



**New South Wales Government**  
**Independent Planning Commission**

**TRANSCRIPT OF PROCEEDINGS**

RE: PYMBLE LADIES COLLEGE - GREY HOUSE PRECINCT  
(SSD-17424905)

**COUNCIL MEETING**

COMMISSION PANEL:           ADRIAN PILTON (Chair)  
  DR SHERIDAN COAKES  
  SOO-TEE CHEONG, OAM

OFFICE OF THE IPC:           BRAD JAMES  
  GEOFF KWOK  
  COURTNEY COLEMAN

KU-RING-GAI  
COUNCIL:                         SHAUN GARLAND  
  JONATHAN GOODWILL  
  BONNIE YUE  
  JOSEPH PICCOLI  
  TRUDI COUTTS  
  IAN FRANCIS  
  ANTONY FABBRO

LOCATION:                        VIA VIDEO CONFERENCE

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**TRANSCRIBED AND RECORDED BY APT TRANSCRIPTIONS**

MR PILTON: Good afternoon and welcome. Before we begin, I would like to acknowledge that I'm speaking to you from Gadigal land and I acknowledge the traditional owners of all the country from which we virtually meet today and pay my respects to their Elders past and present. Welcome to the meeting today to discuss the Pymble Ladies College Grey House Precinct Project SSD-17424905 currently before the Commission for determination. Pymble Ladies College, the applicant, is seeking approval for the redevelopment of Grey House Precinct within the existing campus at 20 Avon Road, Pymble. The proposal involves the construction of a five-storey building to accommodate learning areas, science, technology, engineering and mathematics laboratories, health and wellbeing centre and an early learning centre for 90 additional children within the PLC campus.

My name is Adrian Pilton, I am the Chair of this Commission Panel. I'm joined by my fellow Commissioners Dr Sheridan Coakes and Soo-Tee Cheong. We are also joined by Brad James, Geoff Kwok and Courtney Coleman from the Office of the Independent Planning Commission. In the interests of openness and transparency and to ensure a full capture of information, today's meeting is being recorded and a complete transcript will be produced and made available on the Commission's website. This meeting is one part of the Commission's consideration of this matter and will form one of several sources of information upon which the Commission will base its determination.

It's important for the Commissioners to ask questions of attendees and to clarify issues whenever it is considered appropriate. If you're asked a question and are not in a position to answer it, please feel free to take the question on notice and provide any additional information in writing, which we will then put up on our website. I request that all members here today introduce themselves before speaking for the first time and for all members to ensure they do not speak over the top of each other to ensure accuracy of the transcript. We will now begin. So who's going to lead the presentation from council?

MR GARLAND: Thank you, Mr Chair. It's me, Shaun Garland, I'm the Manager of Development Assessment Services. Would you like me to begin or - - -

MR PILTON: Yes, please. If you just go off the agenda we forwarded to you, if you'd like to work through that.

MR GARLAND: Yeah, absolutely. Not a problem. Well, first of all, thank you for the opportunity to discuss the matters of concern to council relating to the Grey House Precinct and those raised in council's submissions in relation to the notification of the application. First of all, I trust - I hope the panel's had the opportunity to review the

report, the assessment report, council's submissions and also been to site. Today we have various experts with us who will talk to particular issues in relation to their area of expertise. We have Joseph Piccoli, he's our Senior Transport Planner in our Strategic Team; Trudi Coutts is our Senior Environmental Health Officer; we have Bonnie Yue, a Senior Assessment Officer, Development Assessment; Ian Francis, Team Leader, Landscaping; and Jonathan Goodwill, Team Leader, Development Assessment.

10 First of all, in summary, council's key issues remain pretty much as they're listed in the agenda. So essentially those issues are the key issues that council would like to raise. We will be going to specific details in a few moments and that's where I'll rely on these experts. In short, effectively since the lodgement of the application the concerns and issues that we've raised effectively haven't been addressed. The changes and the modifications to the applications from our perspective haven't gone to the issues that are listed in the agenda of the traffic and parking, built form and amenity and the other issues in relation to landscaping as well.

20 One concern I sort of raised in the overall picture in terms of the application - well, there's a couple of concerns that first I'd like to raise in relation to the assessment is the bulk and scale. There seems to be a fair bit of weight in the bulk and scale assessment on development within the site and development some distance from the site to justify the scale and bulk of the building. There is reference to high density development to the northern part of the site of R4 zone land. That's somewhat 400-plus metres from the actual site. The actual closest context in terms of the scale and the development is the residential low density development to the south-eastern side of the actual building where our concern mainly stems from.

