

Commission Secretariat
Independent Planning Commission
Level 3
201 Elizabeth Street
Sydney, NSW 2000

15th August 2019

Dear Commission Secretariat,

Submission In Respect of SSD 8669

St Aloysius Proposed Stage 1 Works to the Middle Campus

This submission is being made to the Independent Planning Commission (hereafter referred to as the IPC) on behalf of the Craiglea Strata Committee. It incorporates the comments made by the author on behalf of the Strata Committee at the IPC Public Meeting held in respect of SSD 8669 on the 8th August 2019.

Craiglea is a heritage listed property that comprises 19 residential apartments. It is located at 49 Upper Pitt Street and 88 Kirribilli Avenue, and is adjacent to the eastern boundary of the St Aloysius middle school campus. The Craiglea Estate includes the heritage listed Craiglea House which comprises of 2 apartments.

Given the juxtaposition between Craiglea and the St Aloysius middle school campus, the Strata Committee holds serious concerns for the future amenity of their property if the stage 1 works to the middle campus proceed. They contend that if the development proceeds in the manner recommended by the NSW Department of Planning Industry and Environment (hereafter referred to as the NSW DPIE) that their right to the quiet enjoyment of their property will be seriously compromised.

In this submission I have addressed the matters that the Strata Committees would like the IPC to consider and address in its assessment and determination of this application.

1. THE LACK OF SUFFICIENT ONSITE CAR PARKING.

The NSW DPIE traffic and parking assessment (refer comments at page 70) identifies that the development can only achieve compliance with the North Sydney Council's car parking controls if the 17 car parking spaces that are currently used by the school at the Star of Sea Catholic Church in Willoughby Street, Kirribilli are relied upon. When these spaces are included the school has 43 car parking spaces, 13 spaces in excess of what is required under the North Sydney Development Control Plan.

It is our understanding that St Aloysius does not own the land that the Star of the Sea Church occupies. We can find no letter of owners consent nor the legal description for the Star of the Sea Church in the SSD application documentation. As such we question the validity of relying on car parking spaces that do not legally form part of this application. In the absence of such legal authority we contend that any assessment of car parking compliance can only legally rely on those car spaces that exist on the Schools landholdings.

In this regard, it is evident from the development application documentation that there are no existing on site car parking spaces at the middle campus. The proposed stage 1 works, notwithstanding that they involve the rebuilding of a new north east wing on the middle campus have not addressed this deficiency.

The proponent's justification for not providing additional onsite car parking is based on an argument that the school will not increase its current student numbers beyond the existing 1244 students and will maintain staff levels at 176 staff. This justification fails to have regard to:

- The part time and casual staff which bring the total number of staff employed at the school to 339 staff.
- The difficulty in legally enforcing a cap on student and staff numbers given the development application modification process under the Environmental Planning and Assessment Act 1979.
- The failure of the application documentation to address the significant out of hour's usage of the school for sport, school functions, and non-school related events.

The middle campus functions as the main campus of the school. It is the building that enjoys the iconic Sydney Harbour views. It is the campus where the Headmaster is based and where the School Chapel and Great Hall are located. It is the venue where the majority of school and non-school related functions occur. To be advancing major works to the middle campus that are looking to provide for the next 20 years of the schools operation and that fail to provide **any onsite car parking** does not constitute the economic and orderly development of the land in accordance with the objects of the Environmental Planning and Assessment 1979.

2. THE LEGAL ENFORCEMENT OF CONDITION A8 THAT CAPS STUDENT AND STAFF NUMBERS.

The proponent's justification for not providing additional car parking or open space relies on the argument that there is no increase in student or staff numbers.

The NSW DPIE has incorporated into the draft consent instrument, Condition A8 that looks to cap student numbers across the 3 campuses at 1244 students and staff numbers to 176 staff.

The Strata Committee is concerned that a future point in time when the population forecasts set out in the Greater Sydney Commission, Northern District Plan are realised, that St Aloysius will seek to modify Condition A8 and increase student and staff numbers accordingly. We ask that the IPC consider how the capping of student numbers can be legally enforced in the long term.

