

Mr. Stephen Barry
Planning Director
Office of the Independent Planning Commission NSW
Suite 15.02, Level 15
135 King Street, Sydney NSW 2000

18 November 2022

Response to Request for Information Pymble Ladies College - Grey House Precinct (SSD-17424905)

Dear Stephen

I am writing in response to the Independent Planning Commission's (Commission's) correspondence dated 16 September 2022, in relation to State significant development (SSD) application for Pymble Ladies College - Grey House Precinct (SSD-17424905) lodged by Pymble Ladies College.

The Department notes the Commission's comments that it is concerned about the potential visual, privacy and social impacts of the proposal on the adjacent residences. The Department also understands that in its consideration of the Application, the Commission considered it would be assisted by the Department organising additional assessment material as set out in the Appendices attached to the Commission's letter (**Attachment 1**).

The Department has provided its comments in response to each of the requested additional assessments below.

1. Photomontages from specific locations

- *From specific locations identified in Attachment B (subject to resident consent):*
 - *57A Pymble Avenue – rear courtyard, ground floor living room and upstairs bedroom/study.*
 - *59B Pymble Avenue – rear deck, rear garden, pool area and dining room.*
 - *53 Pymble Avenue – rear private open space/pool area, including any living areas at the rear.*
- *Photomontages from these locations to include:*
 - *Proposed development with proposed trees/vegetation at mature age.*
 - *Proposed development without proposed trees/vegetation at mature age.*
- *Photomontages to be prepared consistent with the requirements of the Land and*

Environment Court's adopted policy for photomontages.

- *Photomontages to be presented in A3 (full page).*

Comments:

The Department informed the Applicant of the Commission's advice on the above matter. The Department also informed the Applicant that the Commission's assessment would be assisted by the Department organising additional assessment material including photomontages. The Department requested the Applicant respond to the Commission's request to prepare the additional photomontages to supplement those contained in the Environmental Impact Statement (EIS) and the Response to Submissions Report (RTS). On 30 September 2022 and 11 October 2022 the Applicant advised that they did not believe it necessary to provide additional photomontages and declined to assist in their preparation but did agree to provide CAD drawings, if required.

The Department subsequently engaged (on behalf of the Commission) a specialist photomontage consultant (Vastu Australia Pty Ltd) to prepare photomontage drawings from specific locations identified by the Commission. Access to the relevant adjoining properties to facilitate the taking of base photos was organised by the Commission. The consultant confirms the photomontage drawings have been prepared consistent with the requirement of the Land and Environment Court's adopted policy for photomontages. The drawings are provided in **Attachment 2** and are provided electronically for printing at A3.

2. Visual impacts

- *Department's assessment of the visual impacts on the properties listed above, giving consideration to the additional photomontages.*
- *Regarding the photomontages prepared for the Applicant's VIA, Department's assessment of how those photomontages appropriately represent the scale of the proposed development – particularly for the photomontage view from 57A and 53 Pymble Avenue.*
- *Department to provide further assessment on whether the proposal appropriately transitions to the R2 zone given that no buildings of comparable scale to the proposal currently exist on site, and the residential flat buildings referred to in the Department's Assessment Report are more than 500m away (and not visible from the affected residences).*

Comments:

Department's comments in relation to each item are provided below.

- *Department's assessment of the visual impacts on the properties listed above, giving consideration to the additional photomontages.*

Response: The Department has reviewed the additional photomontages prepared by Vastu Australia Pty Ltd in **Attachment 2**. The development, as depicted in the additional photomontages, is not inconsistent with the development depicted in the Applicant's photomontages in the EIS, EIS Appendices and the RTS.

The Secretary's Assessment Report (AR) acknowledges that the proposed building would not be of similar scale to the immediately adjoining low scale dwellings. However, on balance the development is supported based on the reasons provided in paragraph 6.3.27 of the AR.

The Department's conclusion regarding the visual impacts of the development on the adjoining properties has not been altered in light of the additional photomontages provided.

