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TRANSCRIPT OF PROCEEDINGS

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INDEPENDENT PLANNING COMMISSION

PUBLIC MEETING

RE: STEVENSON LIBRARY BUILDING, THE SCOTS COLLEGE

PANEL: **DR PETER WILLIAMS**
SOO-TEE CHEONG
CAROL AUSTIN

ASSISTING PANEL: **OLIVIA HIRST**
DENNIS LEE

LOCATION: **CHURCH IN THE MARKETPLACE**
JOSHUA HALL, 400 OXFORD STREET
BONDI JUNCTION, NEW SOUTH WALES

DATE: **10.32 AM, MONDAY, 17 JUNE 2019**

DR P. WILLIAMS: Good morning, everyone. Thank you for coming along. I don't know whether I will need this, but just in case. Small enough, but it's a big room, so we will use it. It's being recorded today, the meeting. That's why we've got the microphones around. But just before I get going, there is tea and coffee. It's
5 sort of set up, but the actual hot tea and coffee hasn't come out yet, which is why we're waiting. Sorry. So when it does come out, any time you want to just get up, go out the back and get a cuppa. There's some lovely little nibbles down there as well. So just go and help yourself either now or at the end of our public meeting. I just didn't think people would want to hang around at the end, just, you know, on a
10 day like today, but just help yourself. Okay.

Well, good morning. Before we begin, I would like to acknowledge the traditional custodians of the land on which we meet, the Gadigal people of the Eora Nation. I would also like to pay my respects to their elders past and present and to the elders of
15 other – from other communities who may be here today. Welcome to this public meeting on the development application from The Presbyterian Church (New South Wales) Property Trust, which is the applicant, who is seeking alterations and additions to the existing Stevenson Library Building. This includes partial
20 demolition, extensions to floor slabs, creating an atrium void, adding a sixth storey, new pitched roof, complete interior refitting, recladding of the exterior in a Scottish Baronial architectural style and creating new entrances from the existing quadrangle and oval.

My name is Peter Williams. I am the chair of the Independent Planning Commission
25 New South Wales panel which has been appointed to help determine this proposal. Joining me are my fellow commissioners Carol Austin and Soo-Tee Cheong, and Olivia Hirst and Denis Lee from the Commission Secretariat. Before I begin – continue, I would like to state all appointed commissioners must take an annual declaration of interests identifying potential conflicts with their appointed role. For
30 the record, we are aware of any conflicts – unaware of any conflicts in relation to the determination of this development application. You can find additional information on the way we manage potential conflicts on the commission's website. In the interests of openness and transparency, today's meeting is being recorded, and a full transcript will be produced and made available on our website.
35

The purpose of the meeting today. This public meeting gives us the opportunity to hear your views on the assessment report prepared by the Department of Planning and Environment before we determine the development application. Just a little bit
40 about – briefly about the Independent Planning Commission. The commission was established by the New South Wales Government on 1 March 2018 as an independent statutory body operating separately from the Department of Planning and Environment. Amongst its many roles, the commission is an independent consent authority for state-significant development applications such as this one and provides an additional level of scrutiny where there are more than 25 public
45 objections, reportable political donations or objections from a relevant council. The

commission is not involved in the department's assessment of this project, the preparation of its assessment report or any findings within it.

5 So where we are in the process. This public meeting is just one part of the
commission's process. We have already met with the department, the applicant and
Woollahra Council, and that was on 5 June 2019. The panel has also conducted a
site inspection and locality tour, also on 5 June 2019. Transcripts of these meetings
and notes from the site inspection and locality tour will be made available on the
commission's website, if they haven't already. After today's meeting, we may
10 convene with relevant stakeholders if clarification or additional information is
required on matters raised. Again, transcripts of all meetings will be published on
our website.

15 In relation to the next steps, following today's meeting we will endeavour to
determine the development application as soon as possible; however, there may be
delays, mainly caused in situations where we might need additional information.
Just a few ground rules for today's meeting. Before we hear from the first registered
speaker, there are certain ground rules that we have. Today's meeting, first of all,
isn't a debate. Our panel is not to take questions from the floor, and no interjections
20 are permitted. Our aim is to provide maximum opportunity for people to speak and
to be heard by the panel. Public speaking is an ordeal for many people, so though
you may not agree with everything you might hear today, each speaker has the right
to be treated with respect and heard in silence.

