

Objection to Pymble Ladies College – Grey House Precinct Submission

My wife and I would like to submit our objection to the proposed Grey House Development at Pymble Ladies College. We back onto the school and are directly affected by the proposed development.

We have lived in our house that backs onto the school since 2012 and are quite accustomed to the noise that is generated from the school. There are existing substantial buildings that both overlook the rear of the property and expected and reasonable levels of noise that come from within sealed buildings. Excessive noise levels and people overlooking our property are limited to certain times and these have always been within reasonable expectations and cause us no concerns.

The one issue we have had in the past with the school is based solely on the use of a marquee as a dance studio and the excessive noise that came from there. This adversely affected many surrounding neighbours, and the council has been working with the school to try to address this. See Appendix A in this document listing the history of this objection.

General objection

For a school that has over 20 hectares and essentially only one boundary that directly runs alongside neighbouring residential properties, the decision to locate this building on the site they have proposed is very disappointing. For such a large building and one that contains a multitude of high noise-producing activities (dance studios, ELC, hall and before/after school care) to be sited so close to neighbours seemingly demonstrates very little concern for the welfare of the residents it shares a boundary with.

One example of an alternative site could be the demolition of the existing year 5/6 buildings which is further away from neighbours. The school stated they couldn't afford to demolish these buildings (at the neighbourhood consultation) but given this proposal is costing \$46m that additional cost could be accommodated simply by scaling back the planned size of the new building by a modest amount or by delaying the start of the build until the funds are raised.

The alternatives outlined on pg 41 of the EIS which are a) do nothing and b) an alternative location to the PLC campus is not comprehensive. Other immediately obvious alternatives that are available to the school would be utilising the site of their current year 5/6 building, simply upgrading this or other existing buildings, choosing a different location on the PLC campus, moving the new building further away from the residential boundary, reduce the scale and scope of the new building. None of these have been outlined and all would be viable but likely simply less desirable for the school's interest.

Our overall request would be to find a more suitable location of this proposed building to other locations within the school. The school should be obliged to provide detailed, independent analysis of different options and justify why these noise producing activities should be put next to residents. Alternatively, if this cannot be achieved, then a considerable downscaling of the new building and removal of any substantial noise producing activities should be employed.

Submission – Detailed Objections

Our detailed objections to the submitted proposal below address the specifics of the plan and are not meant to infer that we are happy for the building to be built in the proposed site or to have the types of activities included. The objections are as follows:

Noise

- i) Dance studios
 - a. Rear-opening doors - whilst the dance studios are ostensibly underground, they have full length glass doors that open onto the residential boundary. It states in the EIS that they should be closed when music is playing, however given their primary, if not sole, purpose is as a dance studio, there seems to be no grounds to have these as doors at all. The school has had complaints for many years relating to the noise impact on neighbours from their current dance studio on this

site and the fact that this proposed purpose-built facility is right on the boundary and has doors that can be opened directly facing neighbours is highly inconsiderate and inappropriate. The school, in our opinion, has repeatedly failed to control the noise of teachers and associated music. Certain teachers also yell very loudly with this noise and music permeating a full brick house over 50m away from their current enclosed marquee.

REQUESTED CHANGE: *Not allow opening doors facing the boundary on dance studios. Sealed glass only. If emergency exit required, then they must remain closed at all times.*

- b. Estimated sound levels - The modelled data of a maximum of 75 db(A) at the boundary with windows open is most definitely under-estimated. Within the marquee I have regularly recorded it with a dB meter app as over 90db(A) at the boundary and over 60 db(A) in my home office approx 50m away (with no windows open). The neighbours in closer proximity would get considerably higher volumes. With open doors any noise would be higher than what we currently experience.