- *Regarding the photomontages prepared for the Applicant's VIA, Department's assessment of how those photomontages appropriately represent the scale of the proposed development – particularly for the photomontage view from 57A and 53 Pymble Avenue.*

Response: The photomontages have been prepared by an independent and suitably qualified consultant. The Department has no reason to believe that the photomontages do not correctly represent the scale of the proposed building.

- *Department to provide further assessment on whether the proposal appropriately transitions to the R2 zone given that no buildings of comparable scale to the proposal currently exist on site, and the residential flat buildings referred to in the Department's Assessment Report are more than 500m away (and not visible from the affected residences).*

Response: As indicated in Figure 35 of the AR, the building has a comparable scale with the existing buildings within the Pymble Ladies College (PLC) campus. The Department also notes that high density developments are located in the vicinity of the PLC campus and also in the vicinity of the low-density dwellings. These existing high-density developments do not provide an interface with the low-density environment and are highly visible from various areas of the surrounding residential area, including the wider Pymble Avenue area.

As the Commission would be aware, the Department (with agreement from the Commission) appointment GML Heritage as an independent heritage expert to assess the impacts of the development on the adjoining and nearby heritage conservation area as well as the overall character of the significant buildings on the site. As iterated in paragraph 5.9.3 of the AR, GML Heritage concluded that the proposed development would not have a significant visual impact on the nearby heritage conservation area.

As discussed in section 4.3 of the AR, the Department notes that the PLC campus has been zoned specifically under the Ku-ring-gai Local Environmental Plan 2015 for use as a school (SP2 Infrastructure (Educational Establishment)) and not for low density residential development. Section 6.3 of the AR provides a detailed assessment of the Applicant's position on the visual impact of the development on the wider surrounding area and the adjoining dwellings (paragraph 6.3.6 and 6.3.14). The Applicant's Visual Impact Assessment acknowledges the development would have a high/moderate visual impact on dwellings at 59B and 57A Pymble Avenue.

The Applicant consulted with the State Design Review Panel (SDRP) who, following consultation, post -exhibition of the EIS required the introduction of a podium to provide a step in the building to minimise the visual bulk. This is further discussed in the AR in sections 5.3 and 6.3. The Government Architect (GA) also reviewed the final design of the development after the lodgement of the RTS and, as indicated in paragraph 6.3.19 of the AR, the GA has not raised significant concerns regarding the visual impact of the proposed development on the adjoining dwellings, acknowledging that the building would have large setbacks and has been stepped where possible with landscape screening. The Department concurs with the SDRP's conclusions and GA's comments and considers that given the large setback, the building would be provided with a reasonable transition to the adjoining low-density developments.

The Department considers that the circumstance is comparable to a situation where a R4 zone (high density) development adjoins a R2 (low density) zone. A high density residential flat building is generally allowed on such a high/low density interface where the Applicant demonstrates that the building is consistent with building setbacks and separation guidelines in the Apartment Design Guide (ADG). Based on this, the AR considers the proposal against the principles of the ADG and has assessed the proposed setbacks to be reasonable.

In assessing the proposal, the Department concludes the development would have a high to moderate visual impact on three adjoining properties which is consistent with the Applicant's conclusions. However, the development would provide a wider benefit by providing contemporary school and education facilities and a child care centre that can be accessed by the wider community. The improvements and enhancements to existing school and community facilities are consistent with the strategic directions applicable to the site (Greater Sydney Regional Plan, North City District Plan etc.) as discussed in paragraph 3.2.1 of the AR.

The Department notes that there are other SSD projects for independent schools where high density vertical buildings have been approved adjacent to or in the vicinity of low density and

two storey residential environments, considering the overall merits of the proposal. This proposal is consistent with the previous approvals.

3. Solar diagram

- *Department to provide assessment of the accuracy of the shadow diagrams prepared by the Applicant, particularly in relation to the overshadowing impacts to 57A and 59B Pymble Avenue.*

Comments:

The Department engaged Certified Energy Pty Ltd (on behalf of the Commission) to assess the accuracy the Applicant's shadow diagrams. Certified Energy prepared test diagrams (**Attachment 3**) and confirmed that the Applicant's shadow diagrams are generally consistent with the test diagrams.

Consequently, the Department has no further comments in this regard.

