

DEVELOPMENT APPLICATION ASSESSMENT REPORT

Application Number:	DA2021/2567
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Responsible Officer:	Anne-Marie Young
Land to be developed (Address):	Lot B DP 395193, 0 L Federal Parade BROOKVALE NSW 2100 Lot 100 DP 1250521, 37 - 43 Federal Parade BROOKVALE NSW 2100 Lot 13 DP 568333, 60 Federal Parade BROOKVALE NSW 2100
Proposed Development:	Demolition works, construction of two carparks and an increase in student numbers at an educational establishment
Zoning:	Warringah LEP2011 - Land zoned R2 Low Density Residential
Development Permissible:	Yes
Existing Use Rights:	No
Consent Authority:	Northern Beaches Council
Delegation Level:	NBLPP
Land and Environment Court Action:	No
Owner:	The Trustees of the Order of Hermits of St Augustine
Applicant:	St Augustine's College Sydney

Application Lodged:	11/01/2022
Integrated Development:	No
Designated Development:	No
State Reporting Category:	Other
Notified:	22/12/2022 to 18/01/2023
Advertised:	Not Advertised
Submissions Received:	52 (38 unique submissions)
Clause 4.6 Variation:	Nil
Recommendation:	Deferred Commencement Approval

Estimated Cost of Works:	\$ 671,000.00
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EXECUTIVE SUMMARY

This application seeks consent to increase the maximum number of students attending St Augustine's College from 1,200 to 1,600, (increase of 400 students or 33.3% increase). The proposal also seeks consent for the construction of two (2) car parks to accommodate a total of 54 cars. One of the car parks is located on a separate lot at 60 Federal Parade, which is part of the school campus, and the

other carpark is located at the south-east corner of the main part of the College campus accessed via Alfred Road. The application is supported by an acoustic report, a Transport and Parking Management Plan (TPMP) , and an Operational Plan of Management (OPM) , which collectively provide details of mitigation and management measures to ensure the amenity of the surrounding residential area is protected by the increase in student numbers and additional off-street parking.

The application is referred to the Northern Beaches Local Planning Panel (NBLPP) as more than 10 submissions (total of 38 unique submissions) to the public exhibition of the application.

Concerns raised in the submissions predominantly relate to traffic, parking, road and pedestrian safety issues, operational and management issues with the College; including, non-compliance with existing conditions of consent and lack of supervision of students. Issues raised in relation to impacts on neighbouring amenity include; acoustic impacts, light spill and issues with security. Issues in relation to landscaping include a reduction of landscape open space and play areas. Finally, concerns are raised about the sole use of 60 Federal Parade as a carpark and the visual impacts on the streetscape and there being insufficient information and conflicts between the various supporting reports.

The application seeks to address the issue of the unapproved increase in student numbers, and at the same time provide additional car parking to assist in mitigating current traffic and parking issues being experienced in the surrounding area and cater for the proposed intensification. The application also involves the erection of acoustic barriers around the perimeter of the carparks, in addition to new landscape planting, which will help ensure that there are no unreasonable acoustic impacts to neighbouring residents and that visual impacts on the streetscape and to neighbours are acceptable.

Critical assessment issues include; the impact of the increase in student numbers on the local traffic network and parking in the local area, parking adequacy, staffing numbers, transport modes, noise impacts, streetscape, visual impacts, and operational and management issues associated with the school.

Due to omissions in the submitted TPMP and inconsistencies between the management plans and the acoustic report, suitable deferred commencement conditions have been imposed to update these plans and rectify these outstanding matters prior to the consent being activated. Importantly, the full increase in student numbers will not be effective until such time as the carparks have been constructed and are operational.

This report concludes with a recommendation that the NBLPP should grant deferred commencement approval to the development application.

PROPOSED DEVELOPMENT IN DETAIL

The proposal seeks consent for an increase in the student population and additional car parking. In detail, the application seeks consent for:

- Student enrolments - An increase in the College enrolment from the current approved maximum student population of 1,200 students to a maximum of 1,600 students. 152 full time equivalent (FTE) staff will be required to support a student enrolment of 1,600 students.
- Federal Parade Carpark - Demolition of the existing buildings on 60 Federal Parade and construction of a new 24 space, at-grade car park, together with associated civil works and landscaping.
- Alfred Road Carpark - Construction of a new 30 space at-grade car park on the south-eastern corner of the main College site together with associated civil works and landscaping.

