



Dear DPIE

[Redacted]

**Subject: SSD - 10260 International Chinese School**

I write to express my strong objection to this proposed Development Application (DA).

The result of this DA will be to dilute, weaken and damage the character as well as the significance of the State listed Heritage site at Gore Hill Memorial Cemetery, the Avenue, the Gates, the previous site of "Sexton Cottage" and the landscaped areas. The DA will have an undesirable effect on the Gore Hill Oval to the extent that it will reduce accessibility of public facilities and will progressively be unavailable to the community. The DA will deliberately divert public and community available facilities, through the use of the Gore Hill Oval and the Gore Hill Cemetery, funded by the rate payers, for exclusive private purpose for a specific institution. The DA will redirect community resources that are publicly available and funded, for the private use.

The long term consequence from this DA will be to adversely affect the neighbourhood for the homes surrounding the site in Greenwich, St Leonards and Naremburn Conservation Area. The DA will utilise more of the services, infrastructure and neighbourhood amenity that this area is quickly losing due to the influx of new population. The DA will also affect the Royal North Shore Hospital competing for the same space and services that the hospital needs to function. The DA has undesirable consequences on traffic, noise, local parking, pollution, public transport, open space, pedestrian flow, the Pacific Highway and Heritage.

**Heritage**

This Heritage Gore Hill Cemetery is a listed State heritage item of major significance for St Leonards and the surrounding localities and even the Lower North Shore. The site for this DA forms part of state listed Gore Hill Memorial Cemetery (Cemetery) which is of rare historical significance. Many significant events are associated with the history of the Cemetery, including burials of famous Australians, the memorial to Mother Mary MacKillop as well as religious historic reasons. The site is of significance for the community for its culture and tradition. It is integral to the Lower North Shore history.

This DA for a school is not in line with the expectations and even contradicts the very essence of Heritage. A school centre is not the correct use for this type of Heritage site especially if it means that such substantial changes should be inflicted on the site to make it operative and in turn altering its heritage character.

This DA has far reaching impact that will cause detrimental effects and will significantly affect the historical standing that has signified the site for many generations. In another couple of years this Heritage site (and Sexton Cottage) will slowly lose its intrinsic and central character of heritage significance.

The proposed works are of such a large scale that it is dominating and at the same time draining and diluting the historical elements. Ultimately these will be irreversible and are lost forever. While the change in use is imposing and stripping vital components for heritage.

Any intrusion on the historical aspect of the site such as the use of the Avenue, no matter how minor, and everyone is in agreement that a school of this size is not a minor intrusion, will affect the standing and functioning of the site eroding its importance. The sheer number of students and teachers that will frequent the area on daily basis will be at a rate not witnessed before on this site. There will be a direct and substantial impact

on the operation and condition of The Avenue due to wear and tear as well as the specific private use for the benefit of the school rather than the public access thus competing with public community use.

If the DA continues to erode the heritage significance then this will lead to the erosion of community confidence and will set a precedent that confiscating any historical site is achievable.

It is surprising that the Gore Hill Cemetery Trust (Trust) whose responsibility is the protection and conservation of the Cemetery has accepted this decision. The Trust is supposed to protect and maintain the Cemetery retaining its setting to maintain heritage and not allowing intrusion and eroding of its importance for future generations.

Heritage items such as the Gore Hill Cemetery are important to the community and this places responsibility of preservation on the Minister, State Government and Willoughby Council.

I am disappointed of the approach and outcome that resulted in this process up to this DA.

### **The Application**

The change of use of the site from an office to an educational establishment is not supported. The associated works are major for example there are 8 general learning Areas associated admin facilities, parking, Driveway, play area and other resources areas will result in a negative impacts and serious effects. The DA assessment reports play down the impacts arriving at conclusions/recommendations that appear less important.

After assessing the proposed works, it is clear that the alterations and the change of use to a school are unsympathetic and contribute to a loss of heritage significance.

The Environmental Impact Statement plays down the effect of the children in a school dismissing serious breaches especially with change in the very fabric and essence to the surrounding area. The associated works and alterations are not minor but are considered to be major in nature. The DA should be assessed in terms of impacts on the entire area and not isolated to restricted vicinity.

I also do not consider this to be of State significance as the development fails to satisfy the criteria needed to become significant for size and purpose. In terms of benefit as a school this institution only appealed for a small group in the community and would not prove to be that popular or widely beneficial.

The DA omitted any consideration and noise minimisation. This area by the nature of the location is one of the busiest, polluted and noisiest. The school will decidedly add to this noise.

Cumulative impacts of the surrounding areas and the increased activity for high density on services and infrastructure has not been analysed. Therefore any assessment is flawed. As such the assessment reports have to be undertaken again with the correct assessment criteria in order to lead to a well informed decision.