30 There's also another point that's raised in the assessment report that the scale of the building is that or similar to buildings on the site already. That might be the case in terms of the overall RL height, the top of the building, but when you take in context all of the land and the lower levels the buildings far exceed those that were located on the site. So I think it's a misdirection in relation to the scale of the building when you're comparing those two elements, but like I said, I'll get the other experts to talk about that a little bit further.

40 Finally there's just - yeah, finally I'd like to talk about the issues - like I said, the issues have been raised from the initial assessment of the notified applications and they remain consistent. Council has put forward some practical solutions to address those issues. We saw an opportunity to be proactive and guide and assist in the moving forward of the application but unfortunately those options or opportunities haven't been taken up. There was a meeting with the applicant sometime down the

track in relation to the application, but essentially the position was put forward that the building or the development itself is required for the needs of the students and that's what's driving the outcome of the development, not necessarily those impacts that are associated with the development. From that I'll probably just start to hand around to the specialist officers please, if you don't mind. First of all, I'd like to introduce - well, refer you to Jonathan Goodwill, the Team Leader, Development Assessment.

MR GOODWILL: Yeah, I hope you can see me here. Yep.

10 MR PILTON: Yes.

MR GOODWILL: I'm Jonathan Goodwill, the Team Leader of Development Assessment Central at Ku-ring-gai Council. The PLC campus is within the central area for our geographic assessment teams and so our involvement in this application started in May 2021 when we received request for input on the SEARs from the Department of Planning and Environment. So we received the document from Willowtree Planning plus some architectural plans which were quite sort of advanced in their completeness. They weren't sort of concepted at this stage but quite detailed plans. So we reviewed those plans, provided some comments. Some of those  
20 comments have sort of fallen away during the assessment but I think the main point we want to talk about today was the bulk and the scale of the building.

So in response to that request for input on the SEARs we advised that the - all the land surrounding the site was subject to a 9.5 metre height limit and it was zoned low density residential and typically had a character of two-storey dwelling houses. In our view, what we saw from the plans which is the five-storey building that's still proposed today is that the height of the building and the associated bulk did not achieve the design principle, particularly principles 1 and 7 of the SEPP, the Educational Establishments and Childcare Facilities 2017, against which the  
30 application would be assessed. So our recommendation was for a stepping of the built form in response to the topography to achieve those two principles from the SEPP which were directly relevant to the merits of the proposal.

Unfortunately those suggestions and those concerns were not included in the SEARs and later on we met with PLC this year, PLC advised that they had never been advised of those concerns at that time or during the assessment of the application. So the principle, I think, that we wanted to focus on, principle 7, aesthetics, states that the built form should respond to the existing or desired future context, particularly positive elements on the site and the surrounding neighbourhood and have a positive  
40 impact on the quality and sense of identity of the neighbourhood. So that is the

principle against which the application should be assessed and which is mentioned in the assessment report.

When the department sent their request for information to the applicant in May 2022 they did raise the issue about the principles in the SEPP and whether the application had demonstrated that these principles were achieved or not. The request for information stated the assessment table for the school component did not include any assessment against those principles. So it seems that at that time the department did have a concern with the achievement of those principles and requested further  
10 information in that regard.

So following on from that, some amended plans were received. Our understanding is that some changes were made to the materials, the introduction of more face brick on the lower levels of the building, and there was a 56-square-metre reduction in gross floor area, which is equivalent to 1 per cent of the total gross floor area of the development that is proposed. We did note that the concerns that we've raised about the height and bulk of the building have also been raised in the submissions received from adjoining property owners and occupants, and I guess to reiterate again, we did suggest that these issues could be resolved through modulation of the building form,  
20 additional setbacks at upper levels to minimise the visual impact of the five-storey building from the adjacent two-storey dwelling houses which are in the R2 low density zone. So I'll pass on to Bonnie Yue, our Senior Development Assessment Officer. She's also been involved in this process since the request for SEARs in May of last year.

MS YUE: Okay. Thank you, Jonathan. My name is Bonnie Yue, I'm Senior Development Assessment Officer from council. So as Shaun and Jonathan mentioned the school site is surrounded by R2 low density residential property and they're usually single or two-storey dwelling houses. The medium and high density  
30 residential sign next to the school are located on the northern side of the school campus and closer to the Pacific Highway end, and if you look at the Ku-ring-gai strategy planning you can see that a lot of the taller building, for example, residential flat building they're located on the main corridor, for example, Pacific Highway and that is on the northern end of the school.

