

Daven Timms
[REDACTED]
Hornsby NSW 2077
[REDACTED] [REDACTED]
[REDACTED] [REDACTED]
[REDACTED]

3 July 2020

Online lodgement and by email: john.doubleday@planning.nsw.gov.au

Director, Social and Infrastructure Assessments, Planning and Assessment
Department of Planning, Industry and Environment
Locked Bag 5022
Parramatta NSW 2124

Attention: John Doubleday, Parramatta Planning Officer

Dear John

**Proposed development of 1 Rosemead Road as a school
(SSD-10444, Blue Gum Community School)**

My family of five lives at [REDACTED] adjacent to the Mt Errington mansion at 1 Rosemead Road. The local heritage area is aptly named "Mt Errington". Our family is in a unique situation because we share two boundaries with 1 Rosemead Road and my office is one metre from our eastern boundary with 1 Rosemead Rd.

I understand we were among the 94 people who wrote submissions to Hornsby Council objecting to this application earlier this year. There were only 5 submissions in favour.

We enjoy the tranquillity of this heritage area, having lived and worked here for 20 years.

There is an abundance of excellent preschools, primary schools and day care in Hornsby; the Blue Gum Community School is not needed. It would be better located elsewhere, where there is greater demand and a more suitable location.

We are totally opposed to having any form of preschool, school or day care in this isolated pocket of Hornsby. It is unsuitable for reasons of:

1. traffic;
2. parking
3. noise and privacy;
4. loss of tree canopy;
5. streetscape;
6. heritage; and
7. fire risk.

I will outline our unique situation, the abundance of schools and day care in the area, and finally our objections.

I. OUR UNIQUE SITUATION

A. We share two boundaries with 1 Rosemead Rd

We have an "L"-shaped block abutting 1 Rosemead Rd on our northern and eastern boundaries. A plan of the properties is shown below, with 1 Rosemead Rd hatched in green.



Over the years we have maintained the original three-feet high galvanised pipe fence on our northern boundary, repeatedly treating it for rust and repainting it in heritage green.

The 12-foot high posts and rails on our eastern boundary are the remnant of the former tennis court fence. Vines grow along the metal tubing, creating an open cascade of green, as can be seen from the photo below.

The view through to 1 Rosemead Rd from backyard of [REDACTED]



The open style fencing has enabled our neighbours and my family to enjoy "see-through" views of each other's gardens for 20 years.

Our northern boundary is 24.5m in length and our eastern boundary is 32.7m in length, both substantial boundaries.

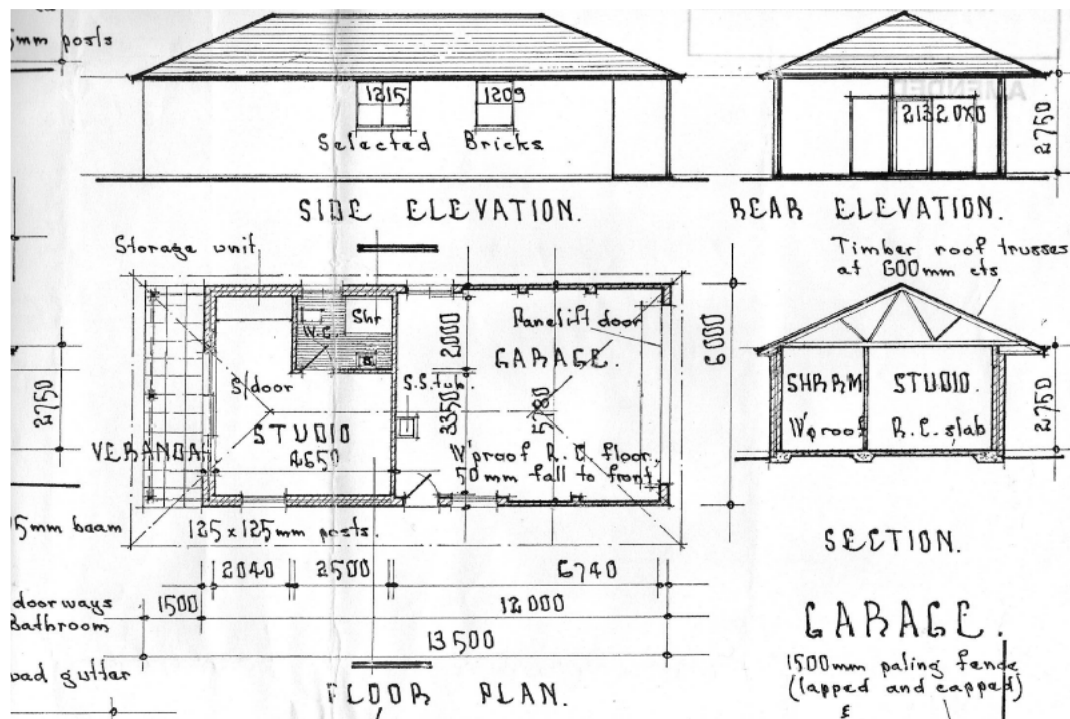
The proposed 1800mm and 2100mm high lapped timber fence would severely affect our visual amenity. The see-through garden views would be blocked, and our backyard would resemble a prison yard.