25 Today's focus is on public consultation. Our panel is here to listen, not to comment.
We may make – ask questions for clarification, but this is usually unnecessary. It
will be most beneficial if your presentation is focused on the issues that are of most
concern to you. It's important that everyone registered – or permitted to – that's
speaking today receives a fair share of time. I – we will enforce the timekeeping
30 rules. As chair, I do reserve the right to allow additional time for provision of further
technical material if needed. A warning bell will sound one minute before the
speaker's allotted time is up and again when time is – time runs out. So please try
and respect these limits – these time limits. Okay. I think we've got all our
registered speakers here today, which is good, and a few other speakers as well.

35 Now, we have got one presentation that we can't project, from our first speaker, but
that will be presented to us on laptop. So we will be able to see it, and you won't,
unfortunately, but that will be placed on the commission's website so you can have a
look at that submission from our first speaker. So if you do have a copy of your
40 presentation today, it would be appreciated if you could provide a copy to the
secretariat after you speak.

Please know that any information given to us may be made public. The
commission's privacy statement is on our website, and you can have a look at that.
45 Remember also that the – any further submissions you want to make – we do accept
further submissions within seven days after today's meeting. So finally I would ask
everyone present to make sure your mobile phones are turned off or turned off onto

silent, please. So thank you for allowing me to make those introductory statements, and I now call on our first speaker, who is Graham O'Neill. Thank you. And the coffee has just come out.

5 MR G. O'NEILL: I thank the Independent – I thank – thank you, Mr Williams. I thank the Independent Planning Commission for the opportunity to speak today for this – to this proposal. I can only hope, when I see such drafted – such detailed
10 drafted conditions attached to the draft approval, that the commission has not entirely made up its mind. I did hear in your speech, Mr Williams, that they were drafted by the – by another body. This submission is not about me. It's about the community. However, I think it's pretty relevant to start describing my background.

I built a house in Kambala Road in 1970. My wife and I have lived there in Kambala Road for 49 years. We've raised a family there. I've seen the significant changes
15 caused by Scots in the area surrounding the school, most of which have occurred in the last 10 or 15 years. I was elected to Woollahra Council and was a councillor at the council for 12 years. In that 12 years, I was the chairman of all the major committees, including the building committee and the town planning committee, and I was the mayor of Woollahra. I was elected as part of a community-based group
20 called the Woollahra Action Committee, which was formed to deal with avaricious development, construction of high-rise buildings, principally in Darling Point but throughout Woollahra. We did not accept a salary as councillors. We changed the town planning codes for Darling Point and elsewhere, and then the organisation, later on, was disbanded.

25 I was on the board of Ascham School for 20 – for over 20 years – nearly 25 years, obviously, without remuneration. For 15 of those years – probably more, I think – I was the chairman of the building committee, and there were three of us. I was responsible for the construction of over 10 school buildings, a library and a 700-seat
30 theatre. I was also the chairman of several successful Ascham School Building Fund appeals. I was a councillor for the City of Sydney for four years, again on a basis of community service without pay.

35 With that background and that experience, I would like to say in all those years working in the community and after seeing the behaviour of Scots in the last 10 or 15 years, I've come to the conclusion that I have never encountered such a relentless, avaricious applicant as Scots College. And you know what? It's reasonably recent. It wasn't always like that. The decline is recent. We've been told many times over
40 the past 10 or 15 years, with each application to the council, words to the effect that the current application before the council will not increase the school's student numbers. And so there's no increase in traffic and there's no need for any sort of additional drop-off arrangements or on-site parking caused by that development. This has been the clear message to the community and to Woollahra Council with each application. The school is a Presbyterian Christian organisation. We in the
45 community, and I can only suppose the council, for a period of time believed them. It would appear the commissioners believed them. You have heard the same thing.