A point in case is the survey for parking and open space prepared by "Ethos Urban staff" to assess the use of the car park and the open space at Gore Hill Oval.

The methodology for this survey (refer Appendix X\_Gore Hill Oval and Car Park Data Collection by Ethos Urban document # 218421 dated 24 May 2019) was only over 5 days in early April 2019 (Easter Break). This was carried out after the oval was closed for an upgrade for over 18 months and only opened in March which was a month before the survey was conducted.

Also, during that particular week the report notes that there were scattered showers which would have also dissuaded use of the Oval. This survey was used as basis for the design and strategy for this long-term development that will impact local residents and other users of the Oval. Hence the conclusion reached is that the numbers of cars and visitors quoted in the DA from the assessment reports are lower for such a school centre.

The assessment reports from the DA fail to appraise the adaptation of school against the Willoughby Local Environment Plan LEP (2012) and against the policies of Council and Heritage; thus, ignoring some vital aspects that are fundamental and relevant in the evaluation. The DA contravenes various SEPPs and local controls to the extent that when considered in totality should be rejected.

### **The Applicant**

We note that one of the directors of the DA Mr Vanda Gould is up against charges for \$300m tax fraud. This casts a doubt over the legality of this educational institution. The Trustee for Anglo Australian Christian & Charitable Trust is behind the DA for this school. The circumstances surrounding their tax agent is of concern

Mr Vanda Gould ceased to meet the 'fit and proper' person requirements in the law, following on from findings highly critical of him in a decision of the Federal Court of Australia in *Hua Wang Bank v Commissioner of Taxation (ATO)*. The ATO expressed concern with the use of multi-layered offshore structures based in the UK, Cayman Islands, Bahamas, Samoa and elsewhere by Mr Gould, his associates and clients of his former accounting firm, Gould Ralph, to avoid Australian taxation.

This cast a doubt on the DA and its legitimacy and in turn the methods and judgement of the applicant.

### **Safety**

The site is not considered to be a safe site to have a school with such young school kids. School kids will have to deal and interact with the busy Pacific Highway at the front door. The traffic movement will be overwhelming for the cars to enter and exit especially to pick up and drop off the students. The Pacific Highway is one of the busiest roads in the state and does not enjoy smooth and safe journeys. Feeders into the Highway are getting congested at peak times. Congestion is not likely to improve. The intersections at peak times are critically congested.

The DA site is not well contained so close to the busy highway with the school children having to move to the Oval for play area, which also presents other risks. The DA does not have enough features to include protecting pedestrians from risks of more traffic and cars.

### **Traffic, Roads and Parking**

The traffic and roads are of major concern for the area with extreme traffic congestion. This DA will add to the pressure. The Pacific Highway is congested at best of times and during peak hours this arterial road in bumper to bumper. Motorists crawl at 20 km per hour at peak school times. This will be worst for school drop offs and pickups.

The area near Pacific Highway is congested especially at times of drop offs and pick-ups of children. These streets within the area are important for circulation of locals and visitors. There are several points at or near the entrance to or exit of the Pacific Highway at which the flow of traffic is critical. There are several areas of potentially dangerous conflicts due to circulation and flows of cars and pedestrians. Moving higher volumes of traffic through the streets will exacerbate the situation.

Residents of the area will quickly recognise the likely impacts of a further 100 (or more) cars emerging from this site. This will put more strain on nearby residents in the area to get to their destination. Nearby streets connected to a congested Pacific Highway will become even more congested with traffic from the school. The traffic assessment did not consider the additional cars, foot traffic and traffic flows and ignored the cumulative impacts. The

State government does not have plans to improve traffic in our area and does not have the funds either.

### **Community and Neighbourhood Character**

This DA violates the neighbourhood character and the community feel. The sense of community and belonging will slowly disappear as several family homes will be impacted.

The number of school children in a small area will drastically affect the amenity, movement, public transport, services, noise and traffic for the residents and the community in a detrimental manner.

It is clear that the planning panel views are not aligned with the larger community if this DA is not relected.

In sum, this DA has a super arching effect on St Leonards, Greenwich, Naremburn Conservation Area and Crows Nest which is likely to change the prevailing nature of the area.

The collective and cumulative changes from the DA when jointly assessed will present an unacceptable outcome to the area.

This DA also negatively impacts the surrounding vicinity and the community, as such this DA is inappropriate on this site in its entirety.

There are oversights of legitimate concerns that will serve to water down the impacts in the local area and beyond.

There are major concerns from traffic, local parking, roads congestion, neighbourhood feel, circulation and flow, noise, pollution, students' safety and the risks of heritage character dilution.

This DA brings a large number of adverse changes to the Historical Cemetery that are unacceptable.

Based on the above please reject this DA.

Yours Sincerely

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