B. Home office

I have worked from my home office, in the studio apartment off our garage, for almost 20 years. I am the Director Principal of Resources Legal Pty Ltd, a law firm which advises companies in the resources sector, primarily companies listed on the Australian, Toronto, NY, Johannesburg and London stock exchanges. I have a law degree and a science degree, majoring in physics.

The layout of the studio can be seen in the below extract from our approved building plans. The garage opens to William St.

Plan showing layout of studio - home office at [REDACTED]



The proximity of the studio to our eastern boundary with 1 Rosemead Rd can be seen in the below photo.

Photo of home office in studio apartment off our garage at [REDACTED]



As can be seen from the photo, the studio - home office is 1m from the boundary.

A quiet work environment is essential for a law firm. I am often engaged in long phone or conference calls with clients. A quiet environment is key to good concentration. The present location has always been quiet, except for when lawns are mowed.

If a school were to be approved next door, or the former tennis court replaced with a car park, I would likely have to relocate my law firm away from 1A Rosemead Rd. See below regarding noise.

II. ABUNDANCE OF PRESCHOOLS, PRIMARY SCHOOLS AND LONG DAY CARE

There is an abundance of excellent preschools, primary schools and long day care in Hornsby, with plenty of capacity, as follows:

Preschools include:

- Hornsby Ku-Ring-Gai Montessori Preschool, 6 Dural St, Hornsby;
- Sarah's Place, 24 William St. Hornsby;
- The Jack & Jill Kindergarten, 1 Hall Rd, Hornsby;
- Thrive Early Learning Centre, 18 Bridge Rd, Hornsby; and
- Hornsby Central Preschool Kindergarten, 1C Burdett St, Hornsby.

Primary schools include:

- Hornsby South Public School, Clarke Rd, Hornsby;
- Hornsby North Public School, Ida St, Hornsby;
- Barker College (now co-ed, K-12), College Cresc, Hornsby;

- Our Lady of the Rosary Catholic Primary School, Yardley Ave, Waitara; and
- Waitara Public School, Ida St, Hornsby.

My children attended The Jack & Jill Kindergarten, and in later years attended Hornsby South Public School or Waitara Public School. All good preschools and schools.

Glut of long day care:

The proposal offers long day care, 8am to 6pm, to all 80 of its students, under the Federal Government funding model.

I am advised by local preschool staff that there is a glut of long day care in the area, with excess capacity.

While I understand state funding for preschools is available for 7.5 to 8 hr days only and only during school terms, Federal Government funding covers long days and school holidays.

The Blue Gum Community School is likely to be Federally funded. This will be at the expense of the community, which would have to put up with traffic and noise from 8am to 6pm year-round, except for three weeks at year-end (p36, EIS).

It would be a high price for the community to pay, 49 weeks a year, when there is no need for an additional school in the area.

III. OBJECTIONS TO THE BLUE GUM COMMUNITY SCHOOL PROPOSAL

1. Traffic

We live in an isolated pocket of Hornsby. Access can be difficult. Streets are narrow, commuter parking is dense, there are blind corners, and Dural St is partially one-way. The traffic conditions are not suitable for a school.

Most people use William St, not Dural St, to travel to and from the west side of Hornsby; Dural St is one-way, restricted to traffic heading west, between Quarry Rd and Lisgar Rd, and there are time restrictions on turning right from Peats Ferry Rd into Dural St. All former owners of 1 Rosemead Rd during our 20 years here mostly used William St when travelling by car. Persons driving to the proposed school are likely to do likewise.

In the event of a fire to the west, the only way out of our isolated neighbourhood is via William St.

William St is narrow, with chokepoints caused by large trees, and boats or caravans parked on the street. Commuters park their cars on William St past our driveway, all the way up to Rosemead Rd, and walk to the train station.

Driving on William St requires great care; it is “duck n weave” driving along the top section of William St with the road effectively being one-way due to parking on both sides.

The increased traffic, with over 300 car movements likely to be added on a school day, would exacerbate the existing challenging conditions along William St. School children are unlikely to walk from Hornsby station, as it is at least an 850m walk, and steep in parts. There are not many young children living within walking distance of 1 Rosemead Rd; most local residents are retired or have older children.