REQUESTED CHANGE 1: *If they can also increase the sound proofing rating of these windows to the maximum rather than minimum available given the high noise generating activity that they have elected to put so close to the residential boundary.*

REQUESTED CHANGE 2: *Per council guidance given to the school, we would request that the school must maintain no more than 5dB over regular background noise at the fence line for all activities.*

REQUESTED CHANGE 3: *We would also request permanent noise monitoring be put on the fence line directly behind the school with the unaltered readings being made available to local council / residents.*

- c. Noise levels not being offensive – on pg77 of the EIS the proposal references a previous LEC proceeding stating that ‘*all noise that emanates from normal activities at a school is not offensive*’. The nature of the dance classes and noise from them I would argue does not constitute normal activities. As all the neighbours, including those not even directly on the boundary, have been exposed to, it involves playing the same song, or often parts of the same song, repeatedly...often with a teacher yelling timing instructions to the students over the music. Unlike other generalised school noises that can be considered background noises, this is very intrusive both in volume, repetition and constantly alternating between no music to very loud music as the song is stopped, instructions presumably given and then starting up again. The proposed times of use on pg40 of EIS which is 12 hours per day, 5.5 days per week would be constant and doesn't prevent them from running well beyond those timeframes (especially with external students) which they already do. The current dance classes regularly went up to 9pm at night and could be going all-day Saturday and on Sundays too.

REQUESTED CHANGE: *this should not be considered a normal school activity due to the intrusiveness of the activity, the amount of time it is run for and given it will be offered to the community and so presumably run as a commercial activity.*

- d. Non-school dance activities – the dance studios are proposed to be used for non-students/community on Saturday mornings (and potentially at other times). Given the intrusiveness of the dance classes and the decision to put the studio so close to the boundary, this should be restricted to PLC-student only use.

REQUESTED CHANGE: *the school should be prevented from using for non-PLC school uses.*

- e. The proposed timeframes of the dance classes – per the table on pg40 of the EIS, the dance classes are proposed to run from 6.30am – 6.30pm Mon-Fri and 7am-12pm on Saturday. Essentially 12 hours per day, 5.5 days per week. These times are reasonable except for the early starts, but the school has gone well beyond these times in the past and seemingly only amended their times when forced to by the council.

REQUESTED CHANGE 1: *Setting mandated restrictions on the times the dance classes can be used in the proposed times in their submission (i.e. no later than 6.30pm weekdays, no later than 12.00pm on Saturdays and not on Sundays). Start times should be restricted to 7.30am on weekdays and 9am on Saturdays.*

Pls note: the items iv. and v. above are listed individually as requested changes but would not be required if the noise level were able to be maintained at a 5dB above ambient background levels at the boundary. Given the difficulty in getting the school to address our noise concerns over the past couple of years, these are requested as additional limitations.

ii) Children's playground

- a. Location – the school has elected to put a building with an ELC and before/after school care in a location directly next to residents. The playground is clearly for the use of younger children given the sandpit, cubby house and toddler balance area and sits on the residential side of the new building rather than electing to have this on the school side. The ELC proposed times of operations (pg 40 of EIS) are from 7.00am to 6.30pm. This playground could also potentially be used for before/after school care which would operate on the same times. This contradicts with the noise estimates (on pg 77 of EIS) where it states that *'The play areas would only operate at a maximum capacity during recess and lunch times. At all other times of the day, the spaces would be used at a very limited capacity'*. Early Learning Centres for pre-school children utilise outdoor play as a key part of their learning and there would therefore be very young children crying, screaming, yelling right next to the residential boundary. This would be expected to be all day including before and after school 5 days a week, 11.5 hours per day. In a school of 20 hectares, putting a new ELC playground directly next to resident boundaries is completely unreasonable.
REQUESTED CHANGE: *If the building location is to stay where proposed, remove any outdoor play from the side or rear of the building facing residents.*
- b. Noise levels not being offensive – on pg77 of the EIS the proposal references a previous LEC proceeding stating that *'all noise that emanates from normal activities at a school is not offensive'*. An ELC with pre-school aged children is not a standard school activity and thus the noise produced by the playground would not fit within this definition.
REQUESTED CHANGE: *this should not be considered a normal school activity due to its use for pre-school age children (i.e. toddlers) and therefore should be subject to not exceeding more than 5dB over ambient background noise at the boundary.*
- c. Not advised as part of neighbour consultation – the existence of this playground was omitted as part of the plans that affected residents that were presented as part of the school consultation. This would have been vehemently opposed by the residents but the omission of this would suggest to us that they have not complied with their obligations to properly consult with residents on a key aspect that would affect them with the building and thus potentially reduce the number of residents that would object to this aspect.
REQUESTED CHANGE: *the school should have to properly consult residents on the true nature and purpose of their plans and highlight the effect on residents.*