In respect to the 176 staff, this number relates to full time staff positions only and does not include casual or part time staff. Based on the information presented in the original SSD Application there are 339 full and part time staff employed at the school. On this basis we question the validity of Condition A8 that only looks to cap full time staff numbers. Again we hold reservations about how this condition of consent can be legally enforced.

3. THE OUT OF HOURS USE OF THE MIDDLE CAMPUS ROOF TERRACES

The SSD documentation has not accurately considered the cumulative impact of the proponents intended out of hour's use of the middle campus roof terraces. From the Proponents own Operation Management Plan we understand there are two roof top terraces that will host out of hours functions at the middle campus:

- The existing Chapel Terrace Roof will continue to host 54 out of hours events per year; and
- The proposed roof terrace will host a further 23 out of hour's events per year.

The combined total of these roof top events is 77 out of hour's events that will be hosted annually at the middle campus. Of these 77 events, 53 are school related events and 24 are non-school related events.

The permissibility and the cumulative noise and parking impacts of this extensive out of hours use of the main campus terraces has not been adequately examined by either the proponent in the SSD documentation nor the NSW DPIE in their assessment.

In terms of traffic and parking, as stated at Point 1 above, it is essential that the holistic out of hour's usage of the middle campus is considered. The holistic usage should consider the functions held at the roof terraces, the Great Hall and School Chapel.

In terms of noise impact we ask that the IPC consider the cumulative impact of event usage and introduce conditions of consent for the new roof terrace that:

- Limit the out of hour's use of the roof terrace to school related events only.
- Impose a start time for weekend events of 10am and an end curfew time for all events of 10pm except for the St Aloysius New Year's Eve school event which is to be 12.30pm.
- Limit the number of out of hours events held on the new roof terrace to the 13 school only events as identified by the proponent in their operation plan of management.
- Modify the standard hours of operation for the terrace during school days to a morning start time of 8am and a finishing time of 4.30pm instead of the 7.30am-5pm currently proposed bearing in mind that the Schools core operating hours as stated in the SSD documentation are 8.30am-3.30pm.

4. NOISE IMPACT

The Strata Committee requests the IPC to consider two design amendments to address the noise impacts of the development on Craiglea. These are:

- **Roof Terrace.** The proponents compares the use of the new roof top terrace to that of the existing quadrangle that it replaces. In our view they are not directly comparable. The roof terrace has been deliberately designed as a multi-purpose space. It will function as an active and passive play area, event venue, assembly auditorium, performance space, and outdoor classroom. To help mitigate the noise impacts the Strata Committee asks that the proposed painted concrete flooring of the terrace be replaced with a noise absorbing material such as an astro or rubber turf.
- **Mechanical Plant Rooms.** The floor layout for levels 1 and 2 of the new north east wing locate plant rooms on the eastern boundary at a point where there is very little setback between the two properties. As such the plant rooms will be directly adjacent to the windows of Craiglea apartments. We ask that these plant rooms be relocated away from the eastern boundary.

5. THE LANDSCAPING AND DESIGN TREATMENT OF THE EASTERN BUILDING ELEVATION.

The new north east wing building has an internal layout that will intensify usage of the middle campus building within 3.5 metres of the Craiglea boundary. The Craiglea communal garden area and the historic Craiglea House apartments will be directly overlooked by 8 new classrooms with extensive glazing treatments. While the NSW DPIE has recommended hinged privacy screens be added to the windows and Juliet balconies to mitigate overlooking, the Strata Committee remains extremely concerned that the screens will not adequately buffer overlooking into Craiglea.

The Strata Committee in its previous submissions argued that there was sufficient justification and indeed site area for increasing the side setback distance of the north eastern wing off the side boundary. In this regard the building is setback 8 metres at ground level. This setback reduces to 3.5 metres at the upper levels.

If a setback distance of 8 metres cannot be maintained across all levels then the Strata Committee feel strongly that it is important to provide a landscape visual buffer along the eastern boundary. Landscaping will also help to soften the building form when it is viewed from Craiglea.