Additional traffic would increase the likelihood of accidents on the blind corners at William St/Rosemead Rd and Dural St/Rosemead Rd. Cars travel quickly around the corner of Dural St, and the proposed school entrance near the corner would increase the risk of accidents.

2. Parking

Cars are presently parked on both sides of Rosemead Rd, effectively making it a one-way “duck n weave” situation, like William St. Many parents are likely to park on Rosemead Rd to drop their children off, instead of driving into the school, to save time.

Any restricted parking would affect resident parking on Rosemead Rd, which is also affected by commuter parking, parking by workers attending the Camellia Court retirement village on Dural St, and parents visiting Dural St playground (corner Rosemead Rd) with their children.

While the school is proposed to open 8am to 6pm weekdays, many preschools run from 6am to 6.30pm. Increased hours could be applied for in future, extending the parking issue.

During school functions, concerts and celebrations, parking would be at a premium. Such functions could be held after hours or on weekends. With only 12 car parking spaces on site and 80 students, there would be much pressure on street parking.

The applicant states that the Monday to Friday operation is ideal for the neighbourhood, but that does not take into account weekend functions.

3. Noise and privacy

Our isolated neighbourhood is very quiet and totally unsuitable for a school. Noise would emanate from students, parents, staff, contractors, cars, machinery and any PA system used in future. The noise would unreasonably interfere with our privacy, creating a legal nuisance.

The neighbours commissioned an independent noise study by Ken Scannell, Noise and Sound Services (**NSS**). The NSS report dated January 2020 is attached. NSS performed a 24/7 baseline study, which found that ambient noise was a low 37 dB. This is more like a semi-rural area and is significantly less than normal urban levels.

The NSS report speaks for itself, however as my office is only one metre from the proposed car park and close to the proposed playground, I note some of the major findings of NSS:

- The previously proposed 1800mm high lapped timber **fence would reduce the noise by less than 5 dB** (p15). The NSS acoustic report is presently being updated following the increase of the carpark fence height to 2100mm and other acoustic amendments summarised in the updated acoustic report by NG Child dated 6 May 2020. The updated NSS acoustic report will be provided when to hand.
- The highest 15-minute average noise from the **outdoor play area** is predicted to be 48 dB with lapped fence in place, even if groups are restricted in size, against a noise goal of 42 dB (p16). This **represents a non-compliance of 6 dB, triple the intensity of the noise goal**;
- **Using the 1pm averages**, when my law firm is at its busiest and local traffic is at its lightest, the noise from **the outdoor play area** is predicted to be 48 dB with 1800mm lapped fence in place, against background noise of 34 dB (p16). This **represents an increase of 14 dB, almost six times the intensity of the background noise**.
- Noise from the proposed **car park** is predicted to be 47 dB, against a noise goal of 42 dB (p17). This **represents a non-compliance of 5 dB, almost triple the intensity of the noise goal**; and
- Noise from **local traffic** is predicted to increase to 60 dB, against a noise goal of 2 dB above the calculated present value of 55 dB, for a goal of 57 dB (p17). This represents a **non-compliance of 3 dB, double the intensity of the noise goal**.

The traffic and playground noise non-compliances would affect everyone in the local neighbourhood; locals would experience material increases in noise intensity, including from functions held after hours or on weekends.

Schools are better located in either:

- urban areas with higher ambient noise, such as along major traffic routes, which have noise levels similar to those produced by school children; or
- properties with sufficient buffer zones from residential boundaries, to reduce noise to acceptable levels.

The Mt Errington area is clearly not suitable in this regard. The noise would be unreasonable.

I note the comment extracted below from p41 of the school's original acoustic report dated 5 December 2019, regarding the trade-off between garden views and a sound-reducing fence. Naturally we do not want to give up our garden views for a lapped timber fence, particularly when the fence would reduce noise levels by less than 5dB! Noise largely ignores fences, due to diffraction.

We and our past three neighbours at 1 Rosemead Rd have enjoyed garden views through open mesh fences and object to a 2100mm high lapped timber fence. Increasing the height of the fence to 2100mm would make our backyard and entertainment area feel like a prison yard and is totally unacceptable.

Extract from the School's December 2019 Acoustic Report, p41

Similar 1800 mm lap and cap timber fencing is also recommended along the western boundaries of the site, to ensure that the residence at 1A Rosemead Road is not unduly impacted by noise associated with activities associated with the proposed car park, including ingress from and egress to Rosemead Road.

