

## Additional Submission – Independent Planning Commission Panel

### Weigall Sports Complex, Sydney Grammar School

The following commentary is offered in relation to the Department’s Assessment report and in the interest of being succinct the submission responds to the major conclusions drawn in the Executive Summary:-

- The Department concludes that the proposal is in the public interest and recommends that the application be approved subject to conditions.

#### Comment

**Normally the grounds for approval (“public interest”) used when there is little to no planning merit in the development.**

- The Department identified traffic and parking, building location, amenity, built form, and removal of trees as the key issues for assessment.

#### Comment

**Agreed and all matters are inadequately addressed in the evaluation and assessment of the proposal**

The Department’s assessment concludes that:

- the development would introduce enhanced sporting facilities for the Sydney Grammar School that can be shared with external organisations, including other schools. Consequently, the need for the development within the Weigall sports grounds is justified.

#### Comment

**The sharing of the facility with “external organisations” is not a positive but a negative and raises the issue of commercialisation of the facility and with it the extended use of the hours of operation of the facility. To limit the impact of the proposal on the neighbourhood and locality it is logical to limit the hours of operation and restrict external use of the facility; if the business model of the facility is dependent on external use, then it raises the concerns regarding the future operation of the facility.**

#### The proposed hours of operation are:-

“ The period from 7am to 6pm on Monday to Saturday, and 8am to 6pm on Sundays and Public Holidays

**There appears no justification for Sunday operation; there must be some recognition that the facility is poorly located and is surrounded by residential development.**

- the proposal is sited within the least flood affected area of the Weigall sports grounds, avoids the loss of and impacts to the existing sports fields used by the school and maintain existing landform features used for spectator seating.

### Comment

This statement makes a mockery of the locational analysis undertaken within the SEE if the department is only able to conclude that the facility is sited within the “least flood affected area”.

We repeat or initial submission conclusion which was:-

### Conclusion

On the basis that a case can be made for the Facility (given the relatively low stated and proposed usage rates) the first contention is that the Facility is in the wrong location with discarded options having less external negative impacts than the pursued option particularly in view of the preferred sites location within the Paddington Heritage Conservation Area (HCA) and its incompatible relationship with surrounding and adjoin development.

The relative silence on the location of the facility by the Department seems to be based on the fact that neither Council objected; specifically on Page 39

- 6.2.6 Neither the relevant Council nor the adjacent Council, City of Sydney objected to the site selection / location of the buildings. However, Council provided comments on amenity impacts of the development (which the Department has considered at **Section 6.3**).

The above is not a sound planning justification for selection of an inferior location of the facility.

- However, the Applicant has not sufficiently explored all possible locations for the development within the Weigall sports grounds, that would satisfactorily minimise the view loss and other adverse amenity impacts on the neighbouring properties to the south of the site, along with considerations for flooding and/or loss of play space.

### Comment

Seems to support the proposition that the least favourable site has been selected. All consideration within the review by the Department appears to be to try and fit a “square peg in a round hole” – post rationalisation of a poor site planning decision.

- the proposed siting of and scale of Building 1 is not entirely satisfactory as the eastern section of the building (program pool wing) would result in view loss and other amenity impacts on the adjoining properties to the south, in particular, north facing apartments located within 8 Vialoux Avenue.

### Comment

Agreed and inadequately addressed in the evaluation and assessment of the proposal.

- the school's need for access to enhanced sports/recreation facilities does not outweigh its impacts on the amenity of the neighbouring properties, namely view and vista outlook. Consequently, the location of the Building 1 cannot be considered a balanced approach, if the design of Building 1 is pursued in its current form.

**Comment**

**Agreed the proposed built form is unacceptable within its context.**

- for Building 1 to be sited at the location within the site preferred by the Applicant, the Applicant should be required to undertake additional design amendments to ensure that the view loss impacts on the apartments at 8 Vialoux Avenue are acceptable. The Department has consulted with the Applicant in this regard and recommended a condition requiring the design of Building 1 be amended by increasing the setbacks of Level 1 and 2 of the eastern portion of Building 1 (program pool wing) from the southern boundary / 8 Vialoux Avenue. The Department considers that this amendment would improve the view loss and amenity impacts at 8 Vialoux Avenue, but also mitigate impacts to other buildings along the southern boundary.

**Comment**

**The imposition of conditions to amend a poor building design historically have proven in other similar circumstance, ineffectual in resolving the design flaw nor do they lead to an acceptable design outcome. The applicant should be requested to redesign the building and ensure that all the design issues can be resolved by design changes and refinements.**

- the proposed buildings, in their current form, would not have significant adverse amenity impacts on the neighbouring properties in terms of overshadowing, overlooking, light spill or operational impacts. However, importantly some elements of overshadowing would also likely be further improved by the recommended amendment of Building 1 built form.

**Comment**

**It is unclear within the assessment how the authors can arrive at the conclusion that the proposed buildings .... will not have a significant impact; given the summary of factors to date including:-**

- **Selection of an inferior site location**
- **Building that results in :-**
  - **Loss of Privacy**
  - **Loss of View/outlook**
  - **Loss of Sunlight**
  - **Loss of Acoustic Privacy**
  - **Loss of key significant trees**
  - **Loss of on street parking spaces**

- subject to the recommended amendments, the proposed variation of the height and floor space ratio controls in the Woollahra Local Environmental Plan 2014 in relation to Building 1 is considered justified and acceptable.