The application is supported by the following reports:

Traffic Parking and Management Plan (TPMP)

The TPMP addresses the following:

- Management and safety of students arriving and departing to/from the College
- Provision of on-site parking for staff
- Principles relating to students who drive to/ from the College
- Provision of parking for visitors and delivery vehicles to the College
- Management of traffic to minimise impact on local residents both during normal school days and for special events at the College
- Encouragement of use of active and public transport options to access the College, as well as carpooling
- Provision of bicycle parking
- Bus management
- Pedestrian management and safety

Operational Management Plan (OMP)

The OPM addresses the following:

- Transport and traffic management
- Noise management
- Safety and security

Noise and Vibration Impact Statement

The acoustic report includes measures to address:

- Carpark noise management
- Construction noise management

ASSESSMENT INTRODUCTION

The application has been assessed in accordance with the requirements of the Environmental Planning and Assessment Act 1979 and the associated Regulations. In this regard:

- An assessment report and recommendation has been prepared (the subject of this report) taking into account all relevant provisions of the Environmental Planning and Assessment Act 1979, and the associated regulations;
- A site inspection was conducted and consideration has been given to the impacts of the development upon the subject site and adjoining, surrounding and nearby properties;
- Notification to adjoining and surrounding properties, advertisement (where required) and referral to relevant internal and external bodies in accordance with the Act, Regulations and relevant Development Control Plan;
- A review and consideration of all submissions made by the public and community interest groups in relation to the application;

- A review and consideration of all documentation provided with the application (up to the time of determination);
- A review and consideration of all referral comments provided by the relevant Council Officers, State Government Authorities/Agencies and Federal Government Authorities/Agencies on the proposal.

SUMMARY OF ASSESSMENT ISSUES

Warringah Local Environmental Plan 2011 - Zone R2 Low Density Residential
 Warringah Development Control Plan - B5 Side Boundary Setbacks
 Warringah Development Control Plan - B7 Front Boundary Setbacks
 Warringah Development Control Plan - B9 Rear Boundary Setbacks
 Warringah Development Control Plan - C2 Traffic, Access and Safety
 Warringah Development Control Plan - C3 Parking Facilities
 Warringah Development Control Plan - D1 Landscaped Open Space and Bushland Setting
 Warringah Development Control Plan - D3 Noise
 Warringah Development Control Plan - D8 Privacy
 Warringah Development Control Plan - D20 Safety and Security
 Warringah Development Control Plan - E1 Preservation of Trees or Bushland Vegetation
 Warringah Development Control Plan - E2 Prescribed Vegetation

SITE DESCRIPTION

Property Description:	Lot B DP 395193 , 0 L Federal Parade BROOKVALE NSW 2100 Lot 100 DP 1250521 , 37 - 43 Federal Parade BROOKVALE NSW 2100 Lot 13 DP 568333 , 60 Federal Parade BROOKVALE NSW 2100
Detailed Site Description:	<p>The subject site consists of three (3) allotments.</p> <p>37-41 Federal Parade and Lot B DP 395193 The main part of the St Augustine’s College campus (Primary and Secondary school) site is located at 37-41 Federal Parade, Brookvale. It comprises of two (2) allotments Lot 100 DP 1250521 (2.141 Ha) and Lot B DP 395193 (6,222sqm). The College campus has frontages to Federal Parade to the north, Alfred Road to the east, Gulliver Street to the south and Consul Road to the west. The main campus contains a range of buildings of varying size and scale including one two and three storey buildings with open space located to the eastern side of the site associated with Lot B.</p> <p>There is a rise of approximately 8m in the levels across the main campus from south (Gulliver Street) to the north (Federal Parade). There are a number of trees scattered across the main campus site with the majority of significant trees located along the Federal Road frontage to Lot B.</p> <p>60 Federal Parade Lot 13 DP 568333, measures 901.5sqm and comprises</p>

dwelling with a detached garage. The site has a slight fall of approximately 2m from north (rear) to south (Federal Parade) and there are seven (7) trees located on the site to the rear boundary behind the garage and Council owned stormwater infrastructure. A brick fence provides the boundary treatment along the northern part of the site and part of the eastern boundary. The site has been approved as an educational establishment (ancillary administration) associated with the College.

Vehicular access to the site is currently available from Alfred Street, Gulliver Street and Federal Parade. The school bus zones and student drop off/pick up zone is within Alfred Street. The formal car parking for the school is within the school grounds and the open car park facing Gulliver Street.

The site is located within the R2 Low Density Residential Land Use from WLEP 2011. The site adjoins an R3 zone to the immediate south and a RE1 zone to the east. Pittwater Road, a classified road is located approximately 130m with adjoining B5 Business Development and an Educational land use associate with Brookvale Primary school located at the intersection of Old Pittwater Road.

Detailed Description of Adjoining/Surrounding Development

Adjoining and surrounding development is characterised by detached one and two dwellings set back from the street in landscaped settings. Brookvale Oval is located to the east.

Map:



SITE HISTORY

On 2 February 1995, Development Application No. **DA6000/4368** approved alterations and additions to the school in relation to primary school classrooms fronting Gulliver Street (Consent 95/57). This consent limited the school enrolments to a maximum of 820 students. It is noted that there is a history of the school exceeding this limit (as identified in EPA2013/0102).

On 17 January 2005, **DA2004/0866** granted demolition of two dwellings and construction of a new creative arts centre. Conditions in the consent include:

Condition 4 On-site Parking Spaces -

A minimum of seventy-nine (79) parking spaces are to be provided on-site.