- 5 However, during that time, the school numbers increased from about 1500 to over 1900. There has been virtually no improvement in onsite parking, and there are no onsite drop off facilities at Scots during a period of an extra 4 to 500 children coming to and going from the school every day. Can you imagine what this has done to the streets nearby? Part of this increase is because the school sends buses to collect students from all over Sydney. For example, there is a daily bus collecting students from as far south as – I think it’s Sutherland. I think there is another one to the north as far as Narrabeen. God knows what goes out west.
- 10 I ask again, whatever happened to the reassurances about no increase in student numbers with the various applications to Woollahra Council and repeated again to this application? During the past 12 or 15 years, the streets to the school – around the school have turned into a parking lot, and Victoria Road is a bus terminus. It is worth noting that a government bus, if it comes to a bus stop in Victoria Road,
- 15 moves on. The private buses with Scots College can be there for over half an hour. The surrounding streets are hazardous for young students, for parents and for residents.
- 20 Please understand, I am not an overzealous local resident. I am not exaggerating. The streets around Scots are in chaos as a result of this uncontrolled expansion of the school over the past decade or so, all because it seems that Scots are focused on increasing student numbers and their business expansion, and could care less about the infrastructure necessary to accommodate such expansion, and for some reason only Scots get away with it.
- 25 Can you imagine a responsible parent suggesting to their son that they ride a bike to and from this chaos every day as suggested in the green travel plan detailed with the independent commission? You can draw your own conclusion about the truth of comments attached to this application and the truth of comments attached to the applications in the past. In a meeting with the head master to discuss a very real proposal for a student drop off running from Mansion Road to Kambala Road, which was supported by the community, he said to me he would not consider it because it would cause inconvenience to the school for some months.
- 30
- 35 There doesn’t seem to be any consideration by the school of the enormous inconvenience that this expansion and activities have caused in the community. I understand the school boasts in its written promotions of having a very positive connection with the local community. It might be there on paper, but it is not there in reality. It has been suggested that the school can’t raise funds for its school – from its school community for off-street parking and student drop off facilities, and that is utter nonsense.
- 40
- 45 When I raised the money at Ascham to build a 700 seat theatre, it was clearly understood by the donors to that project that any approval from the council would involve conditions about off-street parking and student drop off. Those conditions if attached to any approval at Scots would be part of the building cost. There would be no issue about the fundraising if the phantom carpark they now talk about for 80 cars

and internal drop off were attached as a condition. Until this proposal has made a condition, how likely is it to happen with the school? It seems to me that Scots don't want to spend money on community town planning obligations, they just want to build more buildings to accommodate and service more students and more stuff.

5

Note it is not just an increase in students, obviously there is an increase in staff, obviously there is an increase of deliveries and all of the things that attend an extra 4 or 500 students coming to school. You might ask, how has this happened? I think town planners call it incremental creep. The problems emerge because the process of a repeated – because of the process of repeated building applications and repeated approvals with no proper consideration of a new master plan for the school. It has happened by a series of carefully planned incremental applications.

10

This application is just one more incremental creep application. It is the frog in the heated water syndrome. How is it stopped? It's very simple; defer this application to be considered in the context of the 2019 master plan for the school. Perhaps we might see built that phantom 80 car carpark and its onsite drop off. A deferral of this application does not interfere with the running of the school. The Commission and the Council need to take time to consider this application in the context of a master plan.

15

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Ascham has two major in-house drop-offs and pickups. It has extensive onsite parking. It has half the number of students that attend Scots. Cranbrook's new development in Kent Road is an exercise in traffic management and student drop-off onsite in a prime residential area; why them and not Scots? Cranbrook submitted a major development – redevelopment application to Woollahra Council last year for the main campus of Bellevue Hill, which is quite near Scots. It included onsite parking and internal drop-off. That application received only one objection from the local community, and that was about garbage collection.

25

30

This Commission and Woollahra Council have received hundreds of objections to Scots. Scots and Cranbrook; two large schools in Bellevue Hill, each it seems to me to have a totally different attitude to community responsibility. I would like to conclude by repeating two comments: in my recollection, I have never encountered such a relentless, avaricious applicant as Scots College. This organisation can be stopped from causing these hazardous traffic and parking conditions that ruin the amenity of the local community by deferring this application to be considered in conjunction with a contemporary master plan for the school. A deferral does not affect the running of the school.

35

40

Thank you, Mr Commissioner. If there are any questions I will take them, other than that I have another terribly appointment which is why you've allowed me to speak first.