So this proposed development on this site is located on the southern end of the school campus and they are surrounded by the R2 low density development. Those development usually have areas that back off 11 - sorry, normally 12 metres from the boundary and in comparison the proposed development is five storey and only have a  
40 minimum of 11.5 metres. So the building is not centrally located on the school

campus, it's actually immediately adjacent to the R2 low density sign at the south-eastern boundary.

10 So in response to the submission I can see that the applicant has made some amendment to - mainly to the north-eastern side elevation of the building. So that is the side that faces the PLC junior school and that amendment - the reason for that amendment also is to do with the better - or better connection to the junior school. It has really (not transcribable) improvement to reducing the bulk of the building and reducing the impact to the re-adjointing property in the R2 zone. So the amendment to - there is some amendment to the south-eastern elevation, so that's the reallocation where the five-storey building are located.

20 The amendment includes some articulation to the side of the building; however, council find that those changes are minimal changes and doesn't have - doesn't improve the overall mass of the building, especially on the reallocation of the building. So if we refer to figure 35 on page (not transcribable) of the assessment report, we can see that - this is a very good example of the slope of the land. So figure 35 on page 56. So you can see the proposed development in yellow and on the right-hand side is the adjoining property and you can tell that there is a significant level difference.

So the assessment report is talk about, is compare, is that it's consistent with the building, the existing building within the campus and also there is, it's consistent with the R3 and R4 residential five-storey building surrounding this site but then those building it's actually on the northern end, the R3 and R4 building, and they're almost over 490 metres away from the site. So what we're saying here is that the building does have a significant impact to the adjoining properties in the R2 zone. As Jonathan mentioned, it doesn't comply with schedule 8 of the SEPP, of the Transport and Infrastructure SEPP, and particularly principle 5, 7 and 1.

30 I can see that in the assessment report it's also mentioned that the building cater for this function and is comparable to the other building on the PLC campus. However, in council point of view it is not consistent with the immediately adjoining low density residential property. So we understand that there is some needs for the student; however, we also think that the building should be amended to an acceptable level so that the impact is not overbearing to the adjoining property. So what we have suggest previously is to have a greater setback to provide, to reduce the visual bulk of the buildings when viewed from the adjoining property.

40 So if you look at the existing building next to, within Grey House Precinct is the junior school, which is a two-storey brick building, and that building is actually 35, approximately 35 metre from this south-eastern boundary of the school. So we have,

what we have here is a five-storey development which only having minimal setback of 11.5 metre from the boundary. So also in the assessment report is mentioned that the building depends on screen planting which Ian will talk about. I also want to point out that the proposed development you can actually see it from Pymble Avenue, because if you go out onsite you can actually see the chapel building from Pymble Avenue. So with this development you can definitely see it from Pymble Avenue. Yes, that's all from me.

10 MR GARLAND: Thanks, Bonnie. Could I just pass on to Joseph Piccoli our Strategic Transport Planner please.

MR PICCOLI: I'm Joseph Piccoli, the Strategic Traffic Engineer working in strategy and involved in the assessment of this proposal. Look, I guess, kind of the key standard issues that come up around school developments, so traffic and parking. Look, and through the application assessment process I think we've understood or appreciated and accepted that, you know, while it is a relatively low impact additional traffic generation per se, I guess it's the incremental nature of intensification on this site over a number of years and the result in cumulative impacts to some of the surrounding roads that has led us to at least get the applicant to explore and try and address some of those impacts which are largely driven by the school. You know, that is the key traffic generator in the area.

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So the assessment does acknowledge that, yes, it is low impact and we generally agree with that, but just in terms of conditions, I think the conditions are probably reasonable in that it sets out at least the applicant to, you know, make an assessment of some of those key routes to the north-west of the site that are used predominantly by the school and resulting from the school activity that appear to be impacted by the school's operation if there's any potential measures to try and reduce that impact. So I'm happy with that condition that would at least, you know, put that on the table for the applicant to explore in conjunction with council and the department.

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One of the key issues that came up is the Pymble Avenue and the Grey House Walk access. There's still a bit of ambiguity around the pedestrian access around the gate. Naturally council would like to actively discourage that location as the drop-off and pick-up area, and as the assessment report notes, the parking restrictions around that access point where there's a marked pedestrian crossing are also designed to discourage stopping in that area. Now, there was some discussion at the meeting we had with the applicant several months ago potentially looking at, you know, ways that we could, you know, accommodate drop-off and pick-up but I think that's not really where council wants to be in terms of, you know, the school set-down and pick-up, that really should be directed, you know, within the site but the ambiguity around that

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access point is the proposal to implement a key card-type system at that location which will enable access to certain students based on their location.