- iii) Construction – there will be construction vehicles driving past our property for the 2 years that it will take to construct. Whilst this is undesirable and we have had this with previous developments, it is hard to argue with the proposed route to minimise the disruption and risk to school students. It seems logical and whilst disruptive, we have no objection to it.
REQUESTED CHANGE 1: *erect and maintain for the duration of construction, temporary soundproofing between the access road and residential boundaries at a height equivalent to the height of the vehicles that will be utilising the access road.*
REQUESTED CHANGE 2: *identify any trees or vegetation that will need to be removed or pruned as part of creating the access road and confirm that trees will be replaced in the location of the ones removed.*

- iv) Hall – pg78 of the EIS talks about the use of the hall and when the doors and windows can be open. There are many uses of the hall that would create excessive noise for neighbours not just the ones that reach 90dB that the submission dictates would warrant the closure of the doors/windows. The practical understanding and adherence to the types of activities that create noise that affect neighbours is hard to enforce and the school, in our view, has not been able to manage this with the dance studio in the past.

REQUESTED CHANGE 1: Not allow opening doors facing the boundary on the hall. Sealed glass only. If emergency exit required, then the doors must always remain closed. At a minimum, any doors/windows on the sides or rear of the building (facing residents) should not be allowed to remain open whilst the hall is in use.

REQUESTED CHANGE 2: If they can also increase the sound proofing rating of these windows to the maximum rather than minimum available given the high noise generating activity that they have elected to put so close to the residential boundary.

REQUESTED CHANGE 3: Per council guidance given to the school, we would request that the school must maintain no more than 5dB over regular background noise at the fence line.

REQUESTED CHANGE 4: We would also request permanent noise monitoring be put on the fence line directly behind the school with the unaltered readings being made available to local council / residents.

Height & position of the proposed building

i) Height

- a. General appearance - the height of the building is excessive, particularly given the proximity to the boundary. The existing hall/gymnasium is already an imposing building from our perspective, and this new building will be a whole storey higher with the neighbours directly behind it being closer to the boundary and thus impacted by the height even more. The school is presumably just staying within the complying requirements however given the land size available to the school, this certainly seems completely unnecessary and completely disregards the impact on the neighbours.
- b. Light – pg 74 of the EIS covers the solar access for the properties behind the proposed development. It states that it complies with the minimum requirements of 3 hours of sunlight. Putting aside the fact that this limitation was probably not set when considering new buildings on a 20-hectare school where so many other options are available, but the rear part of the houses and gardens of the properties behind the building won't be getting any sunlight for approximately half the year. The 3 hours of available sunlight up to 12pm, the sun will hit the front/side of their houses, but the rear of the properties will be completely devoid of sunlight for the entire day. Depending on the exact orientation of their houses and the location of their main living areas, this is potentially blocking all available sunlight for up to half of the year (in the colder months when you want it the most). With the backyard being the primary outdoor space utilised by these families, these would certainly have all sunlight removed for half of the year and it being dramatically reduced year-round with this new building.
- c. Consultation with neighbours – the height of the new building was not what was represented to neighbours during the consultation process. We were advised that this would be the same height as the hall/gym.

REQUESTED CHANGE (for a, b and c): ideally move the location of the building (per the next point below), but if the building is to stay in its current location, then reduce the height by at least one floor to keep to the height of the existing buildings on the boundary per what was represented to neighbours by the school during the consultation.

- ii) Position – the building seemingly pushes the absolute limit of what is permissible in relation to proximity to neighbours. They have tried to maximise the space within the school at the expense of any apparent consideration of the neighbours. Even with the current site of the proposed development, they could easily have a longer, narrower building that was set back much further from the residential boundary. This is one of many options they have could have considered to better accommodate likely noise issues.

REQUESTED CHANGE: have the school alter the location of the building away from residents, amend the size / scale of the building and/or change the use of the building and house ELC, before/after school care, dance studios and halls in other existing buildings and not right next to neighbours.