Condition 5 Traffic Management

The School is to submit a Traffic Management Plan (MP) for the Council's consideration and approval, prior to the issue the Occupation Certificate for the Creative Arts Centre.

Condition 6 Student numbers

The student population is limited to a maximum of 820.

Reason: Control student numbers.

On 1 July 2013, an Order was issued to the Trustees of St Augustine's in respect of a breach of Condition 4 and 6 of DA2004/0866 relating to student numbers and on site car parking.

On 19 June 2014, **DA2013/1336** was granted subject to Deferred Commencement conditions for alterations and additions to the College. The application approved:

- demolition of a dwelling at No. 18 Gulliver Street
- construction of a carpark for 102 vehicles and a two storey science facility and a primary school learning centre over a carpark
- internal refurbishment of the existing "Cameron House" building at No 20 Gulliver Street
- refurbishment works to the existing "Mendel Wing" building, located to the north of the new buildings
- on-site stormwater detention and drainage management work
- landscaping to the curtilage of the new buildings and ancillary site works
- identification signage to Gulliver Street
- increase school enrolment limit from 820 students to 1200 students, as imposed under Condition 45

The deferred commencement (DC) condition related to building over or adjacent to constructed Council drainage system. On 16 November 2014, Council confirmed that the requirements of the Deferred Commencement had been satisfied and the consent was activated.

***Note:** Condition 46 was also imposed which required a Traffic and Parking Management Plan.

On 17 January 2019, **DA2018/1804**, approved the change of use of the following properties as part of an educational establishment: 20 and 22 Alfred Road, 2 and 2A Gulliver Street and 33 Consul Road, Brookvale.

On 10 December 2020, **DA2020/1406** approved the use of Lot 13 DP 568333, 60 Federal Parade Brookvale as an Educational Establishment (Ancillary Administration).

On 25 June 2020, pre-lodgement Meeting **PLM2020/0122** was held with the applicant and Council staff

to discuss an increase of student numbers from 1200 to 1500 and new carpark at 33 Consul Road to accommodate car parking for 14 to 16 cars. The concluding comments in the PLM notes stated:

The proposal is generally acceptable, though requires plans and documentation in relation to the traffic and parking impacts of the proposed increase in student numbers.

On 15 March 2021, **DA2020/1514** was lodged and later withdrawn, which was for alterations and additions to an existing educational establishment to accommodate an increase of student numbers. The application was withdrawn on the advice of Council Officer's given there was insufficient information.

On 18 November 2021, a further pre-lodgement Meeting **PLM2021/0277** was held with the applicant and Council staff to discuss an increase of student numbers and new carpark at 37-43 Federal Parade and 60 Federal Parade. The concluding comments in the PLM notes stated:

Council still holds concerns regarding the car park at 60 Federal Parade and the applicant is encouraged to review alternate solutions to a long-term solution for parking for the school given the increase in student numbers. Should the proposal be pursued in the current form, the applicant is advised to follow the above specialist advice prior to lodging any development application to ensure the issues of traffic, acoustics, landscaping, and engineering are adequately addressed.

History of Recent Compliance Action

31 March 2020 - A letter was sent to the College advising that during the 2019 enrolment year there were approximately 1400 students, which meant that the School was in breach of condition 45 of development consent DA2013/1336.

31 July 2020 - A Notice of Intention to Issue an Order was issued in respect of a breach of DA2013/1336 in relation to student numbers.

26 March 2021 - An Order was issued in respect of a breach of DA2013/1336 in relation to student numbers.

History of Current DA

On 11 January 2022, the subject application DA2021/2567 was lodged.

On 25 May 2022, Council requested additional information to address engineering, transport, and urban design issues.

On 5 July 2022, the applicant sent a response to the issues raised by Council's Urban Design Team, the recommendations by Council's Transport Officer and submissions by the public.

On 28 August 2022, the applicant uploaded the following information to the Planning Portal: Flood Impact Assessment, amended traffic report and stormwater plan.

On 15 September 2022, the applicant was requested to provide the following additional information: Operational Plan of Management, details on the quantity of landscape open space / play space lost as a result of the proposal, breakdown of student enrollments, details of the acoustic barrier and a response to Planning Circular PS 21-038 Regulating Expansion of Schools.

On 28 September 2022, the application was re-notified due to an error in the previous notification in respect of the site address.

On 14 November 2022, the applicant sent a partial response to the "Request for Further Information", including a response to the issues raised in submissions, student enrolments and the future development of the school and reference to past community consultation. In addition, open play area calculations and an amended landscape plan were submitted.

On 1 December 2022, the applicant submitted an Operational Plan of Management. Due to the level of public interest and concerns with a lack of information in the original DA submission the application, was re-notified for a period of 14 days.

