 15 minute period. The 15 minute qualification period clearly will not work in this instance where very noisy episodes last beyond 15 minutes in any one occurrence.

It is essential to local residents that these outdoor areas are NOT used for any other purposes, including parking or events, infrequently or otherwise. Should consent be granted to this development it is also essential that there is a clear and unequivocal condition preventing the use of the terraces for any purpose other than informal play. Furthermore this condition must stipulate the maximum carrying capacity of these terraces, such that they can not be used by more than 100 students at any one time, for acoustic reasons. If the noise assessment is based on these numbers (of no more than 100 students on each of the two terraces) then the consent must be limited to these numbers.

Even with only 100 students and without the shielding effect of Kialoa the noise levels from the outdoor areas at the nearest Union Street dwellings are said to generate a noise level of 54 dBA which is 12 dBA, not 5 dBA above the background level of 42 dBA, and is totally unacceptable.

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At the nearest Bank Street residences, the noise levels that are generated from the outdoor play areas on the Middle and Lower Terraces **alone** are in the order of 51 dBA, which is 9 dBA, not 5 dBA, above the purported background level of 42 dBA. The expected noise levels emanating from the West Building is not included in this impact.

The circulation areas in the West Building between the two classroom blocks is where the students will congregate as they transfer between classrooms and via the stairs between levels. We note that these spaces are excessive in area for circulation purposes alone and in line with current operational and design thinking for educational facilities these areas will in fact house student lockers. Accordingly these areas will generate a lot of noise.

Unlike the previous proposal we note that the School is now proposing to acoustically seal these areas in recognition of their acoustic impacts, and that they will no longer be openable for ventilation and therefore noise emission. This is an essential requirement that must be included in any condition of consent.

The windows of all classrooms must also be sealed to prevent noise impacts on adjoining residences. We note that in the revised acoustic report (at page 25) the acoustic performance of the West Building is based on a number of treatments, including that “*West, north and south façade windows remain closed at all times*”. With this and the other treatments proposed the acoustic report concludes that the noise levels for all three scenarios tested will be below the daytime noise criteria. On this basis the noise levels can apparently be contained, which is an essential requirement as far as the community is concerned. Should a consent be granted it is imperative that the measures referred to on page 25 of the acoustic report be incorporated into any conditions, and not watered down later for ESD or natural ventilation reasons. Any condition, however, must specify that the windows in these facades are not merely **closed**, but are **sealed** so they are not capable of opening. Otherwise there arises a difficult management problem of enforcement. This problem can be avoided by the design solution of acoustically sealing the building.

Sealing the West Building for noise purposes will presumably however result in the building being mechanically ventilated and possibly air-conditioned. Therefore the noise emanating from any mechanical plant must also be fully insulated for noise, and appropriate conditions attached.

4.2 Privacy

As submitted previously the proposed development will impact on the privacy of adjoining residential properties. It is therefore essential that should the application approve any building envelope for this sensitive north-west area that the or following measures are including as conditions of that consent:

- Fixed screens are to be provided to any windows or openings below a height of 1.8 metres from the finished floor levels in the western elevation of the West Building. This impact has apparently been recognised by the applicant and suitable conditions must be applied.
- Fixed screens are to be provided to the windows or openings below a height of 1.8 metres from the finished floor levels in **both** the **northern** and southern elevations of the West Building to demonstrably prevent oblique views into the private open space areas of the

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adjoining residences to the north-west and south-west of the building. The submitted plans (and Robinson Planning EA report, at page 111) note that these “landscaped screening devices” are provided only on the southern elevation, and suggest that they are rendered obscure by vegetation only. The continued reliance on possible external vegetated screens as shown in the architectural plans and Tanner Architects “Planning Parameters” report for the West Building is unacceptable. There is no guarantee that the planting on these screens will survive or be adequately maintained or that it won’t be removed to enhance natural lighting as proposed in the ESD strategy. Therefore fixed solid screens or screens with angled louvres are essential.

- Whilst the inclusion of dense planting is strongly supported by the residents for its potential to help mitigate privacy impacts and the enormous visual impact of this building, this also cannot be solely relied upon. Therefore the 90 degree fixed screens are strongly supported. However the plans do not include protruding 90 degree screens on the northern elevation of the West Building and therefore oblique views towards the rear yards of some of the Bank Street houses will occur. Screens to prevent ANY overlooking, whether direct or oblique, must also be conditions of any approval for a building in this sensitive location. This condition needs to be included for even a building *envelope* approval in this location, so it is not conveniently forgotten by the School when it comes to the detailed design in the future.
- We note that the existing Fig trees along the boundaries to all neighbouring dwellings, and on the western and south-western slopes are to be retained and protected. We also note that the current proposal includes further screen planting along this boundary and that this additional planting is to occur as part of the Stage 1 works. This additional planting is essential, and must be specifically included as a condition of consent for any Concept Plan and detailed Project Application (or subsequent Development Application).
- We note, however that access to these boundary areas by students is still possible, and this will invariably create privacy (and possibly noise) impacts for the adjoining residents. The landscaped setback area located along all boundaries that directly abut the residential areas must be fenced off at least 10 metres from these common boundaries to preclude access by students. This fenced off area must also be densely planted (as now recognised in the Landscape Plan) to prevent views into the neighbouring properties from any level (whether at ground level or from within the building).

4.3 Views and visual impact

Over 20 dwellings currently overlook the site from their private open space areas, and this number will increase by several dwellings once the approved town houses at 34 to 42 Union Street are constructed. These views are immediate and critically important to the amenity of all the affected houses. This critical outlook will be significantly and adversely affected by the extremely large and excessively high West Building. The scale of which can be partially gauged by the photomontages of that building submitted with the latest proposal (at Volume 3).

The photomontages however are based on one photo frame for each of the properties examined and each photograph does not cover the full panorama (both vertically and horizontally) from these

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locations. The view from No 29 Bank Street for example is cutoff such that a large portion of the building is outside the frame.

What these photomontages reveal, however, is that to reduce the enormous visual impact from this clearly huge building it will be necessary to rely on the 'landscaped solution' of dense planting immediately east of the boundary fig trees between those trees and the new building.

The impact on these dwellings will be significant and, notwithstanding the latest attempts to mitigate the impacts, they remain unacceptable because;

- The building is not setback far enough.
- The use and amenity of the Bank Street private open space areas is what is critical to any assessment of this area. These rear yards are heavily used by residents for outdoor dining, entertaining, recreation and children's play. The residents of these dwellings, who are best placed to assess that impact, strongly disagree that the visual impact is "acceptable".
- The building fails to adequately 'step down' the slope, but rather looms large and dominating on the landscape upslope of the houses, thereby increasing its apparent height and visual impact. In fact the buildings will be much higher than the large boundary Fig trees. Furthermore because of the steepness of the slope the building is not 2 but 3 storeys out of the ground at its western end, as can be seen from the 3D computer models.
- The planting measures proposed to help provide privacy to these badly affected houses (see comments above) are equally if not more necessary to mitigate the visual impact of this building on the School's neighbours remain even when the occupants of the School's buildings have gone home.
- Whilst the proposed planting will help it is unreliable and still insufficient to alone mitigate the impact of such a massive building on these relatively tiny residential buildings down the slope.