- iii) Privacy – the building, whilst not directly behind our property will increase the likelihood of being overlooked. There are currently some tall trees that will help minimise this within a neighbour’s property, however these are end of life with one having already fallen and a previous arborist asserting they were unsafe. Once these come down, there will be significant additional impositions of privacy into the main living rooms and all bedroom of our house and across our entire backyard. The screening on the building will reduce being overlooked but does not stop it.
- REQUESTED CHANGE** – any rear or side windows that would allow people to overlook the residential properties should be fitted with frosted glass up to a height of 1.8m from floor level to prevent any residents being overlooked.

Additional student numbers

The school states that there are 90 new positions at the school for the Early Learning Centre (ELC) but that this will only lead to an expected 42 incremental vehicles coming to the school. This assumes that 48 ELC students are expected to be students of teaching staff or siblings of existing students.

Whilst it is hard to refute this number as no workings are provided, one can assume that this is the upper end of the estimates and even if this proved to be correct there are couple of key assumptions that means that the vehicle numbers would be much higher...

- i) Existing staff, specifically teachers, are on circa \$110k annual salaries and support staff would be, in the main, on similar salary ranges. Even with the 15% discount offered to staff, the cost of approximately \$35k per annum to send a child to PLC would take up roughly half of their post-tax income per child. In talking with an ex-teacher at the school, they personally only knew of one other teacher that was sending their child to the school. It therefore seems improbable that staff with children of ELC age and the means to afford the tuition would make up any substantial number out of the 48 positions.
- ii) Those with other siblings at the school would make up a much higher proportion of students however many of the older siblings would utilise public transport in high numbers per the current split of those that get driven vs public transport. It is highly unlikely however that ELC students would be anything but driven to the school given their young age. Therefore, where their siblings caught public transport, they should be excluded from the calculations. Siblings would also start or finish later depending on their varying schedules for extra-curricular activities and therefore there would be multiple trips for those being driven. Based on these points, it would seem the number of new vehicles being driven is much more likely to be closer than 90 than to 42.
- iii) The amount of parking spaces allotted for the ELC is only 38 parking spaces (pg40 of EIS) and this has been allocated at times that do supposedly do not overlap with the swim school of 7-7.30am and 6-6.30pm. One can assume that the swim school starts at 7.30am. What this assertion glosses over are:
 - a. The assumption that no-one for the swim school gets there before 7.30 which of course they would if their classes start at 7.30am.
 - b. That there are only 42 incremental cars driving, which per previous points, this seems likely to be much closer to 90. Of the 90 places, they are all going to need to drop their children off due their age and will be needing to park and take their kids to the ELC which, due again to the young age, takes a reasonable amount of time (one would think 15 minutes on average at a minimum). They are likely therefore to have up to 90 parents trying to contend with existing traffic around PLC to get to the entrance only to have to battle for less than 30 parking spots (factoring in others who park there not from ELC) between 7-7.30am.
 - c. It also assumes that all parents would be dropping off at ELC just between those 2 x 30-minute timeslots. Children would be picked up and dropped off in a range of times which would mean that there would be no available parking spots and would add to the existing horrendous traffic conditions.

REQUESTED CHANGE: the school should be required to demonstrate how it will cater for the maximum 90 additional vehicles and whatever criteria is required for the impact that will have on the existing traffic problems.

Existing buildings - the school is keeping the existing buildings that house the year 5/6 classes and the other locations where the dance program is housed currently. This allows the school to suddenly find itself with the capacity to house extra students at whatever point in the future and to thus increase student numbers

presumably without need to make any modifications or to get approval from any government body. It is the parents, staff and students and certainly local residents who then bear the brunt of the impact with traffic.

