



Woollahra
Municipal
Council

Megan McEwin
Councillor – Cooper Ward
Woollahra Council

22 October 2021

Commissioners Peter Duncan AM and Professor Richard Mackay AM
Independent Planning Commission

Dear Commissioners

Weigall Sports Complex, Sydney Grammar School (SSD 10421)

Thank you for the opportunity to present to you on Friday 15 October 2021 regarding the Weigall Sports Complex DA. This submission expands on the issues raised by Councillor Price and me at that meeting. I am focussing on the following issues and conditions:

- Truck movement and staging area during construction
- Traffic management and the Green Travel Plan (condition E13)
- Community Use (Condition F4-8)

I believe the development should not be approved in its current form. The conditions proposed by the Department do not go far enough in terms of minimising impact of the development on the local area, both during construction and after, in terms of traffic, noise and amenity. The conditions also do not provide the stated community benefit used to justify the approval.

1. Truck movement and staging area during construction

One of the major issues we have in the Eastern suburbs is that, following the closure of Driver Avenue for the building of the new football stadium, there is no longer a dedicated staging area for construction vehicles away from residential housing. This has resulted in trucks parking along Oxford Street and other residential streets in the early hours, causing the residents there all many of grief from the truck's air brakes and engine noise. Woollahra Council has alerted the relevant departments to the issue of a lack of staging area however to date this issue has not been resolved.

To avoid this scenario, the staging area for trucks for this development needs to be specified in detail as part of the conditions of consent and the staging area needs to be on Grammar land (namely the oval) as there is currently no other staging area available for trucks in the Eastern suburbs. Without an official staging area on Grammar land, trucks will have nowhere to wait except on local residential streets. This would be a completely unacceptable outcome to impose the noise impacts onto the local residents when the oval is available for such staging.

We cannot, as planning authorities, continue to ignore this lack of staging area when considering major developments like this one.

Likewise, with truck movement, the current plan is to have truck movement to the site via Vialoux Ave which is a quiet, small cul-de-sac with minimal traffic, residential houses and unsuited to major truck movements. Another option, namely Neild Avenue, is available to the school. Access and egress via Neild Avenue and the oval is the most efficient solution in terms of minimising disturbance to local residence of this large-scale development and also providing trucks with an appropriately wide road that is suitable for large trucks. The school's focus is obviously on maintaining their paying fields for students however this should be a secondary consideration when compared to the impact on the neighbouring residents.

As part of the conditions around construction vehicle movements, the school should be required as a condition of consent to:

- **Use the Grammar oval as a staging area for trucks and other construction vehicles;**
- **Have all truck and construction vehicle site access and egress via Neild Avenue;**
- **Provide a plan of how truck staging will be accommodated on Grammar land, not elsewhere.**

2. Post-Occupation Traffic Management and the Condition for a Green Travel Plan (condition E13)

Sydney Grammar relies on individual private vehicle trips as the primary way for students to get to and from the Edgecliff Prep school. I draw the Commission's attention to the following exchange with the Sydney Grammar Principal during the Woollahra Council Finance, Community and Services Committee meeting on 13 September 2021:

Councillor Price: *Dr Malpass, do your students cycle to school? Do you have a proportion of your students that cycle to school?*

Dr Malpass (School Principal): *No. No. The Edgecliff Prep boys being primary school boys, no they don't and with busy streets around here I wouldn't want them to be doing so. And for the Senior school boys who are up at College street, in the City, no they don't either. Our boys mainly take public transport or are dropped off by their parents.*

Judging from the traffic congestion at pick-up and drop-off, there is little evidence of the Edgecliff Prep pupils cycling, walking or catching public transport. Also, given the concerns expressed by the Principal regarding child safety, I am not convinced that the primary school boys will ever be encouraged to cycle to school. Given the age of the primary school children at the Edgecliff campus, there is little likelihood that children will be allowed by their parents to catch public transport to that school. The reliance in private vehicle trips has led to increasingly gridlocked traffic on Alma St, Lawson St and Glenmore Road at school drop off and pick up times. Not only has the school not addressed this issue over the many years I have complained both as a resident and a Councillor, these new plans envisage 102 new car parks coming off Alma Street which will exacerbate the problem. The real issue is that Alma Street is a small local street not suited to this volume of traffic.

What is needed is a mass transport solution with drop-offs at the bus-zone areas on Neild Avenue, not Alma Street. As detailed below, other private schools in the Eastern Suburbs operate private bus services for their primary and secondary school pupils in recognition of the fact that their pupils come from around Greater Sydney and therefore cannot easily make use of public transport to the Eastern suburbs.