The proposed West Building envelope remains unacceptable and should be refused or completely redesigned. The Revised EA suggests that the new building envelope is consistent with the now adopted Conservation Management Plan (CMP). This however is not in our opinion correct (see comments in the following section of this submission).

- Its footprint and building mass is much smaller. It is not subordinate to the massing and scale of the Graythwaite Mansion, nor smaller in footprint, as provided in Council's site specific DCP for this land.
- That it is no higher (at any point) than the 8.5 metre maximum height limit in the current LEP and draft LEP.
- Instead of being fanned outwards on its western façade, it should be fanned in the opposite manner so that the broadest side faces the east. As the eastern presentation of the building

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is much lower in height (at 2 apparent levels) than the western presentation (at 4 apparent levels) the additional breadth of the building is less critical in this direction and would significantly reduce the impacts on the adjoining residential area. For this very reason the residents proposed an alternative envelope which fanned away from the residential areas. The applicant now proposes the exact opposite approach with the result that the visual impact is in fact now spread wider than previously. This defies logic and only increases the visual impact.

- It is setback much further from the Bank Street neighbours as proposed by the residents in their alternative proposal, included as **Attachment D**). This alternative means the building has less difficulty negotiating or 'stepping down' the steep slope from the Middle Terrace. It also means the building can be compliant with the 8.5 metre height control.
- It is fully screened by dense vegetation, at least to the west and south-west of the Building.

5. HERITAGE ISSUES

The site is of State and local heritage significance, and is on the Register of the National Estate. It is an extremely important heritage item.

This application is made under Part 3A of the Environmental Planning and Assessment Act, which 'switches off' the NSW Heritage Act, and removes all State Heritage items, such as Graythwaite from the usual protection of that legislation. It is therefore especially important and incumbent on the Minister to pay particular attention to this issue before making any decision. The heritage issues associated with this application alone are of such significance to warrant the calling of a public inquiry, as requested in this submission.

The existing heritage buildings on the site have fallen into a state of disrepair, largely due the neglect of the NSW State Government in recent years. The proposed restoration of the Graythwaite House, Coach House and other heritage elements, as detailed in the Project Application for the Stage 1 works is strongly supported in principle.

The process of determining where future development on the land might occur, and at what scale, without adversely impacting on the significance of the place usually involves the preparation of a thorough CMP. Once the heritage constraints and parameters are properly understood, the site planning and the conservation works can follow. Therefore the CMP is a fundamental planning document of the utmost importance.

To that end the Director-General has specifically required that *"The EA shall include a Conservation Management Plan endorsed by the Heritage Council of NSW; and ...a statement of significance (that shall have regard to the Conservation Management Plan)"* (emphasis added). Furthermore the Director-General's requirements include a *"detailed Landscape Masterplan"* that *"shall have regard to the Heritage statement of significance and Conservation Management Plan"*.

The Director-General's requirements (D-GRs) are very clear on these points.

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Yet the CMP exhibited as part of the original Environmental Assessment had not been endorsed by the Heritage Council of NSW at that time. We note that it has subsequently been adopted by the Heritage Council and the most recent exhibition includes this latest version of the CMP. Whilst the CMP has been adopted by the Heritage Council it is *still* not clear if the School has done so (we note that Policy 1 of the Tanner CMP says the school SHOULD adopt it).

The adopted Tanner CMP includes a large number of conservation policies, at section 6, that are in many cases rather vague and as policies contain an inherent degree of flexibility. In some cases this is necessary and understandable.

Of considerable alarm to the local community however is Policy 5, which brings into question the most fundamental issue of the reliability and sustainability of the CMP itself. Policy 5 states:

“The CMP should be reviewed and amended within five years of its endorsement by the Heritage Council of NSW, or earlier if alternative uses or new directions are to be considered. ...”

The adopted CMP therefore endorses any review at any time the School wishes to do something new or different to that anticipated by the CMP, including any development different to that now being considered under Part 3A of the Act. This policy is most alarming in that it acknowledges the likelihood that the CMP and its policies will change, and clearly throws into doubt the integrity of the CMP in even the *short term*, and not merely the medium (5 year) or longer term. This creates an unacceptable level of uncertainty for the community and other stakeholders.

Changes of policy could have major implications. For example the previously adopted Edds CMP found it was appropriate for the lower terrace fronting Union Street to be built upon. The Tanner CMP on the other hand has moved away from this policy for “public interest” reasons, without justification on heritage grounds. It is entirely possible, if not predictable, therefore that future revisions to the CMP will reclassify the Union Street open area as a place suitable for new building development.

It is also worth noting that in the Supreme Court case on Graythwaite a third view was expressed on what development could take place on the site. Heritage consultant Stephen Davies of Urbis expressed the view that no development should take place on any part of the gardens or curtilage, and that a simple two storey building at the rear of the Graythwaite building should be the only new built development. He also argued that the pedestrian link between Edward and Union be reinstated and the Ward building be demolished. Shore was represented at this Court hearing and was well aware of the potential restrictions that may be imposed, due to its heritage significance.

Tanner Architects (the same heritage architects who prepared the current CMP) has also produced another document that forms part of the application. This other document, entitled “Planning Parameters”, is not however part of the CMP even though prepared by the same organisation. The previous “Planning Parameters” document identified (at page 9) an area in the south-west corner of the site, immediately behind the Bank Lane houses, as a “Potential Future Development Site”. The previous Tanner draft CMP has also identified on Figure 6.1 two large areas as having “Potential scope for sensitive new development”, one in the north-west portion of the site (where the Stage 3

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envelope is shown) and one in the south-west corner of the site, and further south of the Stage 3 building, along the western boundary.

Since raising the resident concerns about future development in these other identified areas references to their future development potential have been removed from those respective documents. The community was and **remains** deeply concerned that Shore School will revisit its own planning documents and CMP in the not too distant future to seek further approval for other development on the site. The built in ability to amend these documents apparently at whim is anathema to good planning, community confidence in the system and the public interest generally.

It demonstrates that the current Concept Plan with its 'Stages 1, 2 and 3' is not the end of the future development of this land. The community is deeply concerned about further stages of development, both on the land identified previously in the "Planning Principles" and the CMP.

There is no apparent explanation for why development on the western side of the site is now acceptable when the previous CMP and Stephen Davies (in giving evidence to the Supreme Court) both suggested it was not. Nor is there any explanation for why this area differs in terms of its supposed 'acceptability for development compared to the Lower Terrace at Union Street.

This degree of 'flexibility' is unacceptable to the local community and is unacceptable on heritage grounds as it does not adequately identify or justify which areas are considered acceptable to develop and which are not. Nor does such flexibility ensure the site is fully and properly protected.