ENVIRONMENTAL PLANNING AND ASSESSMENT ACT, 1979 (EPAA)

The relevant matters for consideration under the Environmental Planning and Assessment Act, 1979, are:

Section 4.15 Matters for Consideration	Comments
Section 4.15 (1) (a)(i) – Provisions of any environmental planning instrument	See discussion on “Environmental Planning Instruments” in this report.
Section 4.15 (1) (a)(ii) – Provisions of any draft environmental planning instrument	There are no current draft environmental planning instruments.
Section 4.15 (1) (a)(iii) – Provisions of any development control plan	Warringah Development Control Plan 2011 applies to this proposal.
Section 4.15 (1) (a)(iiia) – Provisions of any planning agreement	None applicable.
Section 4.15 (1) (a)(iv) – Provisions of the Environmental Planning and Assessment Regulation 2021 (EP&A Regulation 2021)	<p><u>Part 4, Division 2</u> of the EP&A Regulation 2021 requires the consent authority to consider "Prescribed conditions" of development consent. These matters have been addressed via a condition of consent.</p> <p><u>Clauses 36 and 94</u> of the EP&A Regulation 2021 allow Council to request additional information. Additional information was requested in relation to traffic and parking and road safety, the management of the school, flooding, acoustic measures and future student enrolments.</p> <p><u>Clause 61</u> of the EP&A Regulation 2021 requires the consent authority to consider AS 2601 - 1991: The Demolition of Structures. This matter has been addressed via a condition of consent.</p> <p><u>Clauses 62 and/or 64</u> of the EP&A Regulation 2021 requires the consent authority to consider the upgrading of a building (including fire safety upgrade of development). This clause is not relevant to this application.</p> <p><u>Clause 69</u> of the EP&A Regulation 2021 requires the consent authority to consider the provisions of the Building Code of</p>

Section 4.15 Matters for Consideration	Comments
	Australia (BCA). This matter has been addressed via a condition of consent.
Section 4.15 (1) (b) – the likely impacts of the development, including environmental impacts on the natural and built environment and social and economic impacts in the locality	<p>(i) Environmental Impact The environmental impacts of the proposed development on the natural and built environment are addressed under the Warringah Development Control Plan 2011 section in this report.</p> <p>(ii) Social Impact Subject to conditions, the proposed development will not have a detrimental social impact on the locality considering the education based character of the proposal. The proposal seeks to address the issue of student enrolments and assist in mitigating current traffic and parking issues being experienced in the surrounding street with the provision of car parking and updated management measures.</p> <p>(iii) Economic Impact The proposed development will not have a detrimental economic impact on the locality considering the educational based nature of the existing and proposed land use.</p>
Section 4.15 (1) (c) – the suitability of the site for the development	<p>Based on the assessment in this report, the site is considered suitable for the proposed development. Issues have been raised in respect of the use of No. 60 Federal Parade as a car park. No. 60 Federal Parade has been approved for use as educational establishment associated with St Augustine's College, therefore the use of the site as part of the College is not an issue for consideration under this application, rather how it used for school purposes.</p> <p>It is noted that pursuant to Part 4 clause 36 of <i>SEPP (Educational Establishments and Child Care Facilities) 2017</i>, the College can demolish the existing building on the site and construct a carpark. The subject application provides a pathway for the design and management of the subject carpark to be controlled by conditions of consent. As such, the use of No. 60 Federal Parade as a car park is considered suitable for the existing development.</p>
Section 4.15 (1) (d) – any submissions made in accordance with the EPA Act or EPA Regs	See discussion on “Notification & Submissions Received” in this report. In summary, the issues and concerns raised do not warrant the refusal of the application, however there are specific conditions and plans required to ensure the issues are thoroughly addressed.
Section 4.15 (1) (e) – the public interest	No matters have arisen in this assessment that would justify the refusal of the application in the public interest. The application, including additional information requested, have addressed the issues raised by the public and the requirements of the WLEP 2011 and WDCP 2011 and SEPP (EE&CCF), which ensures the proposed development is consistent with maintaining the public interest.

EXISTING USE RIGHTS

Existing Use Rights are not applicable to this application.

BUSHFIRE PRONE LAND

The site is not classified as bush fire prone land.

NOTIFICATION & SUBMISSIONS RECEIVED

The subject development application has been publicly exhibited from 22/12/2022 to 18/01/2023 in accordance with the Environmental Planning and Assessment Act 1979, Environmental Planning and Assessment Regulation 2021 and the Community Participation Plan.