4. Site location

- *In the Department's Assessment Report, the Department notes that the Applicant had undertaken an options analysis for the proposal which explored alternative locations within the PLC campus*
- *Department to provide assessment of the alternative locations within the PLC Campus that had been considered and why the location of the proposed building is the most suitable location within the campus (see AR 6.3.24), noting that the EIS does not go into detail or specifically identify/discuss alternative locations within the campus.*

Comments:

The Department's assessment in paragraph 6.3.24 of the AR includes a brief assessment of the options for locating the proposed building within the PLC campus. The assessment is based on the information submitted in the Applicant's EIS and the EIS appendices (including the Design Report and the Biodiversity Assessment Report).

In response to the request for information from the Commission regarding the adequacy of the Applicant's options analysis, the Applicant was requested to provide further documentation relating to an "alternative site location analysis" (**Attachment 4**).

In its response to the Commission's request, the Applicant advised that an analysis of the suitability of the site and alternatives considered has been provided in chapter 3.02, Appendix 9, Architectural Design Report in the EIS ("Suitability of the site and alternative considered").

Additionally, the Applicant provided a further response summarising the options analysis (**Attachment 4**) for locating the proposed building within the PLC campus.

The options analysis generally follows three key principles in choosing the appropriate location for the proposed building:

- *biodiversity value* - to protect, enhance and promote the biodiversity values.
- *the existing three clear precincts on site as identified in the Concept Masterplan* - to reinforce consistency with the Masterplan; consider proximity to current teaching and learning spaces; to assist in a clear wayfinding strategy and travel distances between lessons for the students and staff over the expansive college; and improve safety and timetabling issues currently on site.
- *avoid demolition* - to avoid the need to demolish existing buildings based on building condition, urgent and short to medium term refurbishment or replacement of buildings.

Based on the above principles, the Applicant's option analysis concludes that the proposed location is most preferred as it would have the least impact on the biodiversity values of the site, would be in proximity to the other junior school classes, follow the principle of grouping the various learning areas as identified in the Concept Masterplan and would be easily accessible from the car parking and drop-off/pick-up areas. The options analysis has also considered impacts on the neighbours in identifying site selection options.

As advised in the AR, the Department agrees that the proposed location as a preferred option on balance, due to the reasons provided in the Applicant's EIS. The site selection reasons have been reinforced in the Applicant's response to the Commission's request for further options analysis information. The Department continues to support the conclusions made in the alternative location analysis provided by the Applicant.

The impacts from the siting of the building would be mitigated via various measures proposed by the Applicant and additional conditions of consent recommended by the Department. Notwithstanding, the development would have residual impacts that would not be mitigated, including that it would alter the adjoining residents' outlook over the adjoining PLC campus. The development would also result in increased over shadowing of the adjoining properties. However, despite this increase, it is compliant with the requirements of Kuring-Gai Development Control Plan and the principles of the Land and Environment Court that stipulate acceptable solar access to the adjoining neighbouring properties during winter solstice, between 9am and 3pm, to be 3 hours.

Notwithstanding, the Department acknowledges that the proposed location of the building would result in impacts on the immediately adjoining neighbouring buildings. If the Commission considered it appropriate, additional conditions could be imposed requiring the Applicant, at no cost to the neighbours, to provide additional vegetation/architectural screening elements within the adjoining properties (where agreed to with the landowners).

5. Social Impacts

- *The Applicant's SIA provides an assessment of social impacts, having regard for the likelihood and potential magnitude of impact arising from the construction and operation of the proposal. It is noted that the SIA identified that social impacts are likely to be experienced mainly in the construction period.*
- *Department to provide further assessment of how magnitude levels for predicted social impacts (for both construction and operation) have been determined regarding consideration of magnitude dimensions: extent, duration, severity or scale, intensity or importance and level of concern/interest.*
- *Department to provide further comment outlining how likelihood levels have been defined, specifically for impacts on adjacent neighbours, noting that proximal neighbourhood impacts have been defined as 'possible' and that wider community benefits have been defined as 'almost certain'.*
- *Department to assess any residual impacts on neighbours and how these will be managed outside of the standard mitigation strategies proposed.*
- *Department to provide further assessment of how the increased scale of structures on campus may impact upon surrounding resident's way of life, amenity and sense of privacy with respect to 59B, 57A and 53 Pymble Avenue.*

Comments:

In response to the request for information from the Commission, the applicant provided a Social Impact Assessment Addendum (SIA Addendum) in **Attachment 5**.