Examples of other Eastern suburbs private schools providing buses for students from around Sydney:

- **The Scots College (Bellevue Hill)** - The Scots College provides subsidised [private bus services](#) to students from Monday to Friday. The service is extended to other family members who attend

neighbouring schools. There are 15 College bus routes, including to and from Sutherland, Mona Vale and Cronulla as outlined in this diagram:



- **Kincoppal (Rose Bay)** – Kincoppal offers a subsidised bus service for students living in the Sydney region. According to the school [website](#), “this service provides students with safe and reliable transport connecting them between home and School”. The routes are outlined on the school website as follows:

INNER WEST AND CBD	EASTERN SUBURBS	NORTHERN SUBURBS
<ul style="list-style-type: none"> • Earlwood • Marrickville • Stanmore • Annandale • Rozelle • Balmain • City – William St, Macquarie St, Circular Quay • Paddington • Woollahra • Edgecliff • Double Bay 	<ul style="list-style-type: none"> • Little Bay • Malabar • Maroubra • Eastgardens • Pagewood • Kingsford • Randwick • Coogee • Bronte • Tamarama • Bondi Beach • Bondi Junction • Double Bay 	<ul style="list-style-type: none"> • Hunters Hill • Riverview • Longueville • Greenwich • Willoughby • Northbridge • Cammeray • Seaforth • Balmoral • Mosman • Cremorne • Neutral Bay

- **Kambala Rose Bay** – According to the school [website](#), “Inspire Transport provides a dedicated school bus hire service for Kambala that picks up and sets down at the school gate each and every morning and afternoon of School term”. The bus route is as follows:

Stop	Pick-up time	Drop-off time
Cnr of Little Bay Rd and Namatjira Place	7:22 AM	~
Little Bay Rd Near Nurla Ave	~	4:24 PM
Anzac Pde Near Forrest St	7:24 AM	~
Anzac Pde Near Franklin St	~	4:19 PM
Anzac Pde Near Beauchamp Rd	7:26 AM	4:17 PM
Maroubra Rd Near Flower St	7:30 AM	4:16 PM
Maroubra Rd Near French St	~	4:15 PM
Malabar Rd - Maroubra Bay Public School	~	4:13 PM
Malabar Rd Near Liguria St	~	4:11 PM
Malabar Rd Opp Mermaid Ave	7:32 AM	~
Malabar Rd Near Denning St	~	4:10 PM
Malabar Rd Near Nymboida St	7:32 AM	~
Arden St Near Malabar Rd	7:35 AM	4:07 PM
Arden St Near Carr St	7:38 AM	4:05 PM
Coogee Oval, Arden St Near Dolphin St	7:40 AM	~
Arden St Near Dolphin St	~	4:04 PM
Arden St Near Burnie St	~	4:01 PM
Arden St Near Brandon St	7:44 AM	~
Macpherson St Near Leichhardt St	7:46 AM	3:58 PM
Leichhardt St Near Macpherson St	7:47 AM	~
Leichhardt St Near Bronte Rd	~	3:57 PM
Murray St Near Bronte Rd	~	3:56 PM
Murray St Near Gibson St	7:50am	~
Alfred St Opp Belgrave St	~	3:53 PM
Alfred St Near Birrell St	7:50 AM	~
Bondi Rd Near Watson St	~	3:50 PM
Glenayr Av Near Hall St	8:03 AM	3:43 PM
Glenayr Av Near Warners Ave	~	3:41 PM
Glenayr Av Near Blair St	8:05 AM	~
Blair St Near Mitchell St	~	3:40pm
School Students are picked up and dropped directly at the school gates	8:15 AM	3:30pm

As part of the conditions around the Green Transport Plan, the school should be required as a condition of consent to:

- Provide a subsidised bus service for students that reflects the locations where students reside in a way that minimises the number of individual car trips at pick-up and drop-off.
- Such buses should pickup and drop-off students at the designated bus bays on Neild Avenue to minimise traffic on Lawson and Alma Streets.
- The Green Plan should include minimum green transport targets with a goal of reaching 95% students using some form of green transport such as walking, cycling, public transport or subsidised buses.
- These targets should be tracked and monitored and where targets are not being met, a plan put in place for achieving those goals.