REQUESTED CHANGE 1: *Require the school to not increase the number of children/students (including the 90 ELC places) beyond current levels in perpetuity until a traffic management plan (that includes ongoing consultation with local council and residents) that addresses the existing issues is implemented and maintained.*

REQUESTED CHANGE 2: *Provide the local council with the ability to hold the school accountable for the ongoing traffic management issues if they increase student/staff numbers over current levels without addressing the traffic issues. (E.g. the school could be fined \$35k per student per annum over the current numbers if the issues persist).*

Traffic Impact on Pymble Avenue

i) Increased usage of Pymble Avenue entrance - The Grey House Walk, which is the pedestrian access from Pymble Ave, is supposed to only be used for students who live in the nearby streets to access. Despite assertions from the school at the consultation that they thought this was still the case, there is a significant amount of traffic in peak periods where staff and students either park or get dropped off to access this entrance. The use of this as a drop-off zone is understandable given the gridlock at the main entrance of the school. The further development of this building and the additional students are only going to increase the number of students trying to access via the Grey House Walk and exacerbate the significant traffic and dangerous conditions that currently exist.

REQUESTED CHANGE: *Require the school to implement externally auditable measures (e.g. access card) to restrict access to the Grey House Walk to only students/staff that live within a 2km distance of the Grey House Walk. Council / residents should have to right to externally audit this data every 12 months.*

ii) Construction access – the Grey House Walk is supposed to be used solely by construction workers during the 2-year build time. This will take hundreds (in our estimation) of staff and students that currently use the Grey House Walk each day and force them to use the main entrance. There is already a long line of cars from the PLC main gate through to Livingstone Avenue and so this will likely cause complete gridlock, adversely affect residents much further afield.

REQUESTED CHANGE 1: *the proposed development is not approved until a traffic management plan (that includes ongoing consultation/oversight from local council and residents) that outlines and manages how the traffic conditions are to be addressed.*

REQUESTED CHANGE 2: *provide the local council the ability to suspend the construction works if the proposed traffic plan does not continue to meet the agreed objectives and conditions.*

Previous ineffectiveness in addressing past noise complaints

The current school administration have over the past 2 years been ineffective in addressing concerns of neighbours regarding the noise issues that came from having a dance studio house in a marquee right on the boundary with neighbouring residents.

Please see Appendix A (below) for a detailed account of the challenges of trying to work with the school to address the issues. Council was ultimately brought in, verified the completely unacceptable nature of what they were doing and implemented actions to finally address the problem. Ku-ring-gai Council can be reached to verify her involvement and views on working with PLC. I understand that council are also submitting their own objections to this proposed development.

REQUESTED CHANGE: *there needs to be very strict conditions relating to noise that are enforceable by Ku-ring-gai Council with substantial penalties for breaches of the conditions both during and after the construction.*

Appendix A – Previous issues with excessive noise at the proposed site

Below are the details of the efforts I made to get PLC to address the excessive noise from the dance pavilion. This was written up back in July of 2021 based on my dealings with the school. All my correspondence was via phone as throughout I tried to maintain anonymity, so I don't have definitive dates or notes until this year when I contacted Ku-ring-gai Council. I have tried to be as precise as possible but there is detail that is purely based on my recollection from previous years. I have also excluded names/roles of the people I specifically dealt with. These can be provided upon request.

I started contacting the school in either late 2018 or early 2019 outlining concerns with volume, frequency, and lateness of the music from the dance pavilion. This was initially through ringing the security guards and then I contacted the school reception and got put through to the office of a very senior staff member. I spoke with someone who worked closely with them and outlined my concerns. Over several phone calls to the same person this was repeated and reinforced, and I was assured they were looking into it. However, despite empathy and understanding from them and an assurance that measures were going to be taken, nothing seemed to be done from my perspective that made any difference.

I then contacted the school again and was put in touch another very senior staff member at the time. I spoke with this individual a few times. The senior staff member listened to my concerns and outlined what was being done by the school. They stated that they were undertaking investigative action and communicated that this included getting a consultant in, changing the sound system, talking with teachers about volume, doing sound checks etc. They did want to know exactly which house we were and for me to come in and meet with them, however I wanted to remain anonymous and from my perspective there was no need for either of their requests as clearly the music was way too loud...and it didn't need me there and nor did it matter where I lived as it clearly impacted many neighbours.