45 DR WILLIAMS: Thank you very much.

MR O'NEILL: Thank you very much. Thank you, Mr O'Neill. We'll go onto the next speaker, please, Simon Swanson.

5 MR S. SWANSON: Thank you, Commissioner. First, I would like to thank the Independent Planning Commission for the opportunity to state the case on the behalf of the Concerned Scots Neighbours, which represent more than 250 people who are extremely disturbed and concerned by the behaviour of Scots College towards its neighbours as exhibited by the proposed alterations and additions to the Stevenson Library at its Victoria Road campus. As the Commission is aware, the level of
10 concern is so high that the concerned Scots Neighbours commissioned Daintry Associates to review the State's significant development application of Scots College, and subsequently made a submission outlining the totally wilful disregard that Scots College has both for the law and for the neighbourhood.

15 I do not propose to restate the Daintry submission, but rather highlight the specific concerns of the community. As neighbours of Scots College, we are particularly concerned with the attitude of Scots College with respect to its neighbourhood. We believe the impact of any additional facilities must be assessed in the terms of the cumulative impacts of developments over the last 20 years at Scots College across
20 both its Bellevue Hill precincts, and have particular regard to the 1120 student cap imposed by planning authorities which has been flagrantly disregarded by Scots College for many years.

25 A number of concerns have previously been raised in other forums about Scots College's development plans, in that – in that they are not in accordance with the 1992 master plan. In particular, this does include the cap of 1120 students, and as the Commission is well aware, there are far more students than that today. In fact, in excess of over 25 percent over the cap.

30 I wish to make it very clear that this is not an anti-school campaign. The Concerned Scots Neighbours are very supportive of schools that consistently meet best practice with respect to their development applications, and at all stages scale the development so that their neighbours are neither inconvenienced or interrupted. Pertinent examples include Cranbrook School and Kincoppal Rose Bay.

35 I'm instructed on behalf of the Concerned Scots Neighbours to say that if Scots College design facilities like other schools in the area, with internal drop-offs and pickup facilities, the current student cap of 1120 may be open to review within a proper environmental assessment. Unfortunately, despite decades of being
40 encouraged by Woollahra Council and the community to plan such facilities, as well as failing to convince the Land and Environment Court that its expansion is acceptable, Scots continues to fail to develop a master plan that would ameliorate the existing totally unacceptable traffic and parking conditions, or make any serious attempt to resolve the problems Scots College has created.

45 As a result, Scots College continues to be in breach of a number of development consents. Clearly the judgments of the Land and Environment Court, combined with

the evidence provided by experts that existing traffic, parking and safety impacts are unacceptable, provide irrefutable evidence of Scots College breaking both the law and its compact with the community, yet to this day Scots College continues to ignore the concerns of the community in which it resides.

5

Commissioners, I have a number of slides which I'm going to hand out to you by the look of it, and now I'm going to try and read them – remember them. You'll see the increase on the first slide. I can keep those. Right. You'll see back in 2005 there were indeed 1120 students at the Victoria Road campus. I do not want to contradict at all, I agree with Graham's comments earlier. There are now 1500 students, a 26 percent increase. In our opinion, any further expansion – sorry, I go on and show the Das and their comments, and then I show at the end a couple of photographs of the traffic situation which is common every school day in Bellevue Hill.

15 In our opinion, any further expansion of the school is not acceptable without the existing appalling safety transport, traffic and parking impacts being addressed. We note that Scots College is currently preparing two Das. One would consist of an 80-space carpark to be constructed under the tennis court and the second DA would consist of a pupil-drop-off on Ginahgulla Road. Given the near 20-year history of obfuscating by Scots College, we hold effectively no hope of these two initiatives being implemented voluntarily. To further – to provide further evidence to an already unacceptable situation, let me quote core objectives of a development control plan requirements for educational establishments:

25 *The core objectives inter alia are to encourage a safe, efficient and coordinated traffic network which considers all users and which do not unreasonably impact on the surrounding residents.*

30 Clearly, Scots College has failed spectacularly in this regard. It is fair to say that Scots has displayed a breathtaking disregard for the law, as evidenced by three separate court cases, as well as a condescending arrogance to the community. In concluding, I consequently, on behalf of Scots' concerned neighbours, I submit in the strongest possible terms that the Independent Planning Commission make the implementation and approval of the abovementioned DA as a condition of consent for the development of the Stevenson Library.