I guess that needs a bit more clarification because ideally it should be only students within, you know, realistic walking distance, 800 metres to a kilometre, because otherwise, you know, it will effectively become a secondary drop-off point that would not be within the site. So if it is as per the transport impact assessment where the - only certain students that have that key card can open that gate, that would probably be a good thing to discourage the wider community from trying to drop off at that  
10 location, but it's just a little bit ambiguous because in some of the documents it talks about the gate still being supervised. So, you know, what is the actual method of management, is it by, you know, physical supervision, is it by key card, is it a bit of both and it's - I think maybe if it's not controlled properly with a key card, you know, with certain criteria around who gets it then, you know, the school could potentially, you know, open it up to a wider portion of the community.

There's been some work on the green travel plan too. So, you know, through council's submissions I think that's been picked up reasonably well in the assessment report about some of the targets and the need to try and drive down, you know, the  
20 number of vehicles movements. It is a K to 12 school but a lot of the vehicle movements generated by that age group within the K to 6, the primary school, so there's some strategies within that green travel plan that's - I mean, while the targets are, you know, somewhat modest in terms of, you know, what they're trying to achieve but nonetheless, I guess over a period of time it sets out a reasonable target on reducing vehicle movements by that 10 per cent which would have a reasonable impact on traffic flow and congestion in the area because it does get very busy in that part of the world, particularly at drop-off and pick-up times.

Also just in relation to construction traffic, there is some high level parameters around  
30 construction trade management. Typically around schools though heavy vehicle movements are restricted during drop-off and pick-up times but I see that hasn't been picked up in the assessment reports. So I know Transport NSW in the past used to require that condition, particularly where those schools are close to arterial roads, but nonetheless because the level of congestion around Avon Road and just the constrained road network in terms of access points means that trying to get heavy vehicle movements during, you know, peak drop-off and pick-up times it could just exacerbate the problem.

So it would preferable if there were no heavy vehicle movements, you know, whether  
40 it's to do with demolition or construction, you know, during the peak school drop-off and pick-up periods and the school can identify, you know, when those occur.



Probably limited to say an hour or so each in the morning and evening, afternoon peak periods. That's probably it in a nutshell at this stage.

MR PILTON: Can I just jump in and ask a question now please, Joseph. Do you have issues with parking around the area from students?

MR PICCOLI: Yeah, look, I know that they do park informally in some of the surrounding streets. I understand the school doesn't have any space but I think the green travel plan is also geared around that as well too to try and encourage less  
10 students driving to school and, you know, taking other forms of transport. Obviously it's not like a state school where the catchment is quite defined and a lot of the students are kind of local, some of them come from, you know, quite a far way away and so I guess just by the nature of the school may have the option to drive but, you know, we think that, you know, if the green travel plan is strong and tight enough and implemented and monitored well, then, you know, hopefully that will achieve the goal of driving that down a bit and just reducing the impact on some of the surrounding streets. Otherwise it's largely commuters as well that park around the station, to get to the station that use those same streets so they're kind of in competition with each other.

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DR COAKES: Joseph, can I just ask a question. Sheri Coakes here. Just around - obviously as part of the green travel plan there would be encouragement of cycling. We did pick up in the report there was sort of a little bit of a mixed message around whether cycling at the school was supportive of those students cycling to school. Does council have a view around that and, I guess, the ability to achieve that given what you've mentioned around sort of congestion around those two? So maybe lack of cycleways and so forth.

MR PICCOLI: Yeah. It's interesting because we had this, I guess, similar issue come up with another school in the area, The Lindfield Learning Village, and the view in the  
30 assessment was that because of the age of the students, you know, technically they're allowed to ride on footpaths, you know, 16 and under, allowed to ride on footpaths and so, I mean, I guess there in a sense there's an informal cycleway network already for those that can or choose to ride a bike. So I think it should be encouraged and, I guess, these days, you know, with e-bikes becoming more available and popular the issue of hills and, I guess, to some extent, you know, the gear that these students carry may be offset by, you know, the assistance you get from e-bikes and, you know, the ability to just get up hills and, I guess, less fatigue. So we would generally support that, you know, especially provided that, you know, the school can provide the end of trip  
40 facilities then, you know, that helps to knock off a few per cent, you know, five per cent, you know, and encourage it but, yeah, we would support it.