As a result of the public exhibition process council is in receipt of 52 submission/s from:

Name:	Address:
Anna Katherine Edwards	82 Federal Parade BROOKVALE NSW 2100
Mrs Raewyne Joy Juras	52 A Alfred Road BROOKVALE NSW 2100
Mr Jason Roderick Pinner	9 A Gulliver Street BROOKVALE NSW 2100
Mr Paul Karl Stephens	47 A Federal Parade BROOKVALE NSW 2100
Justin Leung	22 Gulliver Street BROOKVALE NSW 2100
Mr Yves Joseph Goarin	4 St Johns Close BROOKVALE NSW 2100
Ms Julie Elizabeth Roper	19 Consul Road BROOKVALE NSW 2100
Mrs Clare Rose Foale	16 Margaret Street BEACON HILL NSW 2100
Mr Sasa Kostic	48 / 48 A Consul Road BROOKVALE NSW 2100
Mr Edward Bruce John Hyder	22 / 48 A Consul Road BROOKVALE NSW 2100
Britt Horsten	Address Unknown
Mr Konrad Wojciech Wielgosz	29 / 48 A Consul Road BROOKVALE NSW 2100
Mr Gynt James Drinan	110 A Victor Road NARRAWEENA NSW 2099
Mr John Paul Renouf	71 / 48 A Consul Road BROOKVALE NSW 2100
Miss Julia Michelle Crowley	49 / 48 A Consul Road BROOKVALE NSW 2100
Ms Rebekah Ruth Pauliukonis	66 / 48 A Consul Road BROOKVALE NSW 2100
B Walton	Address Unknown
Matthias Buytaert	59 / 48 A Consul Road BROOKVALE NSW 2100
Pip Bakker	1747 Pittwater Road MONA VALE NSW 2103
Camille Yefkineh Kidson	3 St Johns Close BROOKVALE NSW 2100
Charl Kidson	3 St Johns Close BROOKVALE NSW 2100
Mr Shane Michael Burke	2 / 44 A Consul Road BROOKVALE NSW 2100
Laura Mary Rita Nunn	26 / 48 A Consul Road BROOKVALE NSW 2100
Carolyn Joyce Ali	47 Federal Parade BROOKVALE NSW 2100
Peter Edward Walton	16 Alfred Road BROOKVALE NSW 2100
Dianne Elizabeth Haggerston	32 Keldie Street FORESTVILLE NSW 2087

Name:	Address:
Todd Reginald Walton	16 Alfred Road BROOKVALE NSW 2100
Ms Meredith Macmillan Dickson	13 Consul Road BROOKVALE NSW 2100
Mr Gary Michael Penfold	5 / 48 A Consul Road BROOKVALE NSW 2100
Ms Kathryn Mary Meyer	2 / 44 B Consul Road BROOKVALE NSW 2100
Mrs Margaret Elizabeth Ratcliffe	10 Consul Road BROOKVALE NSW 2100
Ms Lauren Marie McNamara	50 Alfred Road BROOKVALE NSW 2100
Ms Emilia Saez Nieto	74 Federal Parade BROOKVALE NSW 2100
Mrs Jacqueline Gorman	9/10-12 East Esplanade MANLY NSW 2095
Joanne Brown	14 Consul Road BROOKVALE NSW 2100
Sophie Sparks	13 / 48 A Consul Road BROOKVALE NSW 2100
Mr Philip Joseph Williams	26 Consul Road BROOKVALE NSW 2100
Sandra Louise Kidd	45 / 48 A Consul Road BROOKVALE NSW 2100
Mr Alex Corner	78 Federal Parade BROOKVALE NSW 2100
Lillian Mary Morton	16 Alfred Road BROOKVALE NSW 2100
Mr Bernard Thomas Dryden	20 Ara Crescent NARRAWEENA NSW 2099
Mr John Wania Truszcwski	76 Federal Parade BROOKVALE NSW 2100
Mr Peter Gregory King	9 Gulliver Street BROOKVALE NSW 2100
Samantha Glass	2 / 44 Consul Road BROOKVALE NSW 2100
Facundo Nacer	Address Unknown
Ms Caroline Psaltis	1 / 8 - 10 Shackel Avenue BROOKVALE NSW 2100
Ms Paula Anne Brennan	38 Consul Road BROOKVALE NSW 2100
Christine Veronica Rochford	7 / 5 - 7 Gulliver Street BROOKVALE NSW 2100
Ms Hing Yip Leung	22 Gulliver Street BROOKVALE NSW 2100
GLN Planning Pty Ltd	GPO Box 5013 SYDNEY NSW 2001
Mrs Susan Frances Mooyaart	3 / 48 A Consul Road BROOKVALE NSW 2100

Thirty-eight (38) *unique submissions have been received.

In accordance with the Northern Beaches Community Participate Plan (NBCPP), unique submissions are submission from the same person or the one address.

The following issues were raised in the submissions:

- **Car parking, traffic and road and pedestrian safety**
- **Unauthorised student numbers and work at 33 Consul Road**
- **Incremental expansion**
- **Insufficient information / lack of details of overall future development of school**
- **Noise**
- **Light spill**
- **Use of No. 60 Federal Parade as a carpark**

- Impacts on No. 16 Alfred Road
- Reduction of landscape open space / play space
- Supervision and management
- Community consultation / notification
- De-value property
- Precedent
- Conflicting reports

The above issues are addressed as follows:

- **Car parking and traffic issues**

The submissions raise concerns that a 33.33% increase in student numbers will add to car parking / traffic issues. More students will require more staff which will add to increased traffic, cars and buses in the area and there is no cap on staff numbers. The additional proposed car parking will encourage the use of private cars over public transport. Access to the car park of Gulliver Road will increase traffic and parking issues.