40 Alternatively, you could consider deferring this application so it can be considered in conjunction with a proper master plan for the school. We note, of course, that the abovementioned DAs do nothing to address the serious traffic concerns we have at Mansion Road. Finally, I thank the Commission for the opportunity to present the significant concerns of the community with respect to Scots College. Thank you, Commissioner.

45 DR WILLIAMS: Thank you, Mr Swanson. Our next speaker is Professor John Ziegler.

PROF J.B. ZIEGLER: I think I will probably need this. So thank you, Mr Chairman. Thank you to the Commission for giving me the opportunity to address the meeting and I will do so briefly. I'm not actually a direct neighbour of any of the Scots College precincts in Bellevue Hill. My concerns really relate to my
5 professional background as a medical practitioner whose career working at Sydney Children's Hospital and the School of Women's and Children's Health at the University of New South Wales has been devoted to the health and welfare of children and adolescents.

10 The background, as I understand it, is that Scots College has consistently failed to limit the enrolments and the Victoria Road campus, as other speakers have mentioned, and to limit them to legally required safe levels, and has consistently failed to implement measures to achieve safety in traffic movements and parking by
15 parents, students and staff, despite them making commitments to do so. The present application, by increasing the college floor space, would, if approved, inevitably lead to a further increase in student numbers, already in excess of permitted levels, but without addressing current safety issues. In fact, it would exacerbate current unsafe traffic and parking issues and I expect, without having any knowledge of the detail or
20 expertise, this development, if it went ahead, might constrain any future attempt, if there were ever to be such a thing, to deal with the overall structural issues that the other speakers have mentioned.

My concerns are twofold. Firstly, I'm worried that the current excessive enrolments and the lack of proper traffic management result in danger for the children attending
25 the school, as well, of course, as for other children and adults using the busy roads in and around the Scots College, Bellevue Hill, precincts, but I'm also concerned about the message being sent to students. I'm referring to the behaviour of the college leadership in its failure to implement planning requirements or to correct safety issues. I have to say that I find their arrogance simply breathtaking. What sort of
30 message is being sent to students by this educational institution, which should be leading by example in its responsibility to nurture the development of community conscious, responsible, well-rounded future adults. It's really quite extraordinary.

I'm concerned that, instead, the students will learn to ignore the wellbeing of their
35 neighbours and fellow citizens. They will, instead, come to have a well-developed sense of entitlement and the belief that, when it suits them, they can stare down authority with little sense of any personal consequences. I have to say that the behaviour of the school, as has been described by the other speakers, would fit that definition. Accordingly, if the Commission is inclined to improve the application,
40 the safest outcome would be for it to be deferred, or to be dealt with as part of a master plan for the Scots, Bellevue Hill, properties rather than for it to go ahead now, becoming a fait accompli and exacerbating rather than solving the current problems. And I thank you very much for your attention.

45 DR WILLIAMS: Thank you. Thank you, Professor Ziegler. Our next speaker, please, is Warren Kidson.

MR W. KIDSON: Well, I would like to thank the chairman, Peter Williams, for allowing me to speak without notice, because we arrived back from holidays and Wednesday evening last week was too late to apply to be a speaker. However, we were surprised on Thursday to find outside our house in Carrington Avenue, a small
5 cul-de-sac, a Scots vehicle – a non-transport vehicle – parked there all day, and so we have problems with parking, no one disputes that, but, before, we thought it was just students and staff, but it's now the college themselves parking their vehicles in our street, and we're 200 metres from the actual boundary of the school and 300 metres from the nearest vehicular entrance.

10 And I think other speakers have said things about attitude. The fact that Scots feels narcissistically obliged to have their logo on what's just really a goods vehicle, not a public transport vehicle, reflects the narcissism and the arrogance that has been mentioned by other speakers, and I suspect, also, that the fact they feel the
15 importance to have a baronial façade on library is all part of that narcissistic mindset and I don't know how you overcome it, but we've had meetings. The whole – all the residents in our street met with the senior officers of Scots, including the principal, last year and we were assured in no uncertain terms that the very next development at Scots was going to be parking. As usual, they come up with something that has no
20 parking whatsoever.

