

Primary Schools for the 21st Century Inquiry

Submission

Primary Schools for the Twenty First Century Inquiry

By

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(Charing Cross Precinct Convenor)

Primary Schools for the 21st Century Inquiry

To Whom It May Concern

Please find attached my submission into the inquiry of the Federal Government's Primary Schools for the 21st Century program, with particular reference to:

- (i) the conditions and criteria for project funding,
- (ii) The Role of the State Governments

This submission concerns my personal experience as a neighbour of a school that has received BER funding. I also represent my neighbours and the CHARING CROSS PRECINCT which will bear the cost of the funded development in our neighbourhood.

Yours sincerely,

Danny Caretti
Charing Cross Precinct Convenor

Primary Schools for the 21st Century Inquiry

(i) The Conditions and criteria for Funding

“Schools may include funding contributions from other sources towards the total cost of a project under the BER.” (See Building Education Revolution Guidelines)

St Catherine’s School in Waverley NSW have added \$2 million dollars to their BER funding of \$2.5 million. They have therefore \$4.5 million for this project.

This means that they have been able to build a larger development, with more buildings with this extra funding. Prior to the BER Revolution funding they would have had to submit any proposed DA to the local Council and conform to local Planning laws, in this case the 2(b) zoning that applies to this area. They have been able, via the NSW National Building and Jobs Plan Taskforce’s extra planning powers, to build a larger development that would not be approved by Waverley Council NSW because of its sheer bulk and size.

They could have never got a 3 storey and 2 storey building with an aerial walkway development past Council ordinarily. In this case the 2B Zoning laws that apply to this development in a Conservation and Heritage area in Waverley NSW have been bypassed with no consultation with residents, before the development was approved, and no environmental impact statement. The BER funding combined with the School’s own funding has allowed this to happen. This has been opportunistic by the school and will leave the legacy of an eyesore in a Conservation and Heritage area. The real cost is borne by our community. This will have unintended impacts resulting in loss and detriment to the environment, large, high and bulky buildings, loss of amenity, more traffic, and overshadowing for neighbours.

If they were only allowed to use BER funding to then the development would have been more community friendly.

(See attached Newspaper Articles)

(ii) THE ROLE OF THE STATE GOVERNMENTS

The NSW State government set up the “NSW Nation Building and Jobs Plan Taskforce” to “Ensure rapid and coordinated delivery of Commonwealth Government funded education and housing facilities within NSW”.

It professes that “any application made under the NBJP Act will need to be accompanied by appropriate environmental assessment and consideration of impacts on the environment and adjacent land uses.”

(See its website www.nsw.gov.au/docs/nationbuilding/Taskforce_Planning_Powers.pdf)

The reality is that the guidelines allow for the usual planning process to be subverted. There is a failure to undertake full environmental assessment and adequately involve the community and the local Council. Some of the applicant’s claims in its application do not seem to be checked and substantiated. The result is the community is left with a development that is out of character with the neighbourhood, because the Planning Laws have been by passed.

Here is an example of the determination of the NBJP Taskforce that will affect me personally, my neighbours and the wider Charing Cross Precinct and therefore our neighbourhood:-

ST CATHERINES SCHOOL WAVERLEY NSW

St Catherine’s School Waverley NSW was granted \$2.5million from the Federal Government in May 2009 and with an extra self funded \$2 million it immediately sort an exemption to compliance with existing development control legislation (See attached JBA Urban Planning Consultants Summary Report).

Their arguments were

“This estimation of a 12 week assessment period however is in contrast with the School’s experience of seeking development consent through Council for other works. Most recently for the construction of 10 hardstand car parking spaces, practice court, landscaping and drainage works (315 Bronte Road) which took in excess of 26 to be assessed and determined by Council.” (See attached JBA Urban Planning Summary Report St Catherine’s School Waverley)

What they did not explain was that with this particular DA they originally wanted to build a 26 hardstand car park which would was not a straightforward application and was controversial because it would have altered traffic conditions on Bronte Rd and it sought the use of a residential right of way on my property. The application was amended and redrawn a number of times over a considerable period of time. It would seem that the NBJP Taskforce did not check this argument with local Waverley Council archive files when granting approval to override local planning laws and therefore Waverley Council.