Approval of the Concept Plan should not be granted until such time as either a Voluntary Planning Agreement under the Environmental Planning and Assessment Act or a Heritage Agreement, under the Heritage Act, is in place. That Agreement is essential to guarantee the exact location and scale of all future development on the land, and to guarantee the on-going protection of this significant heritage item. It is critical that this issue is resolved now before some envelopes are locked in place, and there remains the potential for development creep.

It is also essential that other controls are put in place by the relevant government agency, so that the purported controls in the CMP and "Planning Principles" document are not replaced at the behest of the landowner. A revised DCP is essential and it needs to be fully taken into account by the consent authority – in this case the Minister or Planning Assessment Commission.

The cultural or natural landscape.

The three community groups strongly support the Conservation Policies 24 – 27 and Policy 29 relating to the retention of the Cultural Landscape, in particular in Policy 25 the retention of the "mass planted embankments". This however is at odds with Policies 28 and 83. Policy 83 states in part that *"Removal of weeds and some later plantings to restore significant views and vistas from the house to the south and south-west are envisaged."*

The removal of weeds is supported as is the selective removal of some non significant trees or other planting to allow views in a **southerly** direction towards Union Street. This would help open up the important vista of the House from this public vantage point. However any clearing (other than weeds) and the failure to include supplementary mass planting of the slopes to the south-west and west is not supported. Views from the house in these directions are not currently available, and

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views of the house from these directions would not be available from the public domain if such clearing were to occur. The retention of mass screen planting on the south-westerly and westerly slopes is essential to protect the amenity and privacy of adjoining residents.

The revised (adopted) CMP has now identified that there are important natural springs on the land, and the significance of the site's hydrology in terms of supporting the cultural landscape.

It also now notes the historic steps carved into the sandstone, the significant underground cistern and reticulation system and the potential for evidence of the former World War II air raid shelters on the lower terrace. It fails however to adequately locate and record the extent of the brick lined cistern adjacent to the stand of giant bamboo. No works in the vicinity of these known archaeological resources can be permitted without further detailed archaeological investigations and this should be a condition of any consent, including any consent as part of Stage 1 for landscaping of the site.

The CMP notes the significance of the intact nature of the estate and that its boundaries are essentially the same as those dating from the 1880's. The northern and eastern boundaries (to the Shore School) however date back to the 1840's. (Refer to the diagrams "Evolution of the Graythwaite site boundaries" at Appendix B of the CMP at pages B-82 to B-86). The CMP also correctly supports (at page 101) the retention of the current State Heritage Register listing (which is the current lot boundaries) as the appropriate curtilage for Graythwaite. This is strongly supported.

The Concept Plan however seeks consent for the Stage 2 building envelopes that not only ignore the boundaries as a significant heritage element, they actually straddle the boundary and thereby remove the ability to interpret the boundary at this highly visible location. The Concept Plan proposes building across a property boundary, and there is no proposal (at least at this stage) to adjust the boundary or amalgamate the title with the adjoining school land. We understand that there are other regulations which preclude buildings of this nature to be constructed across property boundaries. Therefore the boundary must be adjusted or the Graythwaite site amalgamated with the other, adjoining Shore property, before the Stage 2 buildings can satisfy the requirements of the Building Code of Australia. We understand that legally if the building envelope is approved, then a subsequent development application for subdivision (to adjust the boundary and enable development consistent with the approved building envelopes) could not be refused.

The resultant impact of the approval of the Stage 2 buildings, therefore is that the original subdivision is abandoned. There is no assessment of the heritage impact of this consequential effect.

Conservation Policies

The Conservation Policies in the CMP are generally supported by the community. However the three community groups are concerned that the School is not bound to follow them. Already we have seen the failure of the School to adequately comply with Policies 13 – 15 of the CMP regarding Stakeholder and Community Engagement. As set out elsewhere in this submission the local community has not been adequately consulted.

We do not support Policy 18 that there should be site-specific exemptions from the need to gain approval for certain works under the Heritage Act.

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The CMP includes a policy on masterplanning of the site (Policy 75). The commentary to this Policy states: *"The purpose of masterplanning is to provide consistent and integrated development which ensures the significance of Graythwaite is not eroded by incremental or piecemeal change."* We thoroughly support this approach. It reinforces the Precinct's request that no approval be granted until a VPA or Heritage Agreement is in place to ENSURE there is no further "incremental or piecemeal change" or development creep.

The CMP however only relates to the Graythwaite site itself and not to the whole of the Shore campus. Nevertheless the CMP acknowledges that *"... such Masterplanning will integrate with the adjoining features of the Shore School."*

In fact the development of the Graythwaite by necessity is already integrated with the Shore land, not only by virtue of the permeable pedestrian movements and the straddling Stage 2 building, but also because of the need to provide additional on-site drop-off and pick-up facilities. Therefore the whole of the campus needs to be masterplanned for both functional and heritage reasons, not least of which because the existing Shore campus is also a heritage item.

Conservation Policy 83 states that new development in the northwest area is acceptable, subject to certain provisos. One of those provisos is that the height of the new Stage 3 building, which is located approximately 45 metres west of the House, should be predominantly 2 storeys and not exceed the height of the first floor level of the house at RL 78.55. This is approximately 11.7 metres above the ground level at the eastern side of the Stage 3 envelope, and is extrapolated out in a westerly direction for a considerable distance, even though the land slopes steeply away and the height of the building above the receding ground level increases alarmingly. This higher than the LEP and draft LEP height limit (8.5 metres) for the site. The Stage 3 building itself, even though it 'steps down' this steep slope, is 3.5 metres (or one storey) in excess of the height limit. In any event the LEP height limit of 8.5 metres is less than the RL 78.55 metres and therefore consistent with the CMP.

Another of the sub-policies in Policy 83 is that *"... development within the north-west slope should be of a scale and modulation of existing buildings within the upper terrace of the Graythwaite site."* It also states that *".. the total footprint of new development .. should be broken up to ensure that new buildings do not appear as large monolithic structures."* A simple analysis of the footprints and floor plans of these existing buildings (and comparing them with the proposed envelopes) clearly demonstrate that the proposed West Building fails to satisfy this Policy. Accordingly the monolithic bulk, scale and visual dominance of the new building must be reduced.

By our assessment, however, it is definitely possible to shift a small scale, better modulated West Building further east towards the House Complex, by at least a further 5-7 metres without it impacting on the visual setting of the House or views across the Middle Terrace to the Coach House. Relocating the building further east will reduce the visual and other impacts of this building on the adjoining houses in Bank Street without adversely affecting the heritage significance of the site.

We note that the adopted CMP now includes a new policy (number 88) to deal with development to the east of the House Complex. Previously there was none. The height of the majority of the Stage 2 buildings, must not exceed the eaves height of the main part of the Graythwaite mansion, which at

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RL 84.28 is higher than the RL permitted for the Stage 3 building. The extra height of the Stage 2 building is permitted even though that building is located only 12 metres away from the House.