Accordingly, the Strata Committee asks that the IPC consider design amendments that:

1. Increase the setback of the north east wing off the side boundary to 8 metres across all levels; and/or
2. Incorporate a deep soil landscaping zone that can support significant trees and shrubs to create a visual buffer along the eastern boundary interface.

Should the IPC determine that it is not possible to increase the setback or to provide a deep soil zone on the St Aloysius site, then the Strata Committee asks that the IPC impose a condition of consent that requires the proponent to provide additional landscaping on the Craiglea property along the boundary.

6. VIEW IMPACT

The owner of the top floor apartment in the historic Craiglea House (referenced as apartment 2) has serious concerns that the balustrade of the roof terrace will impact their iconic views to Sydney Harbour. We ask that the IPC amends the design of the balustrade by setting back and splaying its south eastern corner. This amendment can be accommodated without any reduction to the useable floor area of the terrace.

7. CERTIFICATION OF FINAL PLANS

As indicated at Point 5 above, the Strata Committee's primary amenity concerns relate to the eastern elevation of the new north east wing and the roof terrace design. Despite repeated requests to the proponent to see computed generated imagery of the proposed eastern building elevation these images have not been forthcoming.

The NSW DPIE assessment report identifies that further amendments are to be made to the landscape plans, roof terrace plan, the architectural plans for the eastern elevation and the lighting plans. The draft consent instrument identifies that responsibility for the final sign off these plans rests with the Principal Certifying Authority.

It is imperative that the Strata Committee has the opportunity to view and comment on the amended plans before they are formerly signed off by the Principle Certifying Authority. The Strata Committee asks that the IPC consider the approval process that is being put forward in the draft consent instrument and provides for further consultation with Craiglea prior to the release of the Construction Certificate.

8. LIGHTING IMPACT AND COMPLIANCE WITH AS 4282

There are drafting inconsistencies in the draft consent instrument that relate to the Australian Standard AS 4282. This Australian Standard was updated this year and we ask that the IPC ensures that the lighting impact assessment and all conditions of consent require compliance with the 2019 Standard and not the 1997 version.

9. CONSTRUCTION MANAGEMENT

The Craiglea Strata Committee has serious concerns about the seven year construction period.

It is their contention that it is imperative for the Proponent and their selected builder to closely liaise with immediate neighbours throughout the construction process.

The draft consent instrument includes conditions that address community consultation and require the proponent to liaise with neighbours however the wording of the conditions do not provide in absolute terms for the convening of a resident advisory committee.

The Strata Committee have been disappointed with the level of consultation that St Aloysius has undertaken with neighbours on this project to date. Should the project be approved, the seven year construction period will cause adjoining residents much duress. It is only fair and reasonable that the proponent and their builder be required to meet with the adjoining residents regularly to discuss construction concerns.

Accordingly, the Strata Committee requests that a condition be incorporated into the draft consent instrument that addresses the following outcomes:

- Establishes a Resident Advisory Committee for the duration of the construction process.
- Requires the Resident Advisory Committee to be comprised of two members of the strata committees from each of the residential properties that adjoin the St Aloysius landholdings that are the subject of the stage 1 works, two representatives of the Council Precinct Committee and a North Sydney Council representative.
- Schedules the first inaugural meeting of the Resident Advisory Committee to be held one month prior to the commencement of construction works on the site and thereafter on a quarterly basis until all of the external works for stage 1 are completed.
- Following the completion of stage 1 external works that the Resident Advisory Committee meet half yearly.
- That all Resident Advisory Committee meetings be held at the Kirribilli Neighbourhood Centre on a weekday evening.
- That minutes be prepared for all meetings and that the minutes be issued to all participants in draft for acceptance prior to being finalised.
- That the final minutes be placed on the North Sydney Council Precinct Committee website.

The Strata Committee is appreciative of the opportunity to identify their concerns with SSD 8669 and they ask that the IPC fully considers the matters raised in this submission in their assessment and determination of this application.

Yours faithfully,



Belinda Barnett

Director, Urban Concepts