So that's how we're left with this situation where we ask the Commission to reject the application and so the council – the school can get on with arranging some parking. They tell us that the problem is they can't really attract donors to put money
25 into a building. The Duncan McTaggart Memorial Car Park – you can't see the Duncan McTaggart Memorial Car Park getting off the ground. Rather, an elaborate – building a library, etcetera. So we – from the point of view of donations – and they use this excuse that the donations are always directed to one particular project, so their hands are tied. Well, we think they should be tied even more and that the
30 application should be rejected until they build car parks and safe drop-offs. Thank you.

DR WILLIAMS: I thank Mr Kidson. Just any – just to reiterate this point, any materials that you have today can be handed to the secretary before you leave this
35 morning, but any other material that you want to submit, you can do that electronically as well, including images and photos as well. Thanks, Mr Kidson. Our final speaker, I think is Christopher Bills. Thank you.

MR C. GILLS: Thank you, Mr Chairman and members of the Commission for
40 allowing me to speak without notice – on very short notice. Five minutes. I've got five minutes. My wife have lived in Kambala Road for 29 years. It was only up until about six or seven years ago that we suddenly found that we couldn't leave our place between the hours of eight and nine or return to our place between the hours of basically 3 to 4, because we live opposite the junior school and we live in a little
45 minor road that is full of mothers with their babies and young people, walking them out of their car and across the road. It has been found – so many submissions have

been made that the practice is unsafe, that the school, in not having an internal drop-off and pick-up point, is unsafe.

5 There's a legal reason why schools have internal drop-off and pick-up points, and that's because a school, after all, is a workplace under our work health and safety laws. And being a workplace, it includes areas where the business is being carried on. If you're dropping off and picking up outside the school, then outside the school includes the workplace. Now, that basically means that should there be any accidents or injuries, the school principals are personally liable. And to the extent
10 that the history of the unsafeness of their practices has been set out, they face some horrendous fines if anything like that happened, and thank God, so far, it hasn't, but it is only a matter of time if this keeps going.

15 Now, I mention it – it's probably not particularly relevant to the Commission's consideration, but it is relevant to an overall consideration of safety, notwithstanding we have laws in relation to it, which apply to Scots and which apply to the drop-off and pick-up points, be they within the school or outside the school. It just seemed to me to be gross negligence not to pay attention to safety, especially when you've got children, especially in our street where they're little children. And so I ask the
20 Commission to take into account what our previous speakers have said and defer this application until a master plan has been submitted and approved by the appropriate authorities. Thank you very much. I didn't do my five minutes, but that's all I wish to say.

25 DR WILLIAMS: Thank you.

MR S. CHEONG: Peter. Peter.

30 MS C. AUSTIN: Peter.

MR CHEONG: Can I have just one question?

DR WILLIAMS: We have a question.

35 MR GILLS: Yes.

MR CHEONG: What number in Kambala Road is your residence?

40 MR GILLS: Number 22, which is right across the road from the back entrance where the pick-up – well, it's right across the road from the pick-up and drop-off point, and there's a little – what used to be the bread delivery road across the road from the back entrance, and all the mothers park there so you can't get out. We happen to be the only – one of two people with a driveway there, so you just can't
45 get out.

MR CHEONG: Okay. Thanks.

MR GILLS: Thank you.

5 DR WILLIAMS: Thank you, Mr Gills. I think that's all our speakers. Thank you very much for attending this morning. It's not a very nice day to be out. I very much appreciate your attendance. If you would like a quick cuppa, there is out the back, before you leave. As we indicated before, we will seek to determine this matter as quickly as possible. We have a normal period of seven days after the meeting for further submissions of anything you wish to add to what's said today.

10 Anyone who wasn't here today who wasn't able to make submissions that you know of, encourage them to submit to us in the next seven days as well. We place equal weight on those submissions as we do to oral submissions before us as well. So anyone not here today, please encourage them to lodge their submissions as well. We may need further advice from council, the department, the applicant before we
15 make our final determination, but, as I said, we will seek to get that out as quickly as possible. I think that's everything. So once again, I thank you very much for your attendance today. Thank you.

20 **RECORDING CONCLUDED**

[11.10 am]