DR COAKES: Okay. Thank you.

MR GARLAND: Does the panel have any more questions they'd like to ask because otherwise I'll just forward on to Trudi.

MR PILTON: Yes. Go forward, thank you.

MR GARLAND: Trudi.

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MS COUTTS: Okay. I'm Trudi, I'm from the Environmental Health Compliance Team at council. So the focus of our involvement is really in terms of post-occupation conditions because we would be the team enforcing any concerns that neighbours might have, in particular about noise from the activities. There is a condition proposed for the operation of plant and equipment, which is F7, but it doesn't have any specific criteria so what we would be recommending if it could be a condition that's specific in terms of the criteria to assist the school and also give some certainty to residents and if it could be consistent with the noise requirements that are applicable under the Exempt and Complying Development Code for air conditioning, so that would be helpful, would be our main concern. The other thing I wanted to raise was there's conditions about warm water systems as in cooling towers and we weren't certain if there's a cooling tower proposed. Anyone could confirm that?

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MR PILTON: I'd have to check. Sorry, I'm not aware. I don't think there are but I'm not sure.

MS COUTTS: Okay. Yeah. The reason that we're interested in that is because generally NSW Health is trying to discourage the installation of water cooling systems because of the risk of legionnaire's disease so we've been looking at a different kind of air cooling system but that was just a question. Like there's conditions in relation to that through this post.

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MR PILTON: Okay. Thank you.

MR GARLAND: Mr Chair, if it pleases the panel - what we could do is we could formulate a condition and forward it on so you can put your minds and reads through that and obviously in a path of making a decision you could, you know, obviously take advantage of that if that is helpful.

40 MR PILTON: That would be very helpful, thank you.

MR GARLAND: The next person I'd like to introduce is Ian Francis. Ian, would you  
- - -

MR FRANCIS: Hello, Ian Francis, Team Leader, Landscape and Ecological Assessment. I suppose there were - had been in the community also was brought issues to do with tree loss. I suppose the two issues perhaps to talk to would be tree loss and tree replenishment and then a bit more about the detail in terms of how the site design is responding to issues of building scale, screening, that sort of thing. So the SEARs requirement indicated that there was an idea of site-wide landscape  
10 strategy and I brought up previously that I didn't see a site-wide strategy, I did see some information to do with obviously the site itself and that - and the community as well has brought this up.

There are quite a large number of trees on that site which will be removed and there was - under the SEARs requirement there was a need to show that they were considered in terms of the design. My understanding is really that the footprint of the design really is the imperative here and that the tree loss - well, there weren't very many opportunities to retain trees. There's, it may, I believe that there is condition for a vegetation management plan for the whole of the site so I suppose that's a positive. I  
20 don't know if there will be a lot of tree replenishment under the BNB because that detail, of course, will be forthcoming in the future. It would be good if there was a landscape strategy which talked about canopy replenishment throughout the site, that would be desirable.

In terms of the tree, I suppose, loss on the site there obviously is tree replenishment happening but I'd make the point that really what we're creating is we're pushing all the trees to the, you know, the edges of the site so, and in that way in some ways they're somewhat marginalised. And I'm talking about really the critical area, which is the deep soil area which faces the service road. So the issue I brought up there was  
30 that there's a reliance on some large canopy tree planting from Blue Gum Park Forest, eucalyptus saligna and eucalyptus pilularis. These are very large trees and long-term planting like that is really desirable, but they require a space to thrive and to also be practical in an urban context, and my question about the deep soil area in that context was just that the width of the space was fairly narrow.

If we were looking at a residential flat building we'd have similar setbacks, 10 to 12 metres to building but we don't have service roads usually through them or terraces and structures, so we get a much better deep soil outcome if we can sustain the tree planting that goes back in if there are large tall canopy trees. So although the tree  
40 planning will grow my concern was just the long-term viability of the tree planting. There was some improvements to the level 1 area, they were slightly expanded which

was good. The level O area, which is near the high terraces there, they're still pretty narrow. There seems to be a lot of walls dividing up those spaces as well but the detail's lacking so I'm not really sure, and obviously trees and walls and roads, you know, there can be conflict if they are big canopy trees.

