

Submission by Councillor Harriet Price

I make this submission in my capacity as a Paddington ward councillor. This submission is based upon my knowledge of and involvement in the Paddington community, particularly those parts of the community most directly impacted by the Proposal.

Construction Impacts

The community are concerned about the potential impacts that the Proposal will have on neighbourhood amenity during the estimated 18-20 month construction timetable. Congestion from truck movements together with noise, dust and vibrations associated with the works are of particular concern.

Traffic Impacts

The traffic impacts generated by the construction requires further attention. Whilst it is encouraging that only medium rigid vehicles will be utilised for material removal and deliveries to the site, the Applicant provides no particulars of the amount of truck movements expected to be generated by the works. Furthermore, the use of any oversized vehicles are deferred to a separate application and approval by Woollahra Council.¹

Without estimated truck movements (both medium rigid and oversized vehicles), the true impacts for the amenity of the neighbourhood cannot be accurately measured. In addition, there is insufficient information as to how these impacts might be mitigated.

Construction Vehicle Access Route

The proposed construction vehicle access route (CVAR) identifies entry via Lawson Street and through Vialoux Ave - a quiet local road with a culdesac. The introduction of construction vehicles into this area will greatly change its current ambience. The Lawson Street residents will be particularly impacted as construction vehicles pass the front of their homes accessing the site and will drive past the back of their homes as they exit the site via Neild Ave. This is unacceptable.

The use of Alma Street for the exit of construction vehicles during works associated with the carpark is a curious choice. The School community was particularly (and rightly) concerned about the neighbouring White City development and construction vehicles crossing the School's access point to the Weigall playing fields on Alma Street. The School's parent community raised concerns about student safety, noise and other impacts associated with that development. I tabled a petition to Woollahra Council on behalf of approximately 600 members of the School community expressing their concerns.²

With such a large perimeter to the site, including direct access to arterial roads, the CVAR should be amended so that construction vehicles do not utilise the local road network surrounding the site.

Noise

The Applicant readily concedes that 'Noise from construction activities will exceed noise management levels at sensitive receivers.'³ Those locations include Lawson Street, Vialoux Ave and Neild Ave.

¹ 'Noise Impact Assessment' White Noise Acoustics, 12 September 2020 at p.39

² 'Woollahra Municipal Council Ordinary Council Meeting Minutes', 25 March 2019 at p.132

³ 'Environmental Impact Statement' (EIS) Robinson Urban Planning, 2 November 2020 at p.146

The quantitative assessment indicates that the noise impacts during construction and in particular, during the site demolition works will be 'highly noise affected'.⁴ This level represents 'the point above which there may be strong community reaction to noise.'⁵ Despite this acknowledgment, there are no suggested respite periods restricting the hours that these activities can occur. Furthermore, the Applicant provides no estimate for the duration of the site demolition works or the timing for when such demolition will occur.

Hours of Work

The Proposal contains a number of inconsistencies concerning hours of work. Whilst the Construction Management Plan (CMP) contains more considerate operating hours⁶, the proposed work hours detailed in the Environmental Impact Statement (EIS) are beyond Council's standard hours of work and are unacceptable.⁷ The community is entitled to some relief from noise, dust, vibration and other construction impacts. The Department of Planning, Industry & Environment (the Department) must impose appropriate conditions to alleviate what will be intrusive and unacceptable construction impacts. In addition, reasonable respite periods during the site demolition phase must be conditioned as a priority.

Finally, the survey of the existing acoustic environment was carried out during 31 March to 16 April 2020.⁸ This period coincides with the COVID lockdown – a period of unprecedented quiet. It is therefore questionable whether this data represents the true acoustic environment.

Tower Crane

The CMP refers to the use of cranes on site, including a substantial tower crane. Curiously, the CMP asks; 'Will the tower crane move over the adjoining buildings and are we required to obtain permission from the neighbours?'⁹ The question posed is not answered or explained. On closer examination of the CMP's appendices, the location of the tower crane is situated within very close proximity to the adjoining neighbours.