It is noted that the recommendation to install lap and cap acoustic fencing on the site boundaries adjoining the 1A Rosemead Road residential property is in part conservative – to ensure that the low existing LA90 background sound level is not exceeded by more than 5 dBA at any time. In this regard, it is acknowledged that for purposes of visual amenity, a more open fence style may be preferable to allow continuing views of the garden associated with the school to the neighbour at 1A Rosemead Road, and that this "trade off" between acoustic performance and visual amenity may be the subject of further evaluation and discussion.

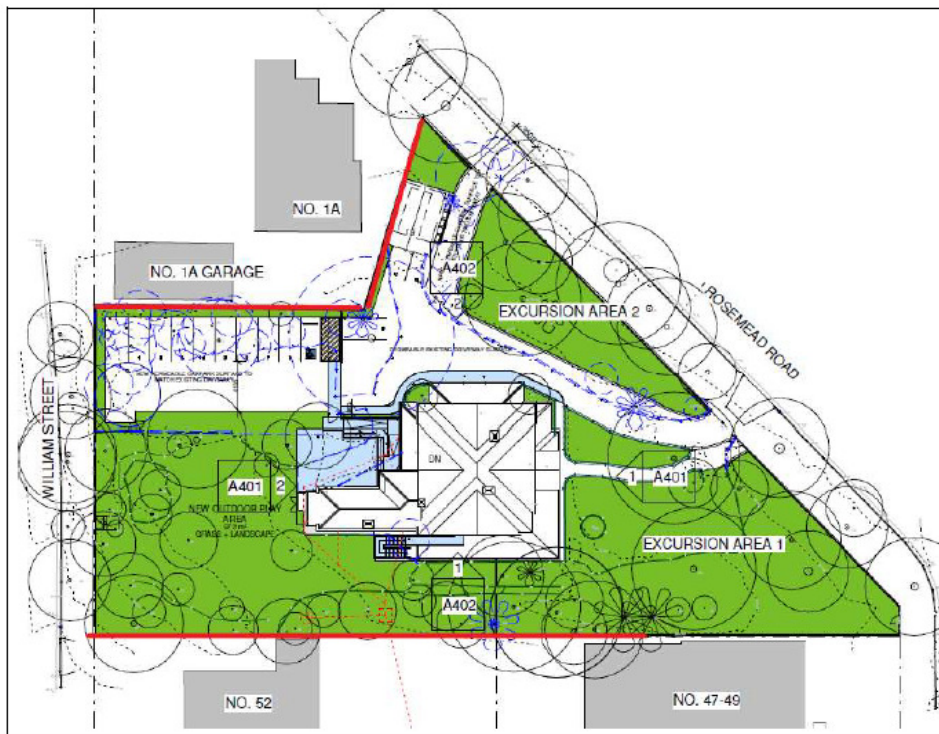


Figure 6.2 – Recommended Acoustic Boundary Fencing

4. Loss of tree canopy

The loss of 41 trees is unacceptable. This loss hardly gets a mention in the school's DA reports.

Many of the trees are mature trees. For instance, the whole grove of trees on the tennis court, shown in the photo below, would be destroyed.

Grove of trees on tennis court reserved for destruction



Below is a view of the same grove of trees on the tennis court, taken from William St.

Grove of trees on tennis court, photo taken from William St



These are mature trees, slated for destruction. We are the Bushland Shire, and we care about our trees.

Removal of the high retention value Cabbage Tree Palm and Giant White Birds of Paradise for driveway works is also not acceptable.

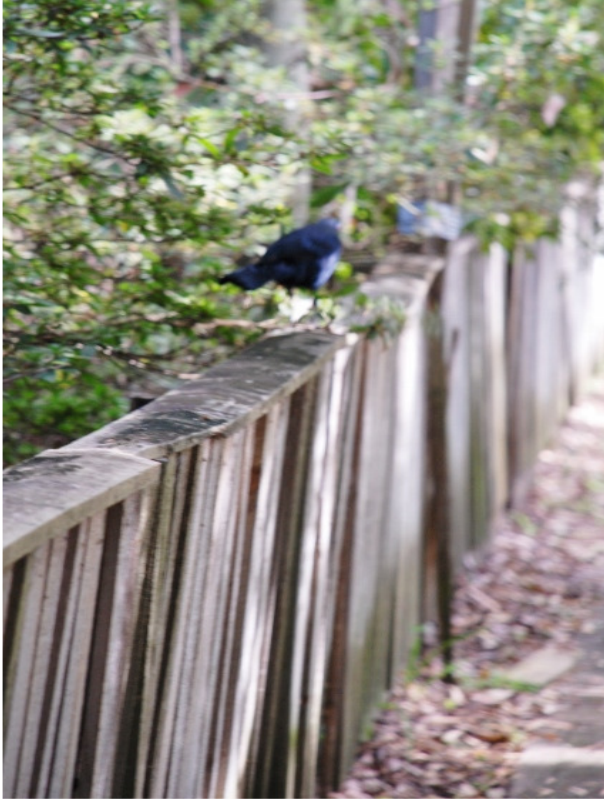
As the song says:

“They paved paradise and put up a parking lot”.