10 So, I mean, I think it would be very desirable if that was a deeper area reflecting a greater proportion of the setback to create the sort of scale of planting that is proposed and to have surety for the future in that respect. I'd also point out that that's a line of trees so you really don't have much depth of planting. So if you have failures or trees  
10 don't grow as they're expected, you're kind of vulnerable to that aspect of - and as we know, vegetation is unpredictable in terms of how it will respond. The species themselves were reasonably, they're typical of the area, they do well in the area but I suppose it was my - my concern was just the depth of landscape considering the scale of the building and setback. Thank you.

MR GARLAND: Finally, Panel, we do have Antony Fabbro, the Manager of Strategic Planning. Antony, would you like to - - -

20 MR FABBRO: Look, I don't have any major comments other to note that, yeah, the proposal does include the provision for the ESD requirements of a green star rating of five or equivalent so, yeah, other than that, I think most of the other things we've requested were in the strategic sense were consistent with the higher order of documents.

MR GARLAND: Thanks, Antony. Panel, that finishes sort of our comments and commentary in terms of the issues in relation to the application. I suppose in summary I'd just like to say, look, all of these issues can be addressed and that's been the way it's been packaged in relation to our discussion with the school and with the assessing officer; however, they just don't seem to be addressed at all. So in principle, I  
30 suppose, what I'm saying is, we don't have a fundamental issue with the application, only in its current form, and there are paths forward in addressing those concerns or issues if there is a desire from the other side, I suppose.

The assessment report talks in strategic sense that, you know, it will add \$46 million to the economy and meets a Greater Sydney Regional Plan. Future Transport Strategy, it meets that, and state infrastructure provisions. That's all good and well in that strategic sense but it seems to forget the impacts, the real impacts that are going to occur from the development and those particular neighbours immediately adjoining. There seems to be no weight or concern put forward in relation to those impacts.  
40 Those are very real impacts. So in that sense we'd encourage the panel not to support the application on those grounds; however, if the panel's of a mind to support it or in

some way support it, at least the further matter in relation to addressing those issues which we can work proactively with the applicant moving forward to address those concerns.

10 Look, there might be compromises, obviously, and we're happy to look at those compromises, but the sheer scale and volume and bulk of this building not represented anywhere near the actual development site itself. Yes, there's residential flat buildings 400-plus metres away, yes, the top RL of the building will be similar to the RL of buildings on the site, not accounting for the five to six metre fall and difference in level, doesn't really justify the application in its current form. The changes that have been made are fairly superficial from our perspective. They're welcomed, of course they are, but they don't go towards the issues that we've raised.

20 So the argument - the applicant, that while the school needs it to move forward is all good and well, but if you use that argument to justify any planning it's not a sound planning argument to have. And if we were to apply that to say low density residential development and someone says, well, my family's growing, I need a bigger house on this property, there's absolutely no justification, planning ground to argue that. It's just not - it's not something you can put weight towards in relation to making a decision. It just doesn't make planning sense. So in summary, they're our issues. Again, and I'll reinforce, we're happy to work with the applicant but in relation to the application we just - we're encouraging the panel to take on board those issues and not support the proposal.

MR PILTON: Thanks, Shaun. Sheri, Soo-Tee, any questions, comments?

30 DR COAKES: Yes. Just a quick one. A couple just quickly. Obviously the need for childcare places within the LGA, does council have a view on that? Because obviously that's been put forward as one of the arguments for further development.

MR GARLAND: Yeah. Look, I can tell you, council did a study of childcare centres, it was a little while ago now - probably around 2010, 2012-ish - and in short, we were flooded, council and the Ku-ring-gai area were flooded with childcare spaces. So there was a lot of spaces available and a lot of the childcare centres weren't full. So the actual need for childcare centres for the locality and my understanding that hasn't changed. Yeah, so there's not a strong need for childcare places.

40 DR COAKES: Okay. Thank you. And just one other question. Does council have a view on the applicant's request to waive the contribution should the project be approved?

MR GARLAND: Jonathan Goodwill can answer that. Thank you.

MR GOODWILL: Yeah. We did review that request, it was sent to us before it was sent to the department, and we don't agree that there's any ability to waive contributions per the adopted contributions plan and I understand that's the department's view as well. I have one more comment about the conditions and, in particular, condition for disabled access compliance. It's very light on and it doesn't actually reflect the applicant's access report. If compliance of that was achieved you'd actually be providing a less accessible development from what the access consultant has said in their own report because that report actually addresses all the relevant provision federal legislation access to premises standards et cetera. The department's condition only mentions the BCA.

MR GARLAND: Jonathan, could we formulate a condition reflective of that access report and forward it on?