The Department has reviewed the Applicant's SIA Addendum information and conducted a preliminary desktop assessment in response to the social issues raised by the Commission. A summary of the findings is provided below, considering each of the matters raised by the Commission.

- *The Applicant's SIA provides an assessment of social impacts, having regard for the likelihood and potential magnitude of impact arising from the construction and operation of the proposal. It is noted that the SIA identified that social impacts are likely to be experienced mainly in the construction period.*

Response: The Department agrees that the Applicant's SIA identifies that social impacts are likely to be experienced mainly in the construction period.

- *Department to provide further assessment of how magnitude levels for predicted social impacts (for both construction and operation) have been determined regarding consideration of magnitude dimensions: extent, duration, severity or scale, intensity or importance and level of concern/interest.*

Response: The Applicant has advised that the basis for determining magnitude has been discussed in the SIA. The Applicant's SIA Addendum provides further detail of the determination and basis for each magnitude component. The SIA Addendum states that the magnitude levels have been evaluated "having regard for the research findings outlined in the SIA Report and the author's qualification and experience". The Department considers that this would be an appropriate methodological statement but notes that the SIA Addendum does not include any evidence to better understand whether those magnitude levels are reasonable and impartial predictions.

- *Department to provide further comment outlining how likelihood levels have been defined, specifically for impacts on adjacent neighbours, noting that proximal neighbourhood impacts have been defined as 'possible' and that wider community benefits have been defined as 'almost certain'.*

Response: The SIA Addendum outlines the adopted approach to defining likelihood which is factually correct. However, the SIA Addendum does not further detail how people will experience the project and its impacts. The Department considers that the key point in assessing the social impact is whether the marginal increase in noise or other impacts might exceed a 'tipping point' of people's resilience to those impacts.

The SIA and the SIA Addendum conclude that standard mitigations will all but eliminate any social impacts resulting from the development, which is not fully supported by evidence-based analysis in the SIA or the SIA Addendum. Consequently, there is a potential that the overall social impact and the 'tipping point' or significance has been under assessed.

- *Department to assess any residual impacts on neighbours and how these will be managed outside of the standard mitigation strategies proposed.*

Response: Department's consideration of residual impacts is provided in the table below.

Impact	Department's Assessment
<i>Operation</i>	
<p>Overshadowing Access to sunlight Way of Life</p>	<p>The Department acknowledges that there would be some operational impact on the adjoining residents due to overshadowing and this in turn would impact on the overall way of life of the neighbours. The Department, however, notes that the solar access provisions comply with Ku-ring-Gai Council's and the Land and Environment Court requirements.</p> <p>Noting the above, the Department considers the overshadowing impacts on the adjoining neighbours to be acceptable in this instance.</p>
<p>Amenity - Noise and Outlook</p>	<p>The Department notes that the proposal would not result in an increase in the overall student numbers. Given that the current classrooms are located around the same area, the noise source for classroom noise would also not alter to a significant extent. The main additional noise generating source would be the child care centre. Mitigation measures (construction and operation) have been provided by the Applicant and additional measures recommended by the Department by way of conditions.</p> <p>A loss of outlook that the neighbours currently enjoy over the PLC campus would occur.</p> <p>The Department considers that mitigation of outlook impacts would require targeted mitigation measures that would need to be identified in collaboration with most affected neighbours including additional screening elements or vegetation).</p>
<p>Privacy - Way of Life</p>	<p>The Department has included conditions with regard to additional screening and privacy glass to reduce the residual impacts on the neighbours.</p>

