



Department of Planning, Industry and Environment
4 Parramatta Square
12 Darcy Avenue
Parramatta NSW 2150

3 December 2021

Re: SSD-17424905 – 20 Avon Road, Pymble

Dear Sir/madam,

We refer to Development Application No. SSD-17424905 which proposes the following works:

'Redevelopment of Pymble Ladies College-Grey House Precinct, comprising a five-storey building to accommodate the following:

- o *junior school classrooms for existing students (Years 5 and 6);*
- o *science, technology, engineering and mathematics (STEM) laboratories;*
- o *health and wellbeing facilities (consulting rooms and wards) and a dance academy for existing students;*
- o *out-of-school-hours care;*
- o *a new early learning centre for 90 children; and*
- o *outdoor learning spaces for existing students.*

We act on behalf of the owners of No.59 Pymble Avenue, Pymble to the south-east of the proposed development.

We write to formally submit an objection to the proposed development on the following grounds:

- (1) Bulk and scale (5 storeys), and consistency with the surrounding low density environment;
- (2) Contrary to the objectives of maximum building height development standards identified in Clause 4.3 of Ku-ring-gai Local Environmental Plan 2015;
- (3) Visual Impact;
- (4) Loss of mature canopy trees and vegetation along southeast rear boundary;
- (5) Impact upon Pymble Avenue Heritage Conservation Area (HCA);
- (6) Wind Impacts;
- (7) Traffic/parking increased impacts;
- (8) Noise Impacts;
- (9) Inadequate information;
- (10) Increase in staff and student numbers;
- (11) Contamination; and
- (12) Ecologically Sustainable Design (ESD).

1.0 Bulk and scale (5 storeys), and consistency with surrounding low-density environment

The proposed five storey (5) Grey House building is of a bulk, scale and design that is unsympathetic to the low-density residential environment to the south east. The proposed building should be amended to be of a lesser height, more recessive in design, bulk and scale and provide a transition in scale to the two (2) storey dwellings directly to the south.



Figure 1: Extract of architectural drawings showing eastern elevation (Dwg No. DA-C10-AA-02) of the proposed development (Source: BVN Architecture)



Figure 2: Extract of architectural drawings showing southern elevation (Dwg. No. DA-C10-AA-01) of the proposed development (Source: BVN Architecture)

The approved masterplan (SSD 5314/2013) envisioned (despite not applying to the particular section of the site) a maximum of two (2) storeys across the entire school site, with maximum building envelopes ranging in height from 6-12m. The proposed building is five (5) storeys and a maximum of 20.6m in height, spanning a length of 62m. Therefore, it is considered that the proposed building is inconsistent with the overall vision for the school.

2.0 Contrary to the objectives of maximum building height development standards identified in Clause 4.3 of Ku-ring-gai Local Environmental Plan 2015

The objectives of the maximum building height development standards set by Clause 4.3 are as follows:

- (a) to ensure that the height of buildings is appropriate for the scale of the different centres within the hierarchy of Ku-ring-gai centres,
- (b) to establish a transition in scale between the centres and the adjoining lower density residential and open space zones to protect local amenity,
- (c) to enable development with a built form that is compatible with the size of the land to be developed.

We are of the view that the proposed development is contrary to objectives (b) and (c).

Whilst we note that no maximum building height applies to the site, the proposed 20m+ building dwarfs the surrounding single and two (2) storey residential dwellings directly to the southeast, significantly impacting on the visual privacy and visual amenity of No. 59 Pymble Avenue due to the five (5) storey scale and 62m length of the proposed southern elevation.

3.0 Visual Impact

The application includes a visual impact assessment (VIA) (Appendix 10) of the proposed five (5) storey building as well as the proposed removal of significant vegetation and canopy trees, as having a high/moderate impact. The VIA states that the visual impact will be lessened after 10 years once replacement vegetation matures.