3. Community Use (Conditions F4-8)

The community benefit flowing from this development is given as the primary reason for approval. However, under the current proposed conditions, there is no commitment to sharing these new facilities with the local residents who will suffer from the lost views and increased traffic congestion and noise.

The current proposed conditions state that “*community use within the site must be restricted to organisations only, with prior agreement with SGS*”. This restriction means that the local residents most impacted by this development are officially excluded from receiving any benefit from it. SGS’s latest offer of holding “Open Days” for residents simply reflects SGS’s belief that the community is separate to the school and should only be given access one day a year. Local residents do not lack access to “Open Days” – residents lack access to facilities to swim and play basketball. An “Open Day” would do nothing to provide those services that the area is sorely lacking.

Woollahra LGA does not have a public swimming pool nor any multi-use courts in or around Edgecliff. Local parents struggle as a result to find swimming lessons for their children and local kids have nowhere to play basketball or netball.

As an example of what can be done by private schools to provide community benefit, the Ascham School (in Edgecliff) offers local girls access to their after-school swimming and gymnastics classes. To my knowledge, this has not resulted in attacks or other danger to the Ascham students. What it does do is shows that the school is part of the local community and is willing to share its privilege in having first-class swimming pool and gymnastics facilities with the local community. Despite this community-minded service offered by Ascham, there is still pent-up demand for swimming classes and other services that could be met by SGS’s facilities if it were truly interested in providing community benefit from this development.

My concern, based on my interaction with SGS and the way SGS currently guards the Edgecliff playing fields like a fortress, is that SGS believes it has a duty under child protection laws to actively exclude the local community from the site. The playing fields are currently locked up all hours of the day and are inaccessible to everyone except SGS students, parents and staff, even when there is no one using those fields. My concern is that the same approach will be taken in relation to the new facilities, with the local residents receiving no benefit and only detriment from the new buildings and increased traffic.

The importance of SGS’s exclusion of the local community is highlighted again in the following transcript of an exchange between Councillor Shields and SGS Principal Dr Malpass during the Woollahra Council Finance, Community and Services Committee meeting on 13 September 2021:

Cr Shields (approx. 1.35.23 to 1.36.33: *Dr Malpass thank you very much for coming tonight. Your points that you raised about Child Protection Safety are very powerful. Umm I am a parent of three children at school so it’s an issue that I’m always very conscious of and making sure that the safety of our children are paramount.*

But I am just interested in your logic, when you are talking about this. You have mentioned there are two issues, one is the playgrounds, sorry playing fields (number one). You mentioned, Sydney Grammar uses Rushcutters Bay Park for training facilities and for games. And in my day, Sydney Grammar also used Reg Bartley Oval (not sure if you still use that now). These are playing fields that are open to the public, and they are open to people walking past. So can you address that point to start off with, please?

Dr Malpass: *Yes I certainly can. I think you potentially misunderstand my very first point. The playground concept, is for the Edgecliff Prep School on Alma Street. And now yes we certainly continue to use Reg Bartley, as you are aware there are a paucity of fields in the inner city and eastern suburbs. And like most schools, yes, for our senior school students, for our boys in College Street Senior School, obviously with supervision from our staff, they are there and yes indeed there is a degree of risk. No school would be able to manage the fixtures against other schools if these public sites were being unused.*

What I am talking about it is the Weigall Fields being the protected playground for primary school kids at the Edgecliff Prep School between the ages of 5 and 12. When they go out there that is their playground. No school is going to have their school playground, intersected by a public path or a public walkway or anything of the sort, like that. That's what I am talking about. Yes we also use the Weigall fields, for Saturday fixtures of course all the way though but my chief concern is for those primary school boys and that being their playground on a daily basis. So that is rather a different order of business from us hiring public parks in order to run Saturday fixtures, which are in themselves usually looked after in the order of ratio of supervision 1:10 or 1:12 or 1:15, but when you are running 350 boys on a playground, and you have got them sprawled across the extent of those Weigall fields as you see, and that is as I said, that is there only place to go. That is my concern and I consider that a pretty substantial child protection concern, when that is exposed, when that site security is compromised.