There is absolutely no explanation or justification, in heritage or other terms, for why the height of the Stage 3 building should be considerably less than that of the much closer Stage 2 building. In terms of scale relationship it is nonsensical. If the relationship is acceptable for the Stage 2 buildings then surely it is also reasonable to allow a taller Stage 3 building closer to the House. This is an important consideration when amending the Stage 3 building envelope as requested previously by residents.

Policy 121 deals with site security. It states "New security fencing and gates should also continue to allow views into the site from Union Street. Graythwaite is recognised as a place of State heritage significance with a unique history as a grand private residence and subsequent use as a convalescent home and hospital. Principal views of the place from the public domain, primarily Union Street, should therefore reinforce Graythwaite's distinctive late nineteenth century presentation.

The Union Street fence design, detailed on one of the project application plans, however, shows closely spaced pickets on top of a sandstone plinth for the lower portion of the fence. The height of the solid pickets, is over 1.8 metres above the height of the Union Street footpath for most of the length of the fence. This will obscure the significant views of Graythwaite from this important public vantage point, contrary to the stated CMP policy of protecting these views.

Council's DCP 2002, on the other hand specifically nominates a maximum fence height for the Union Street frontage of 1.0 metres, precisely for the heritage reason of maintaining public views of this significant heritage item. The Council's DCP approach is also that taken by the Heritage Branch of the Department of Planning, which reasonably asks as one of the 'model questions' in its publication "Statements of Heritage Impacts": *"Will the public, and users of the item, still be able to view and appreciate its significance?"*

Therefore the current fence design cannot be approved, and any fencing along this boundary must be of a palisade or similar style that allows full transparency between Union Street and the property. Transparent palisade fencing is used on the school boundaries in Edward and Lord Streets, and there is no security or other reason why it cannot be used at Union Street.

6. THROUGH-SITE LINKS

The local area is characterised by a labyrinth of interconnected pedestrian pathways connecting to the North Sydney CBD, and these are heavily used by local residents and others. The combined Shore School / Graythwaite site is massive in area (over 7 hectares) and dimensions, and if developed as proposed by this Concept Plan will be totally impermeable. The School's combined North Sydney premises occupy the vast majority of this extremely large block bounded by Bank Street, Union Street, William Street, Mount and Lord Streets. There is, however, a large population living south and west of this block in McMahon's Point and Waverton, seeking access to the North Sydney CBD, the Australian Catholic University and the North Sydney Demonstration School to the north and east.

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The site planning is severely deficient in failing to include a through-site link across the Graythwaite land in a north-south direction from Edward to Union Streets. The North Sydney Council's DCP 2002 includes a specific "Character Statement for Graythwaite". Included is the following public access requirement:

"m. Public Access

- i. Public access is maintained through the site from Edward to Union Street. Access should be maintained during daylight hours and should not be restricted by keyed access*

This oversight in the site planning and EA also constitutes a failure to adequately address one of the "key issues" in the Director-General's requirements (under the heading Built Form and Urban Design) for permeability and connectivity.

Historically the local community since 1915 have used the site to walk between Edward and Union Street. That usage has only been interrupted by in the last 10 years for short periods when the NSW Health Department have tried to restrict access.

A dedicated through site link, secured through public ownership or easement on title, is one public benefit that must be included in any final approved plans, as a minimum off-set for the considerable environmental impacts of the proposal. This access can be limited to daylight hours if necessary and secured outside these hours. Such partial daytime access occurs with through site pedestrian access in some other circumstances. Student security is not an excuse to deny daytime public access, particularly when numerous schools elsewhere operate perfectly safely with split campuses. Shore School itself has operated to date as a split campus with its prep and senior school separated by Edward St. These issues can be managed in the design and operation of the through site link.

7. ADVERSE IMPACT ON TREES AND OTHER VEGETATION

The Part 3A Concept Plan and Project Application before the Minister seeks approval for (amongst other things) the "*Landscape concept including removal of 80 trees ..*" If approved these applications will allow the School to undertake considerable clearing of vegetation (the 80 trees being only part of it) without further approval, and well beyond the areas required for building or construction access purposes. This puts such works beyond the tree conservation orders managed by North Sydney Council. It becomes imperative, therefore, that the utmost care and scrutiny is applied to the assessment of whether this vegetation needs to be removed, what precisely has to be removed and how precisely the remainder of the vegetation is to be fully protected.

The vegetation and landscape quality of the site, and the retention of its trees, is fundamental to the character and heritage significance of the land, and to the amenity of the site, the adjoining residences and the wider neighbourhood.

Large Port Jackson Fig trees were introduced during the Graythwaite period (1890 – 1915) according to the Earthscape Horticultural Services (EHS) report, dated November 2010 and included as an appendix to the EA. They were introduced as boundary planting to define the western and southern boundaries of the estate, and as part of the garden setting of the house. These trees are a particularly significant element of the site, both in terms of their heritage significance but also their amenity importance.

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The trees are of exceptional heritage significance at the state level, as a key remaining element of the Graythwaite era (along with the House and associated outbuildings). They are also the most visible reminder of the estate from the broader neighbourhood, and marker of its western and south-western boundaries.

They have a critical landmark status in identifying the site from the surrounding area and major public parklands to the west (including Balls Head) and from the Parramatta River. They are a significant source of food for foraging flying foxes. Along with the other trees and lesser vegetation they also provide habitat for nesting birds. They are also highly significant in terms of the site's amenity.

We note that the current EA acknowledges existing natural springs on the site, and their importance as a water source for the larger trees in particular. The impact the proposal will have on the subsurface water flows, particularly arising from the excavation for the proposed West Building, and how this affects certain trees is also recognised, and claims to have been mitigated by the revised drainage strategy. This will need to be carefully addressed by the Department of Planning and suitable conditions attached to any consent. The schedule on the Tree Removal Plan indicates that the significant Washington Palms planted during the ANZAC era, that are 14 to 16 metres tall, are to be relocated, although there is no reason for why they are being relocated or where they are going to be relocated to. These significant trees should not be moved under any circumstance.

Three or four of the significant Fig trees are proposed to be removed, along with over 80 other trees and countless other understorey plantings, which are not specifically identified. One of those Figs is located near the south-east corner of the House and is being removed to allow for new building and vehicular access ways. This tree should be retained and any vehicular access be adjusted accordingly.

The proposed Stage 3 "West Building" is particularly close to a large number of the important heritage and environmental amenity trees. One significant 16 metre Port Jackson Fig tree (identified as tree T 163), immediately adjacent to the West Building is to be removed to make way for that building. Photographs of that tree were included in our previous submission as Figures 2 and 3. The Tree Removal Plan notes that this tree is being removed because it is "unstable". This is false and misleading. In fact it needs to be removed to accommodate the proposed West Building. The massive root system of this fig is intertwined with the stand of historic giant bamboo, (see **Figure 3** photograph) and its removal will destabilise the bamboo as well as the steep bank below. This tree is not unstable, but rather strongly supported by its above and below ground root system, and it is of exceptional heritage and amenity significance. **This tree must remain and be adequately protected.**

The School's landscape concept is to remove massive amounts of the dense planting on the steep slopes between the Middle and Lower Terraces. Most of this planting has not been specifically and individually noted in the Tree Removal Plan, but a site inspection will clearly show the quantity and quality of vegetation in this area. These slopes to the west and south-west of the House will be seriously denuded as a result of this clearing.