The VIA highlights that the replacement vegetation after 10 years will only screen the lowest floor and levels 2, 3 and 4 will continue to be visually obtrusive and highly visible.

Thus, it is considered that the proposed new building would result in significant visual, and amenity impacts to surrounding development to the south and is inappropriate in the context of existing surrounding development. The building's bulk, scale and location must be reconsidered in order to reduce the visual impact and ensure greater retention of existing canopy trees.

4.0 Loss of mature canopy trees and vegetation along south east rear boundary

The proposed development includes the removal of 29 trees to accommodate the building footprint and construction access. Of the trees being removed, two (2) large *Euclayptus microcorys* (Tallowood) trees located close to the south eastern property boundary, are proposed for removal, despite being classified as having a high retention value. While these trees are located within the proposed building footprint, they provide substantial screening between the school and neighbouring residential dwellings as well as substantial amenity, shade and canopy cover. It is recommended the proposed building footprint be amended to ensure retention of these two large and significant canopy trees, as well as a reduction in overall height and increased setbacks to provide a more commensurate transition between the low density environment to the southeast.

5.0 Impact upon Pymble Avenue Heritage Conservation Area (HCA)

The proposed five (5) storey building is inconsistent with Section B, Part 19 Heritage Conservation Areas of the Ku-ring-gai Development Control Plan (KDCCP) 2021. Specifically, control *19F.1 Local Character and Streetscape*, which requires development in the vicinity of a HCA to have regard to the form of the existing building or buildings, including height, roofline, setbacks and building alignment.

Dwellings within the HCA are two (2) storeys in scale and predominantly federation to mid-late twentieth century period. The proposed five (5) storey Grey House Building is of a bulk, scale and design that dwarfs existing dwellings and detracts from the heritage values and significance of the HCA.

The proposed scale and overall height of the building is considered completely out of context which is amplified by the fact it will be seen from Pymble Avenue, including the dwellings located within the Pymble Avenue HCA.

6.0 Wind Impacts

The Wind Environment Study (Appendix 11) recommends screens and landscape buffers to address wind tunnel effects, conflicting with the proposed landscape plan and design of the outdoor play spaces on all levels of the Grey House Building which propose pervious balustrades and landscaping to the perimeter.

7.0 Traffic/parking increased impacts

The Transport Impact Assessment (TIA) provided is considered to have inadequately assessed the impacts of the development for the following reasons:

- The traffic modelling does not consider the ultimate development year, plus 10 years growth. Therefore, an assessment of cumulative traffic impacts at key intersections including Pacific Highway/Livingstone Avenue and Pacific Highway/Beechwood Road has not been undertaken to capture the impacts of the proposal. Existing intersections surrounding the school currently cause significant local congestion during AM and PM periods of school operation, creating extensive vehicle queuing within local streets and illegal parking.
- The traffic modelling relies on a SIDRA analysis from 2012 not current data.
- The TIA states that the proposed ELC will share the 38 car spaces within the Centenary Car Park with the existing swim school. The TIA states that "Drop-off for the ELC is expected to be between 7:00-7:30am whilst pick-up will be between 6:00-6:30pm...and the Swim school is used from 9:30am in the morning, therefore the swim school will not require the use of these spaces during ELC drop-off and pick-up periods". However, the Operational plan (Appendix 32) states that the swim school operates between 5:30am – 8am, which will clash with the ELC morning drop off peak period.
- The TIA assumes that the additional traffic generated by the proposed 90 place ELC is estimated to be approximately only 42 children, as existing staff and parents with children already at the school will use the ELC and therefore generate less vehicle movements. However, the ELC is available to members of the public and may result in far higher number of public uptake, considering the site is within 200m walk of Pymble train station and bus networks. Therefore, the TIA should be updated to capture the worst case, whereby the ELC is relied on by only members of the public who are not employed or related to the school, and the traffic generation is based on 90 children.
- Loss of on street car parking and localised traffic congestion within Pymble Avenue resulting from parents and students accessing the proposed Grey House Building via the Grey House walkway/lane.
- Impact of the operation of the dance school which proposes an increased capacity as per the Schedule of Uses (Appendix 32) and increased hours of operation, including weekends.
- Page 12 of the TIA states that 'the College does not allow students to park within the College grounds'. However, as part of the Response to Submissions for the approved masterplan (SSD 5314/2013) which included the Centenary Car Park, the school provided the following response in regard to off street carparking:

Issue 2: Car Parking P.2 to 3

"The overall programme....will alleviate the current stress on parking, remove the conflict between commuters and college users and provide parking for all college uses..."

"The college advises that restricting parking on the site to encourage the use of public transport is not going to be successful. At present there are significant numbers of students and staff that park in Avon Road and surrounding streets and these vehicles would be accommodated in the proposed parking area."

8.0 Noise Impacts

The Noise Impact Assessment (NIA) is considered to have inadequately assessed the impacts of the development for the following reasons:

- The NIA does not provide an assessment of the Dance Studio spill out zones (outdoor areas) on level 1, within the southern setback, nor the operation of the dance studio on weekends.
- The NIA does not provide an assessment of the noise generated by the proposed ELC within the outdoor play spaces (on level 2) between the proposed hours of operation between (7am and 6pm,

Monday to Friday), instead only providing an assessment during recess and lunch time, which relates to the operations of the school (Kindergarten to year 12) not the ELC.

- The NIA does not provide an assessment of the noise generated by the proposed OSHC within the outdoor play spaces (ground level) between the proposed hours of operation (7am and 6pm, Monday to Friday), instead only providing an assessment during recess and lunch time, which relates to the operations of the school (Kindergarten to year 12) not the OSHC.

9.0 Inadequate information

Demolition and potential increase in student capacity

The documentation submitted with the application fails to adequately detail the number of classrooms being demolished within the demountable buildings. The proposed Grey House Building contains 16 x new home bases (classrooms) + plus additional teaching spaces which appear to significantly outnumber the number and size (sqm) of the classrooms being demolished. It would appear that an increase in student capacity is being proposed/disguised, despite the applicant stating in the EIS that an increase in student capacity is not proposed.

Early Learning Centre (ELC)

The documentation submitted with the application fails to demonstrate compliance with the Education and Care Services National Regulations, notably Clause 107 and 108 which relate to minimum indoor and outdoor space requirements.

The assessment against the Child Care Planning Guideline (Appendix 3 of the EIS) is incomplete and fails to address the following:

- Mix of age groups and number of staff;
- Delineation of indoor and outdoor spaces for different age groups; and
- Car parking operation, including nomination of pick up and drop off spaces for parent and staff parking within the Centenary Car Park building.
- Access from the Centenary Car Park spaces and pick up and drop off into the ELC. Apparently only one lift within the Centenary Car Park building will be service the 90 place ELC and is of inadequate size to cater for a pram.
- Direct access to the ELC from the Centenary Car Park is not available and requires parents with prams and toddlers to navigate the large car park that also provides car parking for staff, students and swim school users (parents, staff and students). The Child Care Planning Guideline requires car parking to include the following:
 - a child safe fence to separate car parking areas from the building entrance and play areas;
 - clearly marked accessible parking as close as possible to the primary entrance to the building in accordance with appropriate Australian Standards; and
 - wheelchair and pram accessible parking.

The assessment against the Ku-ring-gai Development Control Plan (DCP) is incomplete and fails to address the following:

- It's unclear based on the current documentation if the Centenary Car Park proposed to be relied on by the ELC complies with Section 10B.1, Vehicle Access and Car Parking, of the DCP which states the following:

Car parking areas are to include a designated footpath from the car park to the building entrance and to the footpath on the street to ensure the safety and welfare of pedestrians

Out of School Hours Care (OSHC) facilities

The documentation submitted with the application indicates a new and consolidated OSCH is being proposed within the Grey House Building, however the application does not specify what the older OSHC spaces/rooms will be used for and if they will be reconfigured into additional classrooms and create capacity for increased enrolments.