There are current issues with parking especially at intersection of Consul Road and Federal Parade. The proposal will not resolve the current car parking issues as it seeks to increase numbers. The school does not manage parking in the street or adhere to basic travel management plans. Insufficient on-site parking for the schools service vehicles, buses, boats etc. The school hosts approximately 40 events per year, including concerts, parking and traffic associated with these events have a negative impacts on local streets.

The traffic report has inaccuracies and flawed assumptions and the survey period is questioned as it appears to be during the peak of Covid lockdown (2019-2020). The traffic report fails to consider demographics of students and it is noted that many year 11 and 12 students drive to school. Details of break-down of students are required to enable a proper assessment of traffic impacts. Covid has changed traffic patterns with more parents working from home and dropping kids to school. This is not acknowledged or discussed in the traffic report. Alternative options should be considered e.g. underground car park on main site.

Council need to impose 2 hour parking restrictions in surrounding streets with exceptions to residents similar to the parking restrictions that apply in Little Manly.

Comment:

The applicant acknowledges that the proposal seeks to regularise student enrolments which are in breach of the current consent (Condition 45 in DA2013/1336). The application seeks consent for 1600 students, 400 more students (33.3%) than that permitted in the 2013 consent. The application includes details of 152 full time equivalent staff required to support the enrolment of 1600 students. It is noted that there is no condition in the 2013 consent that relates to staff numbers and additional information received from the applicant confirms that there are 150 staff currently employed at the College.

The proposal includes the provision of an extra 54 car parking spaces in two new car parks, 24 spaces within the car new park at Federal Parade and 30 spaces within the new car park access from Alfred Road. The applicant confirms that there are no alternative options for the

location of the proposed car parks. It is noted that a carpark accessed via Gulliver Street provides 83 spaces taking the total of car parking across the campus to 143 spaces. The WDCP requires one car parking space per staff member, plus adequate provision for student carparking.

The Traffic Impact Assessment (TIA) confirms that 10% of the staff do not drive to the College and use alternative methods of travel and that 25 students are currently registered to drive to school. It is therefore recommended that the Federal Parade carpark be restricted for use by students and the remaining 119 spaces be for staff use (78% of staff). While it is appreciated that the proposal does not comply with the WDCP car parking requirements, which require 1 space per staff member, the proposal represents a significant improvement to the current onsite parking. This combined with the improvements in the management of the College, including the management of traffic and parking, will help address current issues with respect to the impact of staff and students parking on neighbouring streets and other related traffic and road safety issues.

The application has been amended to include an Operational Management Plan (OMP) and a Traffic and Parking and Management Plan (TPMP). The OMP includes details of school events, including after school band concerts. The TPMP includes measures to manage the car parking associated with these events including the allocation of onsite car parking in the main existing car park and in exceptional circumstances overflow carparking on the existing playing fields. The TPMP has been reviewed by Council's Transport Engineer and is generally supported, although it is agreed that there are some notable omissions. There are no issues however with the data or method of survey in the TIA. To address the omissions with the TPMP and ensure that the College address the current traffic and parking issues, deferred commencement conditions will require the TPMP and OMP to be amended and approved prior to the activation of the consent. Refer to detailed discussion in Transport Referral comments and the assessment under Clause C1 and C2 of this report.

A further condition requires all carparks to be fully constructed and operational before additional student enrollments are permitted and a restriction in the hours of use of the car parks with no use permitted for events. Council cannot condition a restriction of on street parking to 2 hours under the subject Development Application, however, this suggestion can be considered by the Transport Management Unit of Council.

- **Pedestrian safety**

The submissions raised concerns that the proposal will result in additional safety issues for pedestrians. The increase in students numbers will result in more cars, including "P" platers accessing the school site via narrow local streets where visibility / lines of sight are often obstructed with parked vehicles, buses, boats, caravans. The submissions note that there is no footpath on Consul Road.

Comment:

Pedestrian safety issues, including sight lines to the proposed carparks, have been considered by Council's Transport Engineer who raises no objections to the application subject to conditions.

The TPMP includes details of traffic wardens to be stationed at key locations to ensure pedestrian safety of students and the public at drop off and pick up times. It is also recommended that the TPMP be updated to provide details of a mechanism for reporting of illegal or inappropriate parking/driving behaviour by students.

It is acknowledged that buses, boats, and caravans park in local streets, however the parking of these vehicles is not a matter for consideration under this application. Council's Transport Management Unit may consider imposing parking restricting to "motor vehicles only".

- **Unauthorised student numbers**

The submissions raised concerns that the school is already operating beyond capacity with 1,422 enrolments and is too big for the low density residential area. It is noted that the subject DA has only been lodged to respond to a compliance notice following complaints made by neighbours. Submissions question how the local community can be certain that school will comply with any future conditions imposed given the past history of breaches of consent.

