

4 April 2022

Brett.Devine@planning.nsw.gov.au

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

Dear Brett,

Written Objection - SSD-8993-Mod 3 – SCEGGS Darlinghurst Concept on behalf of the Horizon, SP 58068, 184 Forbes St, Darlinghurst

Thank you for providing the opportunity to comment on Modification 3 (**Mod 3**) to the Approved Concept Plan for SCEGGS Darlinghurst at 165-215 Forbes Street, Darlinghurst (**the Subject Site**). This objection is written on behalf of the Horizon, SP 58068, 184 Forbes St Darlinghurst (**our Client**), that is located directly opposite the subject site to the east.

The Horizon is a significant stakeholder in respect of this DA. The Horizon is a 43 storey tower comprising 243 residential apartments with a high (66%) owner occupier mix and approximately 400 residents calling the building home. Vehicular and pedestrian access is provided from Forbes Street, directly opposite the Subject Site. Apartments within the low rise of the building look onto Wilkinson House and Centenary Sports Hall. All apartments on the north, west and south side of the building look over the subject site with views towards the CBD.

It is noted that the proposal seeks to modify the existing Concept Approval in the following way:

- Minor extensions and increased height of the Wilkinson building envelope;

- Increased gross floor area for Wilkinson House by an additional 521.7 square metres;
- Minor revisions to the Concept Landscape Masterplan; and
- Amended road safety requirements for future development applications.

Our client, raised significant issues with the proposed concept plan and made representation to the Planning Assessment Commission (**PAC**) resulting in a Concept approval (**Approval**) that:

- Retained Wilkinson House; and
- Included conditions recognising the existing traffic issues and ensuring that both existing and proposed traffic issues would be resolved.

It is our opinion that the inclusion of Smart Design Studio as the project architect overseeing the Adaptive Re-Use of Wilkinson House is a positive outcome.

However, we strongly believe that the changes proposed to the Traffic condition (Condition B12((d)) are unacceptable.

The following sets out a detailed assessment of the proposed development based on a review of the Mod 3 documentation, a viewing of the site and adjoining properties and a detailed review of applicable planning controls.

1.0 Condition B12 (d)

As detailed in the Applicant's Section 4.55 (1A) Modification Statement, the following change is proposed to Condition B12 (d):

Traffic, Access, Car and Bicycle Parking

B12. All future development applications for new built form must be accompanied by:

- (a) *A Traffic impact Assessment that considers the traffic, transport and parking impacts associated with the construction and operation of the proposed development;*
- (b) *An updated Green Travel Plan outlining the measures to reduce private vehicle usage;*
- (c) *An Operational Transport and Access Management Plan; and*
- (d) *a ~~Road Safety Evaluation~~ design-based Road Safety Audit*

As identified by the applicant's traffic Road Safety Auditor at the top of Pg 3 of his traffic statement:

"In the previous section, it was already established that an existing stage road safety audit is not an appropriate tool for assessing the foreseeable road safety impacts associated with a development proposal. As such, a road safety evaluation, which includes an existing stage road safety audit, is also not an appropriate tool. By contrast, a more appropriate tool would be a design-based road safety audit (eg. feasibility stage, concept stage or detailed design stage road safety audit).

A design-based road safety audit would involve a review of the development proposal to understand the intention of the proposal and therefore identify likely road safety risks associated with that proposal. Whilst the audit type makes reference to a design, it is not always a design per se. The audit team merely has to understand what the intended development is, and that can be conveyed through many forms, such as a master plan, a written document including a worded description of the development, a concept/ detailed design, architectural drawings, landscaping plans, an artist impression, a video “fly through” etc. It is important to acknowledge that a design-based road safety audit does not necessarily need to be based on a hard-and-fast design..” Our underline.

Comment:

- One of the main concerns we raised with the original Approval was the existing traffic related problems caused by the operation of the existing School.
- We are concerned that the applicant will not be required to consider and resolve the existing traffic problems caused by the operation of the school and will only focus on the new work, watering down the Department and PAC’S condition of consent that were placed to resolve the significant traffic concerns of the community.
- **Figure 1** is a photo taken looking at the intersection of St Peters Street (closed) and Forbes Street, a dead-end street.



Figure 1: Photo taken from Intersection of St Peters Street (closed) and Forbes Street with Dead End in Distance

- **Figures 2 and 3** identifies existing on-street traffic problems that exist with the current operation of the school.

- In addition, our client's property has an internal driveway loop that operates like a Porte -cochere. Because of limited opportunities to turn-around parents often use this private property to turn around and to head south along Forbes Street.



Figure 2: Photo of Idling Buses in Forbes Street in AM Peak



Figure 3: Existing Traffic Jams within the Surrounding Local Street network

- We have been working directly with the City of Sydney in an attempt to resolve the existing traffic related issues and the conditions of consent issued by the PAC. These were seen as a compromise with the community and any watering down of those conditions is unacceptable.
- We would request that the Department undertake an independent review of the advice received by the Applicant's traffic road safety auditor and ensure that the condition is **not watered down**, and the school is required to address the existing and proposed traffic related problems identified above. The independent review should also include consideration of the traffic management plan for the precinct being finalised by the City of Sydney

2.0 Recommendations

It is in our professional opinion that Mod 3 is not acceptable in its current form and has unacceptable impacts on adjoining properties and should not be approved.

In summary, we are of the opinion that the application should be **part refused** with the refusal of any change to Condition B12 (d) for the following reasons:

- The existing approval by the PAC was seen as a compromise to the community and included the important retention of Wilkinson House and specific traffic conditions ensuring that the existing and proposed traffic issues would be adequately resolved.

- We are concerned that the modification to Condition B12 (d) will remove any opportunity to address the existing traffic problems.
- We are concerned that the focus from a traffic perspective will only be to address the additional impact of the proposed development, rather than both the existing and proposed traffic problems.

As stated above, we would request that the Department place significant rigor to the applicant's request to change Condition B12 (d) with an independent assessment by a road safety auditor to ensure that the existing and proposed traffic problems are addressed.

We thank you for the opportunity to outline our client's real and genuine concerns and offer to view the existing traffic problems firsthand from our client's property. Should you wish to discuss any of the details of this response please do not hesitate to contact **Jeremy** on 9690 0279 or jeremy@theplanninghub.com.au.

Yours sincerely,



Jeremy Swan

DIRECTOR | THE PLANNING HUB