Primary Schools for the 21st Century Inquiry

LOCAL COUNCIL PLANNING LAWS ZONE 2B - EXEMPTION

In their Summary application they did not point out that their building would be over 9.5 metres in height. (9.5 metres is the maximum in this area) This did not conform with the 2B Zoning that is applied in this area. The zoning only allows for 2 storeys, the application includes a building of 3 storeys. The Floor Space Ratio is also 100% as opposed to the 60% that is the norm for this residential area. A Waverley Council DA application would have to conform with the 2B Zoning Laws. It was opportunistic therefore to get the DA away from the Waverley Council. Again the application was not checked thoroughly with Waverley Council and the history of the site.

- Shadow Diagrams

The school supplied a shadow diagram for the development but overshadowing was only listed as a concern for the Phillip House Nursing Home and not the other residences including 313 Bronte Rd and the outdoor space. The rear yard to 313 Bronte Rd is impacted in respect to shadowing loss of aspect and overlooking. Further the Phillip House a Nursing Home for the Aged will be impacted by afternoon shadowing from the West.

- Setbacks

The setbacks on the plans were not checked. An easement is used as part of a 5 metre setback as a setback on the north western side. This compromises the plans, and was also not checked.

- Traffic and Children Drop Off Zones

The use of this former residential land, where this development will be placed, will put pressure on local roads which will affect the whole neighbourhood. The whole residential block will be further dominated by school traffic and drop off zones that take away parking and access for residents. The Waverley Council would have better managed the proposed use of the land by considering existing access points that the school already and by managing traffic in the area because it has historical knowledge and experience in the area.

WAVERLEY COUNCIL CONSULTATION

The school in their application argued they had council support. (See attached JBA Urban Planning Consultants Summary Report).

“Council Officers also provided the following feedback in relation to the proposed Development (Appendix N):

They saw no significant issues with the proposed development.”

This is not true. Waverley Council does not support this application (See attached Director Planning and Environmental Services Peter Brennan’s letter). This letter seems to have been ignored by the NBJP Taskforce who gave them permission to override local planning laws.

Primary Schools for the 21st Century Inquiry

COMMUNITY CONSULTATION

According to *NSW TASKFORCE UPDATE- Planning Edition ISSUE 3, 27 JULY 2009*

“For Nation Building and Jobs Plan Act applications, proponents are encouraged to consult with the local community.”

Despite statements to the contrary, St Catherine’s School has made no attempt at consultation with the adjoining neighbours and community members adversely affected by this development, at any time prior to the granting of approval of the development.

(See attached Motion from the CHARING CROSS PRECINCT Committee).

Again this was no checked with local residents.

WHERE ARE ALL THE BUILDERS?

We have been issued with the notification of building to commence but it is interesting to note that they cannot find a builder because of the rush to build. This means that the application was rushed through the approval stage only to find that there are no builders. The application could have in fact gone through the local council which would have ensured that this DA was a much better development for the area.

CONCLUSION

Given the evidence I have presented, this application would have best been dealt by Waverley Council.

The panic to get these “BER Revolution Primary School Developments for the 21st century” built, means that the essential criteria that the NSW NBJP Taskforce professes to adhere to is being subverted. There is a rush to get these developments approved for the building work to start. The reality of speeding up approval for this development has ensured that they will eventually commence, however they could have been a better development for the area given consultation with local government and residents. The real cost will be borne by our community. This will not only have unintended impacts resulting in loss and detriment to the environment, large, high and bulky buildings, loss of amenity, more traffic, overshadowing, but will also result in delay at later points in the project which causes significant management and operating issues which will affect neighbours of this school.

There are serious deficiencies in the legislation at the centre of BER funding and the broader community will be worse off. Regardless of what the legislation says the reality is that a different outcome is occurring and I urge the committee to recommend the legislation look at strengthen the consultation mechanisms of this process and returning development control to local councils.

Primary Schools for the 21st Century Inquiry

ATTACHMENTS

The Australian Article – “Neighbours’ Fury at school’s plan”

The Wentworth Courier- “School Plan raises local Ire” – 9 Sept 2009

Summary Report - St Catherine’s School (JBA Urban Planning Consultants)

Charing Cross Precinct Motion – October 19th 2009

Letter from Peter Brennan, Director of Planning to NBJP Taskforce