**Comment**

**We repeat one of the conclusions drawn in our initial submission to the public exhibition:-**

**Conclusion**

**The prevailing planning controls do not support nor do the instruments contemplate a Facility, such as that proposed in the current location; indeed, when the objectives of the Private recreation RE2 zone are examined, the proposed use is inconsistent with the zone and the objectives.**

**The suitability of this location should be the subject of a “Planning Proposal” and the associated rigour of this process rather than relying on a “development application” process to legitimise an incompatible development not only with its underlying zoning but within the context of the surrounding residential areas.**

**On Page 81 the SEE states that the facility is “consistent with the Objectives of the RE2 zone”; our contention is that this statement is incorrect and reinforces the fact that the site is the wrong Location.**

**On Page 23 of the Assessment the department seems unconvinced as to the permissibility of the facility and quotes:-**

4.2.7 Notwithstanding the conclusions reached above, clause 4.38(3) of the EP&A Act allows development consent to be granted despite the development being partly prohibited by an environmental planning instrument.

**Given the apparent uncertainty as to the permissibility of the facility within the zone we are uncertain as to how the Department can conclude that variation to development standards is “justified and acceptable”**

- except for the eastern section of Building 1 (which would result in adverse view and amenity impacts), the remainder of the development would achieve a high standard of design, appearance, and materiality, responding to the surrounding context.

**Comment**

**The built form does not site in context with the edge of the Paddington Heritage Conservation Area.**

- subject to the recommended amendments, the development when revised would not result in adverse heritage or visual impacts, and would not obscure any identified significant views along Alma Street.

**Comment**

**Do not see the rationale upon which this conclusion is drawn within the assessment.**

- the majority of the proposed tree removal is considered acceptable, subject to the Applicant further exploring opportunities to retain additional trees along the Neild Avenue frontage prior to tree removal occurring.

**Comment**

**This text and underlying commentary seem contrary to all inner urban “place” planning principles that have evolved over the past few decades; contrary to Tree Preservation principles and urban heat sink planning and so on.**

- the new landscaping works would include satisfactory replacement planting, as well as maintaining and improving the overall existing tree canopy of the site.

**Comment**

**This may be a conclusion that can be drawn in 50 years; the proposed landscaping will not “maintain nor improve” the overall existing tree canopy of the site.**

- the road network can accommodate the development, subject to the preparation and implementation of a Green Travel Plan, Operational Plan of Management (OPM), Operational Traffic Management Plan, and Local Area Traffic Management Plan.

**Comment**

**Fundamental traffic planning issues cannot be resolved by a series of management plans.**

**There appears little consideration regarding the cumulative impacts of the expected traffic generated by the facility particularly during the peak period of use of the facility; bringing vehicles into a highly trafficked area to “drop off and pickups” reinforces the poor location of the facility.**

**Parking associated with the facility will be directed along Neild Avenue into the narrow streets of Lawson Street then Alma Street;**

**The drop – off roundabout from Neild Avenue: is poorly located and has insufficient queuing distance to cater for the expected vehicles and is restricted to a left in and left out movement.**

**The driveway location will not allow a motorist after drop off to merge across the eastern lane of Neild Avenue to exit into Boundary Street, thus the only reasonable safe movement will be to continue into Lawson Street or Brown Street returning to Boundary Street via Neild Avenue; either way the traffic will be forced into the Paddington Precinct will be substantially increased.**

- sufficient on-site pick-up/drop-off facilities and car parking spaces would be provided to accommodate predicted vehicle queuing demand.

**Comment**

**See above; there is a major conflict resulting from the proposed drop off area accessed from Neild Avenue. Any site inspection of the property would identify this as a major issue.**

- internalisation of Sydney Grammar School Edgecliff on-street pick-up/drop-off vehicle queuing into the car park building would address existing traffic issues on Alma Street.

**Comment**

The facility will result in the intensification of activity in this confined portion of Darlinghurst/Paddington and will automatically generate additional heavily trafficked precinct with constrained access roads.

It was hoped Departments assessment of the application would have addressed questions that arise from the application lodged by the School. These questions were raised in our original submission to the Exhibition.

These were:-

- Has the location and alternate locations for the facility been rigorously tested against key environmental planning criteria?  
The answer remains NO.
- Do the prevailing planning controls envisage a facility of the scale and nature proposed in the SEE?  
The answer remains NO.
- Is the Facility consistent with the zoning objectives of the site?  
The answer remains NO.
- Has the traffic planning and impact on the road network influenced the design of the Facility?  
The answer remains NO.
- Evaluated against key environmental planning criteria and associated impacts; is the Facility a suitable and compatible form of Development within its context?  
The answer remains NO.
- Is approval of the Facility in the Public interest? .  
The answer remains NO.

Despite being an adjoining land owner and directly affected by the scale and location of the facility the proposal is flawed, as evident in the Departments assessment, on a number of criteria including:-

- Location & Context
- Planning Controls
- Access & Parking
- Height, Bulk & Scale – Impact on Adjoining Residential Amenity

The Development in its current form should be rejected