The trees are host to much native fauna. Birdlife abounds. Of interest is a pair of Satin Bowerbirds that roost in a thicket 1m from my office, right above the tennis court net post.

They come and visit regularly, resting safely in the thick foliage. There are not many roosting places like it in the neighbourhood. The Satin Bowerbird is hard to catch on camera. The below photos are the best I have. They show the male near its nest along Rosemead Rd in 2012, and the nest in 2012. They nested at 1 Rosemead Rd for several years.

Satin Bowerbird near its nest at 1 Rosemead Rd, April 2012



Satin Bowerbird in its nest at 1 Rosemead Rd, April 2012



5. Streetscape

Fences along Rosemead Rd are generally less than 1.2m in height.

A metal school fence and required safety and administrative signage, including possible flashing school zone lights, would be abhorrent to the current streetscape and visual ambience of the area.

The significant loss of trees would also greatly affect the streetscape. The Mt Errington property would look more like a school yard than a stately heritage residence with flowing gardens and thick groves of trees.

6. Heritage

“Mt Errington” is the name of both the principal heritage house in the area and the Hornsby West Side Heritage Conservation Area in which we live. It is our duty to preserve significant heritage value.

Extended driveways, a tennis-court-sized parking lot, a toilet block, extensive signage, removal of the historic timber front gates, unsightly fire escape infrastructure, and loss of trees would severely impact the heritage value of Mt Errington.

Figure 12 of the Heritage Report shows that in 1897 the Roberts family purchased the triangular block that now comprises 1, 1A and 3 Rosemead Rd. In 1938 1A Rosemead was subdivided from 1 Rosemead Rd (Figure 27 of Heritage Report) and the mutual garden views through open fencing should be allowed to continue.

7. Fire risk

Rosemead Rd is adjacent to bushland in this area. There is no buffer - just a walking track and a mountain bike track before you get to virgin bushland.

We are on constant alert during the bushfire season. There is always the possibility of urgent evacuation.

Residents do not want to have to compete with 80 students, parents and staff on the one road out, William St, during an evacuation. This would only add to the risk for all involved.

IV. ADDITIONAL MATTERS

A. Request for submissions due date extension

Many residents had trouble accessing the portal over recent weeks and some have since gone away on holidays. It appears the Department’s registration and submissions portal was down for a significant number of days.

In view of these circumstances I request a one-week extension, to 15 July 2020, to make submissions on this proposal. This will allow those on holidays to make submissions on their return.

B. Summary of issues by Hornsby Council

The residents obtained the summary of concerns raised by Hornsby Council in relation to the DA under Government Information (Public Access) procedures. A copy of the report dated 18 March 2020 is attached as ANNEXURE A.

C. Independent traffic study on William St

Residents commissioned an independent traffic study, by Traffic Engineering Centre, including a 24/7 tube count at the top of William St. A copy of the report dated February 2020 is attached as ANNEXURE B.

D. Independent acoustic study

Residents also commissioned an independent noise study by Ken Scannell, Noise and Sound Services (**NSS**). The NSS report dated January 2020 is attached as ANNEXURE C.

The NSS report is presently being updated following the increase in height of the carpark fence to 2100mm and other acoustic amendments summarised in the updated acoustic report by NG Child dated 6 May 2020. The updated NSS report will be provided when to hand.

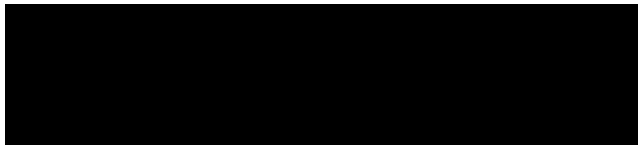
E. Additional objection letters

A number of residents who do not have internet access asked me to act as their agent in re-lodging their previous submissions to Hornsby Council, as follows. I lodged these online. Please treat these as separate submissions:

1. Dr Graeme Wells – letter dated 23 January 2020;
2. Juliana Wells – letter dated 14 February 2020; and
3. Janet Routh - – letter dated 7 February 2020.

Thank you for taking the time to read this submission objecting to the proposed school at Mt Errington.

Yours sincerely



Daven Timms