Comment:

The applicant, and Council, acknowledge that the College is operating in excess of the maximum 1,200 student enrolments imposed in the 2012 DA consent. The subject application, in part, seeks to address the breach of the maximum student enrolments and the provision of additional car parking and new management measures will help address issues with respect of the impacts on carparking and transport in the local area.

Council also acknowledges the community's valid concern in respect of the College not complying with any future conditions of consent. A deferred commencement condition has been imposed which requires the TPMP, OMP and acoustic report to be updated to ensure that all relevant measures are included in the approved reports before the consent is activated. Should the College fail to comply with the approved reports / plans, Council's Compliance Team will be in a better position to investigate and take any necessary enforcement action.

- **Incremental commercial expansion in a residential area**

The submissions raised concerns that the School has previously purchased multiple allotments adjoining the St Augustine's College campus which now form part of the School in this application. Each of the allotments identified in the DA as being school premises have sought and obtained change of use development consent in place for use as an educational establishment. This practice of incremental growth has enabled the School to make use of the former State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017 provisions, now State Environmental Planning Policy (Transport and Infrastructure) 2021 to subsequently redevelop the site without the need to seek approval for subsequent buildings and facilities from Council.

The practice of minimising the scale of the development for which approval is sought and then applying exempt and complying development provisions enables the incremental growth and gives rise to potential amenity impacts for which no assessment is made. Whilst the use of exempt and complying development provisions may be suitable within the body of the school site and where there is no increase in student numbers, the approach taken has resulted in residential dwellings being surrounded by school development. The improvement in school facilities has enabled the increase in student numbers and so the approval process is circumvented.

The SEE states that despite the increase in student numbers, there is no proposal within the DA for any additional floor area increase on the site. To prevent the incremental growth, Council should condition the proposed consent of the upper limit of this DA at

1600 students on the proviso that no further expansion or addition of floor area is achieved for any further classrooms, active or passive activities, administration, or any other ancillary uses without the implementation of an overall site specific masterplan showing all current and lots acquired.

Comment:

The proposed use of the land as an educational establishment is permissible with consent within the R2 Low Density Residential zone, including No. 60 Federal Parade. The matter of future building works on the site recently purchased by the College is not a matter for consideration under this application, as the application can only consider the site to which the application relates to. Any future change of use of these sites to educational purposes will be considered as part of a future development application.

It is acknowledged that the applicant is also entitled to undertake work without Council consent under *State Environmental Planning Policy (Transport and Infrastructure) 2021*, including the construction of new facilities and car parks. While Council appreciates the concerns from the community in respect of incremental growth using the State Policy provisions, the College is at liberty to use the State Policy provisions to provide new facilities. It is not therefore reasonable to impose a condition to limit the future expansion of the schools' facilities until a Masterplan is submitted and imposing such a suggested condition would fail the *Newbury* principles which test the validity of planning conditions.

Despite this, the subject application allows for management and operational measures to be implemented before any increase in student population is authorised. A deferred commencement condition is therefore recommended requiring the OMP, TPMP and acoustic plans to be updated in accordance with the recommendations of Council's Transport and Health Officer and to ensure consistency between the plans before the consent becomes operational. In addition, a condition has been imposed requiring the proposed car parks to be constructed and made operational before the increase in student enrolments occurs in order to provide adequate car parking facilities the increase and to ensure impacts on local street is minimised. Other conditions are imposed to ensure there is no impact on neighbouring amenity in terms of acoustic impacts.

The applicant was requested to provide details of the future plans/masterplan for the College. The applicant in reply has stated that *"the application under assessment is the only proposal currently being considered by the College. At present, the College has no plans beyond regularising student numbers and improving parking and traffic management."*

- **Lack of details of overall future development of school**

Significant concern is raised over the future use of the site acquired by the College and potential impacts on neighbouring residential amenity. The submissions raised concerns that St Augustine's does not intend to limit the development to the sites identified in this application. No details have been provided as to the future use of No. 33 Consul Road and a review of land ownership within the vicinity of the site has revealed the college now owns No. 35 Consul Road, and at least two additional properties, No. 44 and 50 Alfred Street, immediately adjacent to the proposed car park at No. 60 Consul Road. In light of these purchases and a failure to identify a potential use for these properties within this application, it is premature to consider an increase in student numbers beyond the current enrolment which is indicated to be in the order of 1400 -1500 students.

Comment:

The subject application can only consider the work and use relevant to the subject site, and includes No. 60 Federal Parade, which has approval as use as an educational establishment. Despite the College having purchased other sites recently, they are not part of the subject site, and no approval has been granted for a change of use from residential to educational.

A condition does however require the OMP to be updated if there are any changes to the operation of the school, including the future use of No. 33 Consul Road. This may necessitate a revised acoustic report which needs to be part of the OMP.