PLC security was also made available for us to call when there was a major issue with the noise. I made use of this fairly frequently (almost on weekly basis) and this ultimately may have been unwelcome for the security staff, dance teachers and students (not to mention the neighbours) but didn't resolve anything since the school continued to use a marquee as a dance pavilion which was not soundproof. The security staff did the best they could, and they assured me that they logged the details of every phone call and that each day it went to the senior staff member that I was dealing with. Whilst progress and communication from PLC was very slow from my perspective, ultimately, they appeared not to accept what I felt should have been obvious which was that the facilities were completely unsuitable and they weren't prepared to move or replace the facility until their longer-term building project, which was years away, solved the issue. After continued and protracted discussions, the senior staff member advised that they were amending the dance program. They were going to move several classes so that there were only 2-3 classes there a week and that they would only run for 90-min classes with nothing after a set time (I think it was 5.30pm). This seemed a reasonable compromise and we were happy to move to that compared to what we had been dealing with. This was agreed in the 4th term of 2019. Unfortunately, this only lasted that one term. When school started again in 2020 and dance classes were scheduled as they had been previously.

After trying to contact the senior staff member again, they seemed unprepared to do anything further to address the issue. Ultimately my further calls to them then went unreturned. Over the entire period of trying to work with PLC, aside from the reduction in frequency for that one term, the volume of the noise of the dance classes didn't vary to any noticeable degree. All the neighbours were exposed to music up to 6 days a week, regularly going from 3.45pm up to 7.30/8pm and often enough after 9pm. It would at times go all day Saturday and has also woken us up on Sunday mornings. I regularly recorded it at the fence line at 90dB and at 60dB inside our full brick house (with no open windows and approx 50m from the pavilion). It would usually be the same song (or part of the same song) playing repeatedly multiple times each week for the entire term.

After not getting a resolution after 12 months of trying to work with the senior staff member, I contacted the school to speak to another more senior member of staff. I spoke a number of times with another staff member that reception put me through to and on my behalf they spoke to this new, more senior person a number of times and advised me that they were going to call me, but they just wanted to get the background from the

previous contact first. However, I never heard back from them and despite repeated calls to reception, I never got to discuss my concerns directly.

Given the lack of progress, I lodged a formal complaint with Ku-ring-gai Council in Sep 2020. Council assigned it to a Senior Environmental Health Officer, on 23rd Sep who I gave the background to. There was some investigation done as to what action the council could take up with the school which took a couple of months. When this was clarified, given the time of year and with term wrapping up, it was held off until 2021 to do a site visit. They came out on site in February 2021. Standing outside at the back of our house, even though they came on a not particularly loud day for the dance studio, they immediately stated that it was clearly way too loud. When they observed the structure of the dance pavilion and stated unequivocally that it was not fit for purpose. They wrote to the school on the 1st of March asking for a response by 11 March. This was chased up by the Snr Environmental Health Officer when this original date was missed, and the school were given to 26th March. Interestingly, I had to ring the school security at 6pm on 18th March 2021 when there had been bongo drum music playing for 4 hours and it was getting noticeably louder in the 30 mins prior. When I rang security to see if they could turn down the volume, I noticed a very different response as after dealing with incredibly polite people for over a year (including this same guard), they were suddenly very unhelpful. They stated that the class will go to 7.30pm and that is within their scheduled time. When I asked if they would talk to the teacher to see if they could turn it down, they said that "You said last time that you were taking this up through the council and so unless you have a court order, they wouldn't be turning it down".

The school has since advised through council that they have made scheduling changes to move noisy classes away from that pavilion. Council installed a noise meter on the fence-line where they were not supposed to exceed more than 5dB over background noise (approx. 55 dB). PLC security have advised me that they check this every night and report it back to a senior staff member. Unfortunately, they still regularly scheduled noisy teachers/classes (one in particular) in the pavilion. This was escalated numerous times through council and PLC security even advised on the one time I rang them that the noise meter on the boundary was at 73dB. This correlated to the reading from my phone on the boundary and there were many times in preceding weeks where it was at this similar volume (well over what they were supposed to have). Any action taken by PLC did not adequately address this problem during term and ultimately (at the end of 2nd term) they advised that the one particularly noisy teacher would be not teaching in the pavilion from next term. The school had also previously advised council in their response that the pavilion would be relocated by October to another part of the school but had to wait for the site to be prepared and subject to development approval.

The council has been incredibly helpful and as a result we are finally seeing some improvements and actions taken.

As noted above, the above recollection was written in July 2021.