The landscape plan retains most of the larger trees that are specifically noted, and appears to have been amended slightly by now including more understorey vegetation on western and south-western slopes. As noted in our previous submission the replacement of the current dense planting with ground covers to create a 'trees in parkland' landscape concept was unacceptable for this area.

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This approach which was designed to enable views out from the house through and under the tree canopies – views that are not currently available. The removal of this planting, much of it rainforest and heritage trees or their progeny, will significantly impact on the landscape amenity and character of the site and locality. It would also significantly compromise the privacy of the residences in Bank Street and Bank Lane. Therefore the western and south-western slopes need to be weeded and supplemented by more planting of trees and understorey species. This is also necessary to help protect the privacy of adjacent dwellings.

Removal of understorey vegetation on the slopes immediately **south** of the House is however supported to allow for views of the House from Union Street, and to allow views of the Harbour in this direction from the House.

LACK OF PUBLIC BENEFITS

Redevelopment of the Graythwaite site completely fails to provide any public benefit, other than arguably the restoration of the House and Coach House, albeit that these buildings are being adapted and reused for school purposes and not open to the public.

If this land were to have been redeveloped for other purposes, such as housing or commercial uses, then development levies (or section 94 contributions) would have been required to provide for the needs of the development and future community. The NSW Metropolitan Plan 2010 requires all Councils to accommodate more housing and employment in the existing urban areas, particularly areas like this with high levels of public transport. This in turn increases the demand for open space and other amenities for the growing resident and worker communities. It is usually provided by way of development contributions. The Shore School's Concept Plan fails to offer any development contributions, whether in terms of public open space, through site links, or any other public benefits.

The Concept Plan should not be approved without such contributions being formally tabled by the School, including how they are to be guaranteed, via a Voluntary Planning Agreement (VPA), as provided for under the Environmental Planning and Assessment Act. As a minimum there needs to be a dedicated site link, secured through public ownership or easement on title. It is not good enough to use student security as an excuse to lock out public access, when numerous schools elsewhere operate perfectly safely with split campuses. Shore School itself has operated to date as a split campus with its prep and senior school separated by Edward St.

8. PAUCITY OF COMMUNITY CONSULTATION

The Director-General's requirements include at requirement 16 that the School undertake "*an appropriate and justified level of consultation in accordance with the Department's Major Project Community Consultation Guidelines October 2007...*" Consultation with North Sydney Council and the NSW Heritage Council is specifically noted.

Those guidelines include the requirement that there be consultation with (amongst others):

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“Those individuals and organisations likely to have an interest in the proposal had enough opportunity to express their views. The community of interest can be broadly categorised into three groups:

- a. those directly impacted by the project (eg. neighbouring residents ...)*
- b. individuals and groups likely to have an interest in the local or regional implications of the project (eg. local councils, local members of Parliament and P&Cs, environmental, indigenous, heritage, business and other community organisations in the area).”*

The EA is also to include a report on the consultation process which is to include (amongst other things):

- a. A summary of findings*
- b. The process including:*
 - The objectives of the consultation process*
 - When was consultation undertaken*
 - The number and type of stakeholders involved*
 - Engagement techniques — how feedback was collected and how discussions with community were undertaken*
 - An assessment of how well the objectives were met.*
- c. An analysis of the issues raised. This should be comprehensive and identify:*
 - What issues were raised by particular stakeholder groups*
 - How each issue is proposed to be addressed in the environmental assessment*
 - Where the proposal has been altered as a result of feedback received.*

Section 5 of the Revised EA sets out the so called “consultation” undertaken, prior to lodging the applications. It clearly demonstrates that the level of consultation is neither “appropriate” or “justified”, particularly for such a significant property that has been the subject of intense public interest over the last decade, ever since the NSW State government began investigating the disposal of the site. That level of public interest increased with an attempt by the State Government to build townhouses on the lower terrace about 1993-4. The community was horrified and campaigned to prevent this. The local community formed a gardening group in the late 1990’s to attempt to maintain the heritage gardens that had been ignored for a decade by the State Government. The gardening group won significant awards for its work on the gardens over the years.

That group, the Friends of Graythwaite, then began a public awareness campaign of the threat to the Graythwaite Estate. They handed out close to twenty thousand postcards that were mailed back to the NSW State Premier asking him to save Graythwaite. They set up a website and Facebook page. The Graythwaite campaign was covered over the years by the local press, the national and

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international media. When Google Earth organised a flyover Sydney to update its Google Earth website, members of the Friends of Graythwaite wrote "Save Graythwaite" in three metre high letters that can be clearly seen on the present Google Earth website.

The then Labour Prime Minister Kevin Rudd, after viewing mass posters about Graythwaite displayed on people's front fences in North Sydney, chose to visit the grounds on a Sunday morning to inform himself of the issue. He understood that the importance of the preservation of this historic ANZAC icon crossed all political boundaries and he committed to spend up to \$30 Million dollars to keep it in public ownership despite Graythwaite being in a safe Liberal party electorate. In the end, Shore outbid the Federal Government by \$5 Million.

The saving of Graythwaite was an election commitment by every local candidate at the last federal election.

The NSW State Labour Government went to the Supreme Court to seek permission to sell the site. North Sydney Council was represented in this Court case and over 100 local residents regularly attended the Court hearings to lend their support. The Supreme Court had to move the case to a significantly larger Court room due to the public interest. The case was covered by all the national television media as well as national and local newspapers.

Graythwaite brought together a very unusual alliance committed to protecting the site. These allied groups included the Federal Labour Party, Federal Liberal Party, State Liberal Party, The Greens, The Shooters Party, Fred Niles Group, State Independents, The RSL (both State and National) and the CFMEU. The Federal Liberal member, Joe Hockey stood with the CFMEU and the RSL at a joint press conference when the CFMEU announced that they were placing a Green Ban on Graythwaite.

Additionally many Local Councils passed resolutions to support its preservation included Woollahra, Waverly, Pittwater, Mosman, Leichhardt, Marrickville, Sydney and Willoughby to name just a few.

The Save Graythwaite Estate Bill 2009 was moved in State Parliament to keep Graythwaite in public hands. The Greens moved it in the Upper House where it was passed 23 votes to 18. For the first time ever the Shooters party voted for a Greens bill.

When the Save Graythwaite Estate Bill 2009 was sent to the lower house it attracted passionate support from the Independents and State Liberals but it was lost 35 - 46 due to the votes of State Labour. Many State Labour Members offered private support for Graythwaite remaining in public hands but were bound to vote with the Government on threat of expulsion from the Labour Party. The public gallery was full to overflowing with interested community members and various members of Parliament commented on the public presence during the debate on the Bill.

The Save Graythwaite Estate Bill 2009 was drafted by pro bono lawyers included a Senior Counsel who all gave their time to try to protect the site.