Cr Shields: *Ok I attended two schools in the eastern suburbs, for both primary school and for high school. The primary school that I attended was Double Bay Public School. Double Bay Public School, the only oval that we had, the only playing fields we had was Steyne Park. That is a public park that people walk thru, that people walk around. Using your logic here Dr Malpass, is that a child safety problem right now with Double Bay Public School?*

Dr Malpass: *Look I can't speak for another school, I am sure you can appreciate that I cannot speak for another school. Yes I would consider that to be compromising of child safe standards. We have to make, let me give you an example of College Street here. I am an ex-Grammar boy, and I remember back in the day in the early 1990s, the College Street site in the city had entries unmarked all over the place. Now we have one manned entry point, and we make sure we vet every single person who comes on the site and we are not alone in that regard.*

Child Safety Standards have changed remarkably since you and I were boys, and I'm afraid Child Safe Standards have changed very acutely in terms of site protection and child protection overall. So in answer to your question, whilst I can't speak for any other school, no, the description you have just offered me is not something that I would regard particularly in a primary school setting to be a safe way of managing your child safety obligations.

Cr Shields: *So yes you have touched on your age, and I think you are a bit younger than me. But when I was a high school student, I played sport at Weigall, not for Grammar but for another school, umm and I did note that there was a pathway, a public pathway in between the old White City Tennis Courts and Weigall. People went from Alma Road all the way to New South Head Road. People walked past the fields all the time... the playing fields and the playground. So you're saying that wasn't a child safety issue?*

Dr Malpass: *I think it was a child safety issue to an extent, although we didn't own Weigall 4 in those days and therefore you weren't technically walking through Grammar land, you were walking past Grammar land, you weren't walking through Grammar land. But indeed going alongside that, yes I am afraid, child safe requirements, the Office of the Children Guardian, didn't exist.*

There are so many changes to Child Safe Regulations in this State and indeed in this country. Ahhh I think the notion Councillor that you are trying to suggest that we are just getting a little bit carried away with child protection here, I am sorry, but legislatively there are enormous requirements and regulations that we have to adhere too. Not least because it is the right thing to do by children, ahhh and I am afraid in trying to dismiss these concerns, I am rather worried about the attitude of at least one of you, with regards to what is right with schools. I am not getting carried away here and hanging my argument on some sort of petty threat here... this is a fundamental in schools, and I'm afraid, anecdotal recollections of what seems to be ok in the past, simply do not pass muster here and it is my responsibility and I may sounds aggressive and passionate about this, but it is legally my responsibility to protect my boys.

Cr Shields: *Ok so you're, you're, to any parent that is listening to this going to another school in the eastern suburbs, that uses a public park for their playground, they should be worried using the argument you have just given?*

Dr Malpass: *Ahh can I just repeat what I said before, I'm not here to speak on behalf of other schools, I am here to speak on behalf of Sydney Grammar School. I really don't see the point in this line of questioning. Other Schools can do what they wish and answer to their parents and to their communities as they see fit. You are simply trying to push the line that child protection is a frivolous issue. I...*

Cr Shields: *Sorry I take offense to that sir and I ask you to withdraw it. Immediately.*

Dr Malpass: *Ahhh I don't think I will withdraw it. You have hammered this point several times, you are trying to find a way of saying that child protection is not significant here.*

Given the loss of views, amenity and increased traffic congestion and noise stemming from this development, the school must find ways to provide community benefit to the local residents impacted by the development. This can be achieved without risking the safety of the children, just as Ascham has demonstrated by opening up after-school swimming and gymnastics classes to local kids without risking their own students.

There is currently no obligation on the school to put forward a proactive plan of how it will achieve the forecast community benefit. Given the community benefit is used to justify the approval of this development, the provision of the community benefit must be documented and set in stone rather than being left to a future time.

As part of the Part E (pre-occupation) conditions, the school must be required to:

- **Devise a Community Use Plan (CUP) that:**
 - **Stipulates how the community benefit will be achieved;**
 - **Includes access to local residents and families, not just organisations;**
 - **Demonstrates agreement with local public schools such as Glenmore Road Public School or Darlinghurst Public School for use of SGS swimming pool, mixed used courts and playing fields; and**

- **Includes a plan for before and after-school access to the pool, courts and playing fields by local children and also nearby residents affected by the development.**

As part of the Part F4-8 (post-occupation) conditions around the Community Use, the school should be required as a condition of consent to:

- **Provide community access to local families and residents, not just organisations only;**
- **Like Ascham, open up after-school activities such as swimming, basketball and netball classes run by SGS to non-SGS students; and**
- **Allow nearby residents to use the pool, courts and playing fields during before and after-school hours when pupils are not using the facilities.**

Please contact me if you have any queries regarding this submission,

Yours sincerely

Megan McEwin
Councillor – Cooper Ward
M [REDACTED]