Car parking

The documentation submitted with the application does not include a car parking plan (within the Centenary Car Park building) for the proposed ELC, including the location and number of pick-up and drop-off spaces as well as staff parking spaces, and how they will be shared with the swim school.

Acoustic wall

The documentation submitted with the application contains discrepancies between the noise impact assessment (NIA) and architectural plans with regard to an acoustic wall associated with the ELC.

The NIA recommends a solid barrier to the perimeter of the level 2 external play area of the ELC, such as glass or the like with a height of no less than 1.5m above the floor of level 2. However, the architectural plans indicate a metal palisade fence to the perimeter of the level 2 outdoor play area. Further, the wind study recommends a 1.5-1.8m high impermeable or 30% porous screen along the north-eastern and south-eastern boundaries of the level 2 outdoor play area – see extract from NIA below:

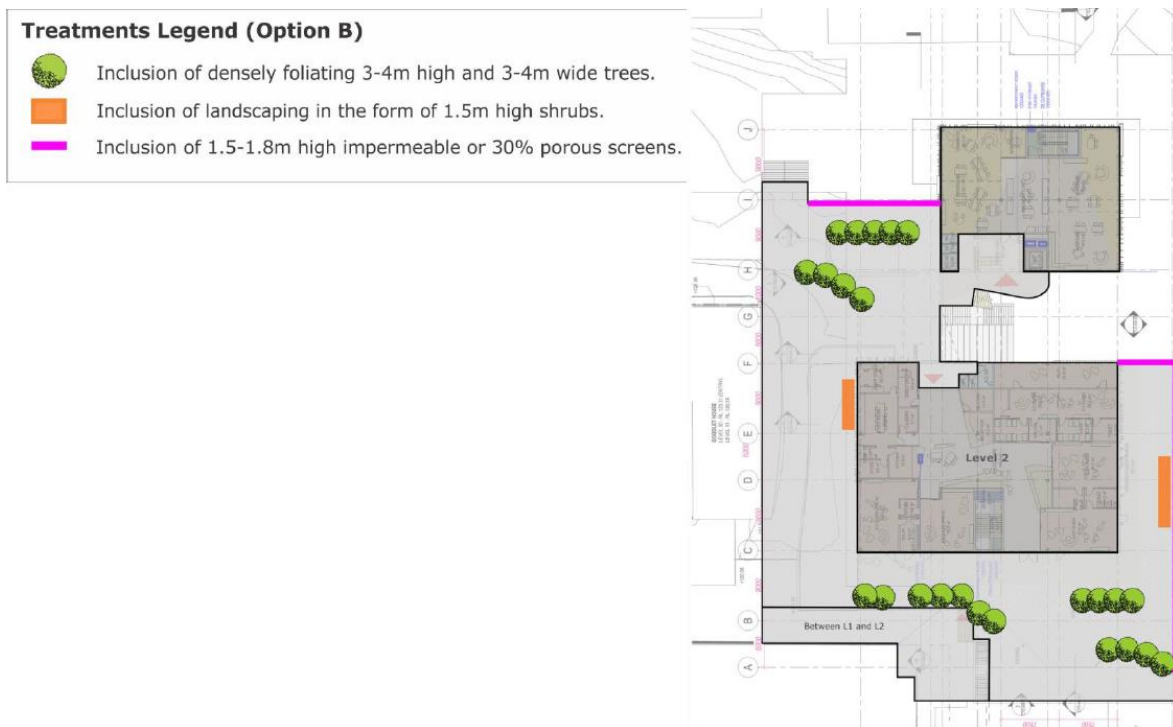


Figure 3: Extract of Acoustic Report - Proposed acoustic walls

Landscaping works

Detailed sections, elevations or height of the retaining walls and fencing along the southern boundary have not been highlighted on the architectural or landscaping drawings. The proposal heavily relies on landscaping along the southern boundary to screen the sheer bulk of the proposal, however detail is limited.