MR GOODWILL: We could. Yeah, sure we could.

MR GARLAND: Would that assist the panel if (not transcribable) support it?

MR PILTON: Yes, please. Thank you.

MR GARLAND: And we could do the same for the health condition that I referred to earlier.

MR PILTON: Yes, thank you. Soo-Tee?

MR CHEONG: Yes. In the assessment report, 6.3.25 on page 62, the department notes that the department's assessment of the scale of the proposed built form concludes that it is consistent with the objective of clause 4.3 of the Ku-Ring-Gai Local Environment Plan as it seeks to transition and scale between campus and adjoining lower density residential zone to protect local amenity. I just wonder the council have any comment on that assertion?

MR GOODWILL: Yes. That clause relates to the effect of the building height development standard, which is to achieve a transition in scale between our centres, which typically are of higher density and higher height, and our lower density areas, which are typically R2 or C4. So that development standard really doesn't relate to this development because, firstly, there is no building height development standard for the site and the site is not in the centres - it's outside the centres because the centres are along the ridge, which is typically where the Pacific Highway is. The actual

provision that the application needs to be assessed against is principle 7 in the education SEPP and now repealed but it's now in a different SEPP.

So I really - and, I guess, the other comment is that saying it's compatible with the bulk and scale of other school buildings on the site would suggest that there are other buildings on the site that are five storeys but the fact is that there aren't any. The tallest building on the site at the moment would be three storeys. There are no five-storey buildings.

10 MR CHEONG: Yes. Relating to the transition of three zone, I've got a hypothetical question. Assuming that the campus was an empty site, council wasn't consider rezoning of the area as a special-use school zone, would you impose a transition zone between the site and the south boundary? If so, what would be an acceptable distance?

MR GOODWILL: I don't think that zoning actually works that way. The way that the zones were transitioned from the KPSO to the standard instrument was literally a taking equivalent zones from old model provisions, like from the 1980 model provisions and transitioning them into modern zones from the standard instrument so all the schools became SB2 zones. And given that there is actually no box of land  
20 separate to the school between the school buildings and the residential buildings, it wouldn't be possible to part zone, apply a part zone at all.

MR CHEONG: As I said, it's a hypothetical question that if you were to impose a buffer zone, for example, what would you see as a reasonable distance from the boundary?

MR GOODWILL: I understand, you know, the hypothetical but the reality is that that's not possible, it's not consistent with the Department of Planning directions in how you actually zone land. So it's not something that ever could be done.  
30

MR PILTON: Well, I don't have anymore questions. Sheri?

DR COAKES: No, I'm fine. Thank you.

MR PILTON: Soo-Tee?

MR CHEONG: Yes. I got, I notice that in the letter dated 17 May '22 from Bonnie Yue to the department it is recommended - it says, it is recommended that consideration be given to relocating the two or three levels of the building towards  
40 north-west and increasing the setback from the south-eastern boundary to minimise the visual block of the development as viewed from the adjoining dwelling houses. I just

wonder what, specifically what distance would you consider to be acceptable for the move towards the north-west. And the setback you mentioned is that referring to the two-storey section?

MS YUE: Yes. I guess it also depends on the design of the building. So I don't think I can provide you with a number of certain metres from the boundary but I guess the objective is to have at least the top two storey to step back to comply that articulation at the south-eastern, the re-elevation of the building so that it doesn't have that overbearing bulk and scale impact to the R2 zone. So, yeah, as I said before, it's  
10 really depends on the design. At this stage I can't tell you by looking at the plan, it's really depends on the applicant, how they design the building.

MR GARLAND: So it will be something of an effect that would have a real substantial visual change, not a token minimal change in that setback. Something that has a real - recesses those upper levels that, to achieve, so the volume of the building is noticeably reduced.

MS YUE: And that could actually include reduction on the floor space ratio or the (not transcribable)  
20

MR PILTON: Okay.

MR CHEONG: In term of the setback you did mention the junior school, existing junior school is something like 35 metre and the design, the proposed design development is only 11.5. That also affect the area that will be capable of being landscaped. What would you say that the setback for the lower section be increased to like 30 metres?

MS YUE: I guess the proposed - when you look at the proposed development, you  
30 have the R2 zone, which, which usually they are single storey or maximum two storey, then, then you have those building, the junior school is two storey, which is a brick building and having quite a large setback to the boundaries. And if you look at the objective or the principle of the, the design principle, it's talk about the (not transcribable) or existing (not transcribable). So, so and if you look at the zoning, this area or this section of the development site is next to R2 zone. It's closer to what we have, the RE2, which is a, the private recreational zone. So this building definitely is out of character and redesigned. That's a viewpoint. It really depends on what the applicant comes back with so I can't provide (not transcribable).