The public concern over what may happen to Graythwaite was so great that over two hundred individuals contributed to take out a half page advertisement in the Daily Telegraph. The Dibbs family members expressed their concern at the purchase of the site by Shore as they understood that Sir Thomas Dibbs had expressly said that Shore was not to ever get the site. Alan Jones gave significant airtime to the issue. The community also expressed concern given that Shore had in the

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past tried to demolish the historic house *Kailoa* when they owned it, despite its listing as a heritage item.

Many of the general public consider the Graythwaite Estate as significant to our State's history as Government House in the Domain. Both are of similar size and location and both have important links to our State and National history.

Over the ten years that the public campaign ran, thousands of people attended public meetings, rallies, wrote letters and gave time to express their concern of the future of this ANZAC site.

They are still concerned at the outcome for this priceless part of our heritage.

One hundred and fifty-one (151) objections to the original Shore proposal were made, when it was formally exhibited by the Department in February/March 2011. The North Sydney Council also objected strongly to the proposal, and the Heritage Council raised numerous concerns. As recently as Monday 5 December 2011 the Council has resolved to object strongly to the current proposal with its minimal changes and failure to adequately address many of the matters previously raised.

The level of consultation with the local community previously did not satisfy the Director- General's Requirements in this respect and the Department of Planning made a written request that this be rectified. However the consultation that has occurred since remains seriously inadequate. Since lodgement of the previous objections Shore has 'consulted' as follows:

- There was a meeting held at the School premises with some invited Councillors and some invited residents of Bank Street. This was a lecture style presentation of the scheme, an inspection of the height poles that had belatedly been erected on the site of the West Building (at the request of residents and the Department) with discussion afterwards.
- There was a meeting with 3 or 4 representatives of the community groups and the applicant that was held at the Department of Planning. At this meeting an alternative proposal for the West Building was discussed along with numerous other resident concerns, particularly those relating to the traffic, access and parking problems.
- There was a Shore conducted 'Open Day' to which some residents were invited via a limited letter box drop. There was no alternative day or time offered for those who could not attend, and many were unable to. The entire Shore community of students, parents, teachers and Old Boys was also invited to this forum. At this forum new drop-off and pick up facilities which directly impact the Union Street area were produced for the first time. Attendees were able to discuss the proposal informally with the School's consultants.
- A second forum, similar to the first forum, was held after the current public exhibition period as in information session, as it was too late to adjust the proposal. Again many local people were unable to attend.

Though invited to do so the School failed to acknowledge their attendance at, or send any representatives to present to, a public meeting convened by the Council in the community centre on Blues Point Road, or to attend the meetings of the three local precincts, who meet monthly.

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The consultation undertaken remains unsatisfactory as far as the community is concerned.

9. CONCLUSIONS & RECOMMENDATIONS

The Graythwaite Concept Plan and Project Application cannot be approved as currently submitted. The reasons for refusal of the applications are:

1. The statutory process has not been properly complied with. The fact that the process has effectively been 're-started' by the exhibition of a new Environmental Assessment (referred to the applicant as the "Revised EA" demonstrates that our previous submission, and those made by others, was correct in identifying that the original EA had failed to satisfy the Director-General's Requirements and should never have been allowed to proceed to exhibition. A "Revised EA" is not provided for in the statutory process in the Environmental Planning & Assessment Act or the associated Regulations. Furthermore the subject site now appears to have been extended in area to include Shore school properties not previously included in the land defined as the site, and to which the Director-General's Requirements relate. The correct legal process would have been to refuse the original application or have it withdrawn, and commence the process again from the beginning, including the extended site. This failure leaves the application open to a legal challenge.
2. The proposal fails to adequately resolve the traffic, access, parking and on-site loading facilities for students – that is both the drop-off and pick-up by private vehicles, and the loading / unloading of the coaches or buses used exclusively by the school for after-school sport and excursions. It is simply not acceptable, nor is it good planning practice to 'fob off' to some future time the resolution of these important issues, AFTER consent for the Concept Plan has been granted and the opportunity to design-in suitable facilities on-site has passed. Reliance on a "management" approach is completely unacceptable, when in fact facilities can be designed into the masterplan. It is particularly unacceptable when the School does not have the ability to manage the public road space upon which the coach loading "management" relies. For such a very large campus (of over 7.5 hectares), much of it unbuilt upon, there are no excuses for failing to mitigate these significant impacts by providing facilities on site.
3. The proposal fails to sufficiently amend the Stage 3 building envelope. The current scheme makes only minimal changes to the footprint, bulk, height, scale and setback of this building from the affected residents. This means it continues to have an unacceptably high impact on the local environmental and resident amenity. A carefully considered alternative envelope proposed by local residents and compliant with the current and draft LEP height limits has been summarily dismissed without any real justification. This alternative envelope and its greater setback from adjoining properties would have had a much reduced impact.

The second and third failures are a ***direct result of the overdevelopment of the site***. The number of additional students has reduced by a mere 10%, and remains excessively high at 450 extra students and 45 additional staff. The significant increase in population is causing the excessive building envelopes and traffic impacts. Without these impacts being fully internalised, such that the existing environment is no worse off, then the proposal continues to constitute an overdevelopment of the site and cannot proceed.

Other reasons for refusal of the current applications are:

1. The proposal represents an overdevelopment of the site. That overdevelopment is partially driven by the need to satisfy the CIV threshold requirements of Major Projects SEPP.
2. The application either fails to address or fails to **adequately** address a number of the key Director-General's Requirements, including:
 - The failure to consult adequately with the local community in accordance with Department Guidelines for Major Projects, including the failure to consult at all with immediate residential neighbours (Key Issue 18).
 - The failure to address development contributions under Council's Section 94 or by way of a Planning Agreement (Key Issue 7).
 - The failure to adequately address permeability and connectivity (Key Issue 2).
 - The failure to adequately justify the non-compliance with the 8.5 metre height limit in the current LEP and draft LEP and the non-compliances with several of the site-specific controls in DCP 2002 (Key Issue 1).
3. The proposal fails to adequately address the bulk, height and scale of the development, particularly in the context of the surrounding environment and the desired future character of the locality (Key Issue 2).
4. The proposed building envelopes are excessive in scale, bulk, mass and height for this site bearing in mind its heritage significance, environmental constraints and the Council's DCP 2002 desired future character requirements for buildings to be "... subordinate to the massing and scale of Graythwaite Mansion, are lower in height and have a smaller footprint"
5. The proposal does not prevent further development beyond the currently nominated Stages 1 to 3 into other areas of the site, in particular the south-west corner and the Lower Terrace fronting Union Street. The Planning Parameters report and Conservation Management Plan do not preclude this. On the contrary the CMP provides that the CMP should be revised whenever the School changes its intentions for the site, even in the short term of less than 5 years. This flexibility is unacceptable and does not provide sufficient certainty for either the community or the landowner.
6. The proposed Union Street fence will block views to the House and Lower Terrace, contrary to heritage conservation recommendations.
7. The proposal fails to provide public benefits of any kind.
8. The proposal fails to provide a through-site link to improve permeability and accessibility for local pedestrians and cyclists, and as required in the North Sydney DCP 2002.