10.0 Increase in staff and student numbers

The documentation submitted with the application contains discrepancies between the EIS and Schedule of Uses (Appendix 32) with regard to existing and proposed number of students. The EIS states that no increase in student numbers (Kindergarten – Year 12) is proposed. However, the Schedule of Uses indicates an increase in student capacity for years 5 and 6 (additional 46 enrolments + 2 staff, additional 48 enrolments + 2 staff) as well as increased capacity for the OSHC (+30 enrolments). See excerpt below from Schedule of Uses (Appendix 32).

Estimated Future Usage Post Development		
Estimated Change in Usage Frequency	Estimated Number Increase within the College Current Enrolments	Estimated Number Increase to enrolments
N/A	48 students / 2 Staff*	0
N/A	46 students / 2 Staff*	0
N/A	0	0
N/A	0	0
N/A	0	0
N/A	0	0
N/A	100 students / 4 staff	0
N/A	70 Students/ 3 staff	0
N/A	0	0
N/A	30 students / 2 staff	0
N/A	30 students 2 staff	30 students
N/A	N/A	90 children / 15 staff
N/A	N/A	0
N/A	N/A	0

Figure 4: Extract from Appendix 32 – Schedule of Uses

11.0 Contamination

The applicant provided a Preliminary Site Investigation (PSI) which identified potential contamination sources/areas of environmental concern (AEC), including:

- Fill material;
- Historical agricultural use;
- Use of pesticides; and
- Hazardous building materials.

The PSI recommends further investigation of the contamination, including the preparation of a Detailed Site Investigation (DSI). The applicant has not provided the DSI.

Therefore, the application does not satisfy the requirements of SEPP 55 in the absence of either the following documentation:

- A Detailed Environmental Site Assessment (also known as a Stage 2); or
- A Site Audit Statement prepared by an accredited NSW EPA Site Auditor; or
- A letter/interim advice from an accredited NSW EPA Site Auditor stating that the proposed works/RAP is practical and will result in the site being made suitable for the intended use.

12.0 Ecologically Sustainable Design (ESD)

The ESD report does not specially address clause 7(4) of Schedule 2 the Environmental Planning and Assessment Regulation 2000 (the Regulation), including the four (4) principles of ecologically sustainable development:

- The precautionary principle;
- Intergenerational equity;
- Conservation of biological diversity and ecological integrity; and
- Improved valuation and pricing of environmental resources.

The ESD reports identifies the principles but does not detail how the proposal addresses the four (4) principles of ecologically sustainable development.

Conclusion

The proposed development at 20 Avon Road, Pymble does not adequately respect the relationship with the adjacent two (2) storey dwellings and HCA to the southeast. Further, the loss of mature vegetation, five (5) storey scale, intensification of extracurricular activities after hours and provision of a 90 place ELC will very likely result in adverse visual and acoustic impacts, loss of on street car parking and overall reduced amenity for the occupants of the surrounding dwellings. In this regard, the application should be refused.

Alternatively, we seek the following design amendments:

- Reduction in the bulk, scale and no. of storeys of the Grey House building;
- Relocation of the Grey House building to ensure retention of the two (2) large Euclayptus microcorys (Tallowood) trees located close to the south eastern property boundary;
- Updated traffic and acoustic reports to address the issues raised in the submission;
- Relocation of elevated outdoor play spaces to the northern elevation away from neighbouring properties; and
- Submission of correct and updated documentation to address gaps in the application raised under *inadequate information*.

We trust that DPIE will consider our concerns with the proposed development and request the applicant amend the application from its current form.

Should you require any further information, please do not hesitate to contact me on (02) 9380 9911 or by email at mtully@sjb.com.au.

Yours sincerely



Michael Tully
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