Given its significant size and reach, the Department must insist that the Applicant provide particulars of the significant hazards it poses (including falling objects and moving suspended loads over nearby properties and public spaces). Mitigation measures to reduce such hazards must be introduced and subject to the Department's independent assessment.

Parking

Priority must be given to avoiding any new demand for on-street parking around the site. The Construction Traffic Management Plan states that construction workers (in the approximate amount of 155 full time employees¹⁰) will be 'discouraged' from using private vehicles to come to work.¹¹ There is, however, no practical deterrent to prevent workers from utilising the (already limited) on-street parking spaces in the surrounding streets.

⁴ 'Noise Impact Assessment' op.cit at p.39.

⁵ Ibid

⁶ M-F: 7am-6pm, Noisy Works: 9am-5pm and Saturday: 9am-1pm at p.13.

⁷ EIS op.cit at p.145

⁸ 'Noise Impact Assessment' op.cit at p.16

⁹ 'Construction Management Plan' ADCO, 2 September 2020 at p.20

¹⁰ Ibid at p.14

¹¹ Ibid at p.28

Furthermore with adequate space on site, the Department must insist that all vehicles associated with the works, must be wholly accommodated within the site. Establishing an on-street works zone or permission for the standing of construction vehicles in any streets on the local road network must be wholly rejected.

Environmental Amenity

The addition of a new 17m (5 storey) building will unreasonably impact on the environmental amenity of adjoining properties. The residents of Lawson Street and Vialoux Ave will be most severely impacted. Significantly, the height of the building exceeds the controls contained in the Woollahra LEP and must be reduced (or sited elsewhere (see further below)).

Previously uninterrupted views to green open space, trees and an attractive outlook to Rushcutters Bay (and beyond) will now be dominated by an intrusive and bulky development. For many residents in the Lawson Street apartments (some that are largely housebound), this attractive outlook has many benefits – especially to their health and wellbeing. The sense of space created by the expansive views across the valley floor and playing fields cannot be underestimated.

Curiously, the Applicant's visual impact assessment does not analyse or in any way address the impacts to the homes located at 23, 29-33 or 25-27 Lawson Street. Such an obvious oversight is unexplained and demands further assessment.

The need for further assessment is particularly apparent in circumstances where the view analysis of those residents located in the apartments at 8 Vialoux Ave (which share a very similar outlook to those residents in Lawson Street) has been assessed as both 'devastating' and 'severe'.¹² The Applicant's own photomontages clearly illustrate the complete elimination of the current outlook enjoyed by the residents at 8 Vialoux Ave.¹³

Nonetheless, the Applicant concludes that overall these impacts are considered to be 'acceptable'.¹⁴ Proposed plantings and new vegetation is said to provide 'significant screening effects ... and will help soften the view and mitigate the effects of the bulk and scale of the proposed development.'¹⁵ It is quite extraordinary to suggest that such measures could make this structure acceptable. The Department must undertake an independent and more thorough assessment to better test these conclusions. The inclusion of the Lawson Street homes is fundamental to a proper and complete analysis.

It should also be emphasised that even those homes without a north facing outlook will still be impacted by the Proposal. This is due to the unreasonable intrusion that the Proposal will have on outdoor private common spaces.

I had the privilege of visiting the well established garden situated at 29-33 Lawson Street. The mostly long term residents have established a community garden with attractive plantings, garden pots and outdoor furniture. For many residents, this unique outdoor space is their only easily accessible means of enjoying fresh air, sunlight and neighbourly interactions. The residents take pride in this space and the sense of community it has created. An outdoor clothes line and laundry area also adjoins the garden.

Although the Applicant has undertaken an overshadowing impact assessment (which concludes has severe impacts on many of the apartments in 8 Vialoux Ave¹⁶), the

¹² 'Visual Impact Assessment' Urbis, October 2020 at p.18

¹³ Ibid at p.26-27

¹⁴ Ibid at p.30

¹⁵ Ibid at p.25

¹⁶ EIS at p.122

Applicant has not analysed any impacts to this outdoor space. Despite the proposed setback and border plantings, the introduction of a new 5-storey built form, imposing into their backyard - blocking views, sunshine and a sense of security - will unreasonably impact residents' enjoyment of this charming community space. Given the particular and unique circumstances of many of these residents, such a glaring oversight must be remedied.