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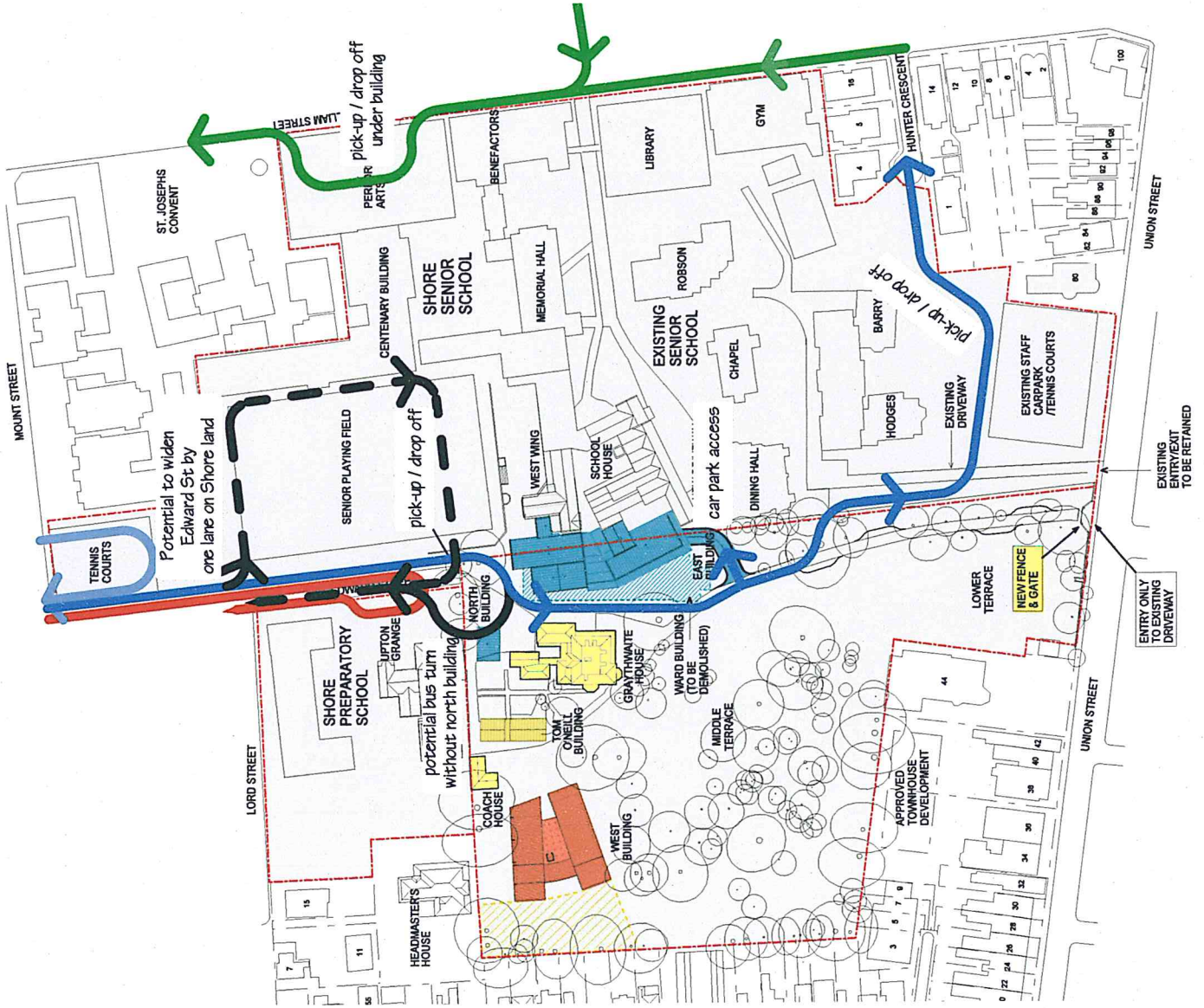
The community groups represented by this submission do not, however, have any objection to a partial approval of the Concept Plan – that is for the Stage 1 Project Application works only. All other aspects of the proposal should be refused pending submission of revised plans for a reduced building envelope of the West Building, fewer student and staff numbers, and properly resolved plans for the coach and other drop-off and pick-up facilities.

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ATTACHMENTS

ATTACHMENT A.

Potential Traffic Planning Options Using Existing Shore Land.



RED line

Existing Prep pickup

BLUE line

Potential one way route from Edward St to serve new staff car park and continue to new pick-up and exit into Hunter Cres. Potential to widen Edward St on east side to provide two approach lanes (red + blue)

GREEN line

Potential under cover pick-up in Centenary car park using Blue St and William Sts as feeders. Any external queuing is on local roads, not collector roads.

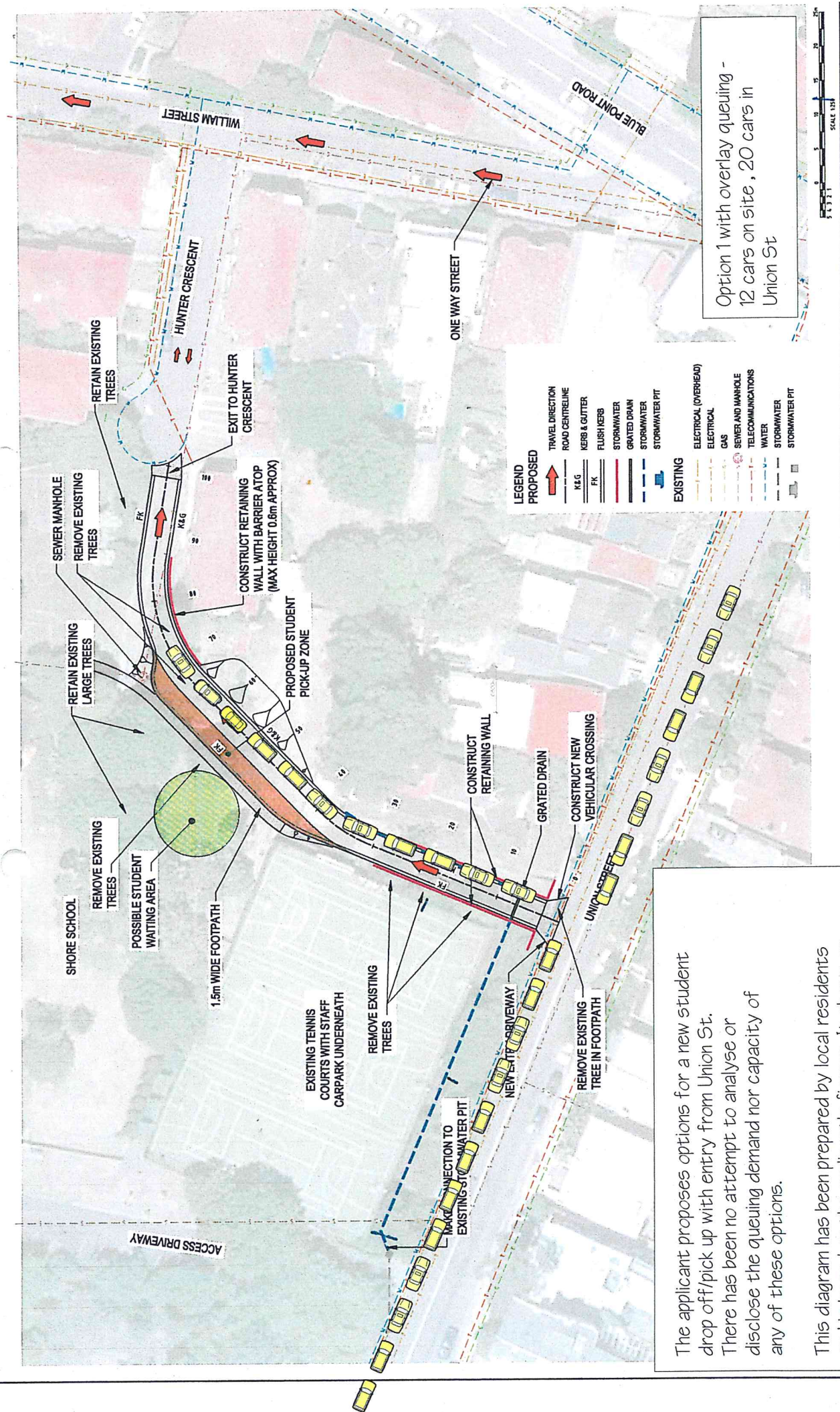
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Potential additional pick up using existing playing field perimeters, as currently used by Shore on special occasions