<p>Traffic and parking availability - Accessibility</p>	<p>The Department’s assessment report has reviewed the impacts of traffic and transport and recommended appropriate conditions including monitoring of the Green Travel Plan after its implementation to ensure that the traffic related impacts on the Pymble Avenue residents are reduced.</p>
<p>Construction</p>	
<p>Peace or quiet enjoyment - Way of Life</p>	<p>Mitigation of these impacts would require targeted mitigation and/or offset measures in collaboration with most affected neighbours.</p>
<p>Combined construction impacts - Health and Wellbeing</p>	<p>The Applicant’s SIA Addendum includes some recommendations in this regard. The Department has also included conditions of consent to reduce construction related impacts including targeted consultation with residents.</p>

- *Department to provide further assessment of how the increased scale of structures on campus may impact upon surrounding resident’s way of life, amenity and sense of privacy with respect to 59B, 57A and 53 Pymble Avenue.*

Response: The Department agrees with the Commission that the construction and operation of the development would have impacts on the adjacent neighbours, especially located at 59, 57A and to a lesser extent 53 Pymble Avenue. The Department also notes that the SIA has not considered the social impacts of the development on these residents in detail.

The Department considers that the likelihood of privacy, overshadowing and visual impacts of the proposed building on the above adjoining properties is ‘likely’ or ‘almost certain’ rather than the ‘possible’ concluded by the SIA. Cumulatively, these impacts would represent a significant change in the surroundings for the residents of the above properties, in terms of views, sense of open space, access to sunlight and privacy (i.e., being overlooked). These changes may well affect their way of life in terms of how they use their outdoor space, sense of place and the way people live on a day-to-day basis.

However, the Department considers that the above properties adjoin the PLC campus that is zoned for “Special Uses” and the development controls for low density residential zones do not

apply to the campus. Demountable teaching spaces are already present at this location and would be replaced by a contemporary building. The building would accommodate better teaching spaces, a child care centre and dance studios. The two latter components can be used by the community in the future, as per the Applicant's commitments in the EIS and RTS.

The proposed building has been designed to respond to the environmental impacts in accordance with the requirements in the relevant State Environmental Planning Policies and local development standards. The Department reviewed the overall environmental and social impacts of the proposal in the AR, and on balance, considered that the impacts of the increased scale of the structure is acceptable. Following assessment of the SIA addendum, the Department retains its recommendation.

6. Rear setbacks

- *Detailed sections between the proposed building and dwellings at 57A and 59B Pymble Avenue (refer to Attachment C for indicative section locations), showing the following:*
 - *Detail of the rear setback including landscape treatment (including soil profiles and surface finished), vegetation, level changes and the maintenance access road.*
 - *Sections to be at a scale of not less than 1:50.*

Comments:

The Applicant has provided detailed sections with landscape treatments (including soil profiles and surface finished), vegetation, level changes and the maintenance access road (**Attachments 6.1 and 6.2**).

- *Department to provide clarification on how the maintenance access road will operate, including how maintenance vehicles will safely exit the area, their interaction with school operations and proposed tree planting/vegetation along the rear boundary.*

Comments:

In response to Commission's request, the Applicant has advised that the maintenance access is not a formal road. The access road is to be used for a small cart (standard small utility vehicle or ride on mower), mainly to remove rubbish bins, landscaping by internal horticulturist team, emergency services and access for trades where required. There is already an access road that sits generally at this location which would be replaced by the proposed road in the future.

The Applicant has also advised that the access road would be operated to facilitate the current standard school practices for maintenance around the grounds.

The maintenance road has been considered in the proposed landscaping strategy to integrate and connect to other parts of the PLC campus, so that the service vehicles can access all the buildings within the campus. The road has no impact to the proposed landscaping, tree planting or vegetation.

Should you require any further information in relation to this matter, do not hesitate to contact me on (02) 9274 6358 or by email at Karen.Harragon@planning.nsw.gov.au.

Yours sincerely



Karen Harragon

Director
Social and Infrastructure Assessments

Attachments:

- 1 – Commission Letter to the Department.
- 2 – Photomontages, prepared by Vastu Australia Pty Ltd.
- 3 – Solar access diagram -peer review by Certified Energy Pty Ltd.
- 4 – Applicant’s alternative site location analysis.
- 5 - Applicant’s social impact addendum.
- 6.1 – Applicant’s rear setback section 59B Pymble Avenue.
- 6.2 – Applicant’s rear setback section 57A Pymble Avenue.