Public Views

The Applicant assessed a number of public views and provides a rating of visual effects. Of particular note are the 'high' ratings for view loss and view blocking effects on:

- View 1 (adjacent to 5 and 7 Vialoux Ave)¹⁷; and
- View 6 (view east from Neild Ave)¹⁸.

The Applicant also acknowledges that views surrounding the site (and as identified in the Woollahra DCP) as significant views and vistas. View 24 along Alma Street, which includes a glorious row of Palm Trees (located along its middle intersection) is of particular prominence and is also listed as a heritage item in the WLEP.¹⁹

The construction of a visually intrusive carpark at the end of Alma Street will undoubtedly impact this unique vista (including the view that then opens to the valley floor of the Weigall fields). The top level parking will contain an open roof structure adding rows of cars to the vista. It is difficult to see how the the proposed screening and planting could improve such a scene.

The Department must independently assess these impacts to ensure the protection of existing views and vistas. Serious consideration must be given to relocating or deleting the car park structure.

Traffic Impacts

There will be significantly increased vehicle and pedestrian traffic once the construction is completed. The intensification in use of the site includes hours of operation significantly beyond the current hours of use of the site. Whilst the Applicant recognises the intensification of use, there is very little proposed to address these impacts on the immediate community. The community is understandably concerned that neighbourhood amenity and pedestrian safety will be impacted in the long term.

Further conditions are required to address traffic calming and other pedestrian safety measures around the site.

Parking

Paddington has a high demand for on-street parking, it is extremely limited and highly contested.

These increased parking pressure generated by the Proposal has not been adequately addressed. The Applicant seeks the removal of approximately 6 on-street parking spaces in Vialoux Ave.²⁰ It is unclear if this parking will be reinstated once the construction is complete.

¹⁷ 'Visual Impact Assessment' op.cit at p.14.

¹⁸ Ibid at p.18

¹⁹ Ibid at p.12

²⁰ 'Concept Construction Traffic Management Plan' ptc, dated 28 October 2020 at p.27

The traffic impacts of the current drop-off and pick-up zone (DOPU) on Alma Street have adversely impacted the local road network for a number of years – especially the long car queuing generated at peak School times. It is pleasing that this has been acknowledged and that the proposed car park will allow queuing to be contained within the School grounds (once the development is completed).

It is difficult, however, to see how this arrangement will work in practice. Many parents will have a natural tendency to go the quickest route and avoid the car park queue altogether (and continue to queue on the local road network). The Plan of Management does not contain sufficient detail on how this new arrangement will be managed.

Furthermore, it is not clear if the Applicant intends to also utilise the current on-street parking concessions in the form of the existing DOPU zone on Alma Street. Given the great demand for on-street parking, many in the community feel that the arrangement should not continue (and the DOPU zone removed) once safe queuing is accommodated within the School grounds. The Applicant must provide further details on precisely how the DOPU will operate together with how this recognised queuing problem will be managed during the construction phase.

There is also little mention of the off-street parking currently enjoyed by the School at the site and whether this arrangement will continue once construction is complete.

Siting Options

The Applicant considered a number of alternative site locations based on a number of factors. The analysis, however, is brief and contains very little commentary or evidence. Not surprisingly, the preferred option (being the Proposal described and assessed in the EIS) performs:

- poorly with regards to minimising view impacts and overshadowing impacts; and
- well with regards to least impacts to the playing fields and maximising the northern orientation and aspect.²¹

Most of the adverse impacts and concerns detailed above would be far better ameliorated if the Applicant selected an alternative location (within its substantial site area of 9,955m).

The Department must give serious and independent consideration to the merits of the Applicant's preferred location and whether an alternative site is actually more suitable. Special attention must be given to whether the Proposal complies with the Woollahra DCP (Chapter F2 – Educational Establishments - 'To encourage well designed educational establishments that balance the requirements of students and staff, with the amenity of the adjacent properties').