POTENTIAL TRAFFIC
PLANNING OPTIONS USING
EXISTING SHORE LAND

ATTACHMENT B.

Option 1 with overlay queuing – 12 cars on site, 20 cars in Union St.



The applicant proposes options for a new student drop off/pick up with entry from Union St. There has been no attempt to analyse or disclose the queuing demand nor capacity of any of these options.

This diagram has been prepared by local residents and is based on the applicant's figures. It shows an afternoon queuing demand of 32 cars for the 15 minute period leading up to pick up time. This Option 1, has onsite capacity for only 12 cars!

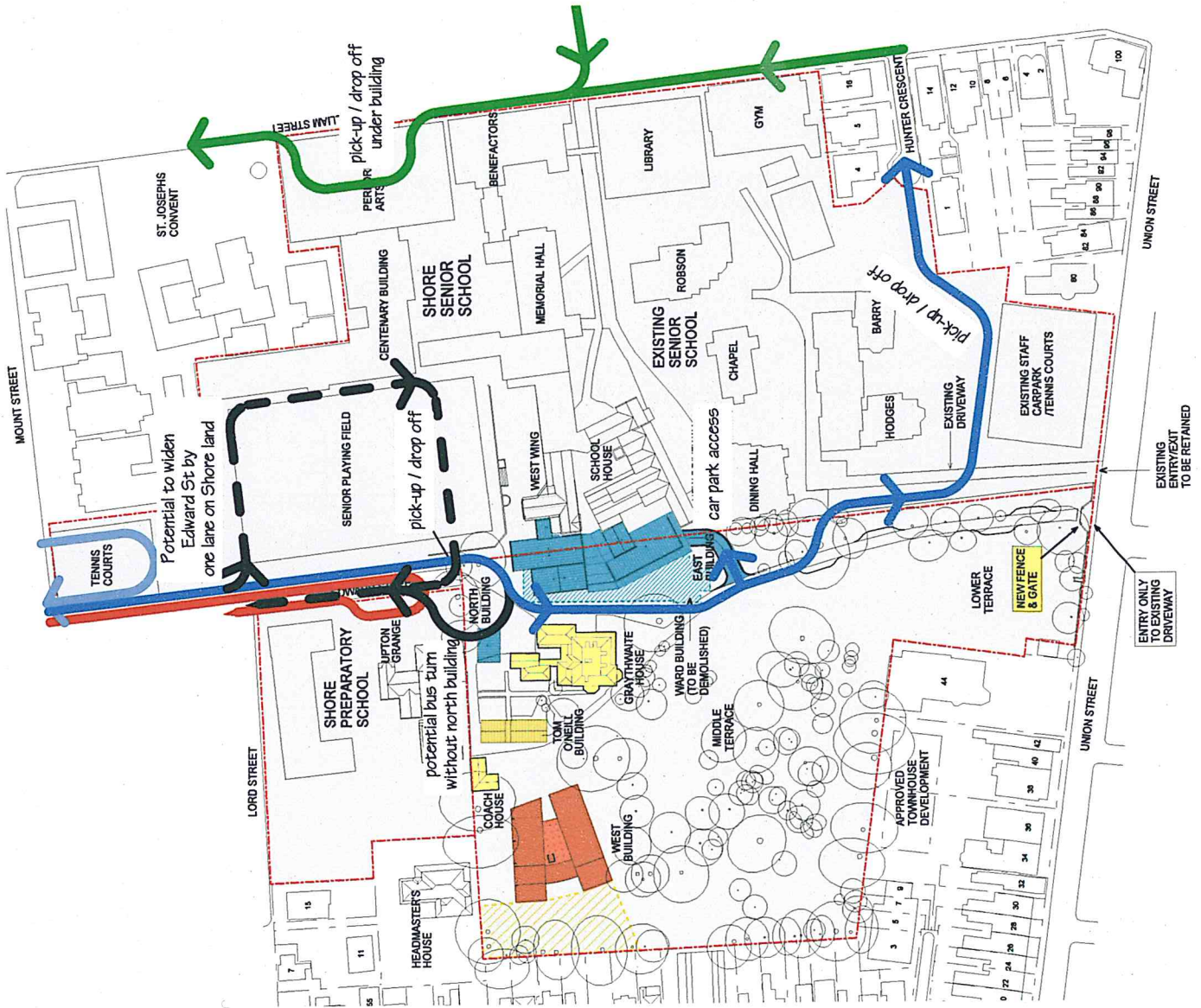
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OPTION 1 NEW ENTRY DRIVEWAY OFF UNION STREET

ATTACHMENT C.

Potential Traffic Planning Options Using Existing Shore Land.



RED line

Existing Prep pickup

BLUE line

Potential one way route from Edward St to serve new staff car park and continue to new pick-up and exit into Hunter Cres. Potential to widen Edward St on east side to provide two approach lanes (red + blue)

GREEN line

Potential under cover pick-up in Centenary car park using Blue St and William Sts as feeders. Any external queuing is on local roads, not collector roads.

BLACK dotted line

Potential additional pick up using existing playing field perimeters, as currently used by Shore on special occasions

POTENTIAL TRAFFIC
PLANNING OPTIONS USING
EXISTING SHORE LAND

ATTACHMENT D.

Residents alternate plans for West Building.