40 MR GARLAND: What I could say and add to that, the reason behind - and Bonnie, please correct me if I'm wrong, I don't want to put words in your mouth - the reason



behind Bonnie's reference to the location of the current building and the scale of it is just to depict what's existing in terms of the impacts to those lower density areas. At the moment we've got significant setback and that relationship is quite different and the opposite really of what's being proposed. So I don't think the setback in itself at the lower levels, and we're certainly not suggesting they should be 30 metres, absolutely not. What we're saying is what's there at the moment is no comparison to what is being proposed in terms of scale and volume.

10 You combine that with those concerns that were raised with Ian in relation to be able to getting substantial landscaping that we'd normally expect for this scale of building with all the pathways, driveways, retaining walls and the like. You're not going to get the scale of landscaping that would be able to assist in buffering the built form, the high density built form with that of the lower density. So - and ultimately the built form needs to do the work in this regard, it can't rely on landscaping to do that job. It's just not practical. Like Ian said, planting and vegetation is only a supplementary thing and it grows, it dies, it loses limbs and the like, and to put a lot of weight on landscaping to hide a 20-metre storey building is just fanciful really at the end of the day. It certainly assists and it can do a good job but the built form really has to do the work because it's there 50, 60, 80 years or whatever it happens to be. So I think it's  
20 critical in relation to the various points that we've raised so those outcomes are achieved.

Now, we might be able to achieve that with the lower levels being a reduced setback and maybe not dissimilar to what it is at the moment. I think our focus really has been on those upper levels, especially at the higher ground when you've got other low density areas at lower ground levels as well. So those impacts are magnified by that as well. So we can't lose sight of that as well. So I don't think Bonnie was saying the setback should be 30 metres, it was just a comparison in an understanding of what's there at the moment compared to what's going - well, what is proposed, I should say.

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MR CHEONG: Adrian, I've got one last question.

MR PILTON: Okay. Go for it, Soo-Tee.

MR CHEONG: To do with landscape. The blue gum (not transcribable) to be planted along the boundary, has council consider the mature height, which will be something like 20 to 30 metres, the effect of overshadowing will be quite devastating to the southern buildings. Have you considered that at all?

40 MR GOODWILL: Well, I mean, we encourage the planting of these important canopy trees which perform a very important landscape contribution to the area and,

you know, biodiversity as well. Yes, these trees do result in shadowing but the proposal is to plant the trees in the setback between the low density dwellings and the proposed five-storey building. So there's obviously a very large difference between the dapple sunlight you get from tree shading and the solid shadow of a building. It's not really comparable and in my experience is that that's not usually something that's considered in a planning assessment or that great weight is placed on that in a planning assessment.

10 MR CHEONG: Yes. Given that, even the planting of those tree would have adverse effect on the amount of sunshine that will be gained by, or it will overshadowing the southern residents. Do you think that will be acceptable sort of a scenario?

MR GOODWILL: The shadow cast by a blue gum tree is not a solid sort of block of shadow. The sun still penetrates through the canopy and to the ground below. It's not a - I mean, in terms of sort of tree form it's not sort of very dense type of canopy, it's quite open and can be quite sparse.

20 DR COAKES: I think Soo-Tee's comment though is about the cumulative impact of the bulk - the shadowing from the bulk of the building plus the potential shadowing from the planting.

MR GOODWILL: It may cast an additional shadow in the late afternoon but if you look at the shadow diagrams the - it wouldn't be much of a contribution because the shadow shown at 3.00pm at least for one of the houses it goes beyond its front wall of the entire building, its roof, part of its front garden is all in shadow regardless so - - -

30 MR PILTON: Okay. Thank you, Shaun. No more questions from this end, so thank you all for attending today and for your comments and we look forward to receiving those conditions and so you're going to send to us.

MR GARLAND: Yes. We'll do - we'll try and do it this afternoon but is Monday an okay time?

MR PILTON: Fine. If we get it by Tuesday that will be great.

MR GARLAND: Yep. No problem. Can do. I'd like to thank the panel for listening to us and hearing our concerns and issues. Thank you.

40 MR PILTON: Thank you. Goodbye.

**MEETING CONCLUDED**

**[2.56pm]**