Cumulative Impacts

There is little acknowledgement let alone any assessment of the cumulative impacts of the neighbouring White City development. The community (including the Applicant itself) has been very vocal with respect to the construction impacts of the White City development. In the event the construction period was to overlap, the impacts on the community would be felt twofold.

The CMP states that 'An adjacent project will be undertaken by the Hakoah Club and there is little likelihood these works will cross over.'²² There is no basis for such a

²¹ EIS at p.6

²² 'Construction Management Plan' op.cit at p.22

conclusion as the confirmed timing of the construction period for the adjacent White City development is unknown. By contrast, the EIS states that the site 'adjoins the former White City (to the east) which is to be contemporaneously developed by the Hakoah Club.'²³

In light of the above inconsistencies, serious consideration must be given to the very real possibility that both developments will be undertaken in tandem and the significant impacts this will have on the community.

The Department must insist that the Applicant liaise with the Hakoah Club to ensure that if both developments were to overlap, a coordinated and considered approach to protecting residential amenity and reducing cumulative impacts is implemented. A joint plan detailing the precise steps of such an approach should be a condition of any approval.

Community Consultative Committee

It is noteworthy that the creation of a Community Consultative Committee during the construction phase seems to be the only mitigation measure suggested by the Applicant to manage and ameliorate significant impacts.²⁴ The community are understandably skeptical how such a forum will in any practical sense address their concerns and protect their amenity.

This scepticism is well founded as many in the community participated in the initial consultation stage and now feel (quite rightly) that as the Proposal does not adequately address their concerns, their voices were largely ignored.

Community Use

Disappointingly, the Proposal provides no guarantees for community use.

On the one hand the Proposal states that 'SGS will actively seek opportunities for their facilities to be shared with the community outside of school hours'²⁵ and that 'SGS is keen to explore opportunities for community use.'²⁶ On the other hand, it concedes the limitations in providing community access 'given its duty of care to student's safety and the school's own usage requirements.'²⁷ Community use by individuals is categorically ruled out.²⁸

The proposed hours of operation²⁹ tend to suggest that there would be only limited opportunities for community use, especially during term time. Moreover it would seem unlikely that local schools (which seem to be the preferred community users) would access the facilities during school holidays periods – given the overlap with school holidays dates.

Many in the community have drawn comfort from the belief that the new facilities will in turn be available to nearby schools and community groups. There is virtually no detail, however, in the current Proposal to test whether there will in fact be community access to these facilities and the precise terms and conditions of such access.

²³ EIS at p.27

²⁴ Social Impact Assessment' Chikarovski & Associates dated September 2020 at p.20

²⁵ EIS at p.ix

²⁶ 'Social Impact Assessment' op.cit at p.18

²⁷ EIS at p.98

²⁸ Ibid

²⁹ Ibid at p.96

It is not possible to conclude that social impacts would be mitigated by hypothetical community use. More precise and confirmed details are required to test compliance with SEPP (Education and Child Care), Schedule 4 Design Quality Principle 3 and the Woollahra Local Strategic Planning Statement 2020 (LSPS).

The Paddington Greenway

Rushcutters Creek is an attractive green corridor and if made accessible to the community could become a much needed green space thoroughfare. The Paddington Greenway requires the Applicant's cooperation (along with other landowners). There is little mention of the Paddington Greenway in the Proposal. It is difficult to ascertain if the Applicant is willing to allow public access along its boundary to Rushcutters Creek and what (if any) other opportunities will be available to the community to access the site.

Notification

Finally, many in the community are disappointed about the timing of the exhibition period. After the extraordinary year it has been, many are fatigued and do not feel that adequate time was provided to properly review and respond to the voluminous EIS. The process for many is too overwhelming and intimidating. I have also been informed that with so many pressures and other competing priorities, many were simply unaware of the exhibition process at all.

Cr Harriet Price
Paddington
Woollahra Municipal Council
E: Harriet.Price@woollahra.nsw.gov.au