- **Unauthorised building work at No. 33 Consul Road / stormwater management issues**

The submissions raised concerns that during 2019, No. 33 Consul Road was used for construction access including filling the rear of the site, including a ramp over the Greendale Creek overland flow path and Council easement. The land is yet to be stabilised from a soil and water management point of view and in times of rain turbid water and sediment is washed off these unstabilised works, onto our clients property. The site is currently being used for storage purposes without approval resulting in visual impacts on the residential character of the area.

During the storm event in March 2022, waters flowing from the school onto the grassed areas within the rear of No. 31 Consul Road, causing ponding of up to 100mm. Issues in respect of stormwater management are not adequately addressed.

Comment:

Council's Compliance Unit have been asked to investigate earthworks associated with No. 33 Consul Road. In relation to the subject DA, Council's Development Engineering Team confirm that there are no stormwater issues with respect to the proposal, subject to the conditions of consent provided.

- **Noise**

As noted above, submissions raised concerns that noise from the car parks and school operation (including alarms and loud speakers) will impact on neighbouring amenity. The increase in student numbers will result in an increased noise from the extra students and associated increase in traffic and car parking activities.

The acoustic report is inaccurate, as noise tests have been extrapolated from previous tests in different locations, and the report does not consider the potential acoustic impacts upon our clients property should No. 33 Consul Road be used for active uses.

Comment:

The acoustic report has been reviewed by Council's Environmental Health Team who have raised no issues with the accuracy of the acoustic report and have stated that they have no objections to the proposal subject to the conditions provided. The recommendations of the acoustic report include, a restriction in the hours of use of the proposed new car parks and a restriction in the use of the carparks to staff and students during afterhours events. In addition, a condition is recommended restricting the use of the car parks so that they cannot be used for events.

A 1.8m high acoustic barrier fence is also required around the perimeter of the car park, where it adjoins residential properties. In addition, the OMP makes recommendations relating to the noise associated with the operation of the school, including noise management. A deferred commencement condition requires the acoustic report to be updated so that it is consistent with the management measures specified in the OMP.

No. 33 Consul Road has approval for use as an educational establishment under a previous DA. The proposal does not include any physical work or use specifically at No. 33 Consul Road and the acoustic report cannot assess potential future work.

- **Insufficient information**

The submissions raised concerns that a detailed masterplan is warranted given the intensification of the use of the school property and the recent adjoining properties purchased. No details are provided on the cohort of increased students. The breakup of the additional student numbers will impact upon the use of the site and so vary the likely impacts.

Comment:

While a Masterplan would be beneficial, as noted above, the applicant has confirmed that there are no plans beyond regularising student numbers and improving parking and traffic management

Additional information has been submitted by the applicant including details of current enrolments, a flood report and amended stormwater plans, a Traffic Parking Management Plan and an Operational Management Plan.

Additional information has also been provided in relation to the breakdown of the current and future student enrolments, which confirms that 1,560 students were enrolled in 2022, therefore the proposal for 1,600 will in effect equate to 40 additional students on site. Unfortunately, the impacts of the unauthorised increase in student numbers in the local area in respect to availability of on street car parking, traffic and the general management of the school noise have been ongoing for some time. The subject application provides a mechanism to ensure that these negative impacts are minimised and managed appropriately.

The application has been re-notified on two occasions, initially to correctly identify all sites because of an administrative error with the original exhibition and secondly to notify the community that additional information had been submitted.

- **Use of 60 Federal Parade as a carpark**

The submissions raised concerns that the demolition of the dwelling at 60 Federal Parade and the construction and use of the proposed carpark will result in acoustic and visual privacy impacts and security issues. Tree removal has taken place on this site which detracts from the amenity of the area, in addition, the carpark and associated fencing (acoustic barriers) will have a negative visual impacts on the character of the residential street.

Comment:

Noise - As noted above, the application is supported with an acoustic report that recommends that a 1.8m high acoustic barrier be installed around the side and rear boundaries of the carpark

where it adjoins residential properties. Landscape planting in the side and rear setbacks will soften the visual impact of the acoustic barrier. In addition, conditions are recommended relating to the use of the carpark, including a restriction on hours of use and no use permitted for events. Council's Environmental Health Team have stated that they have no objections to the proposal subject to conditions including compliance with the acoustic report. A condition also requires that the OPM is amended to provide details of measures to address any unsocial behaviour associated with the use of the carpark.

Visual impact - The front and side setbacks will comprise landscape planting and a condition requires the car parking spaces to the street frontage to be drivable grassed pavers and the fence height to be a minimum of 1.3m to reduce the visual impact to the streetscape. It is acknowledged that trees have been removed with consent. Council's Landscape Officer has no objections to the removal of the additional two trees from the site and suitable canopy tree replacement canopy tree planting and screen planting is proposed within the rear setback in addition to screen planting which will also help provide visual and acoustic relief to neighbours.

Security - The 1.8m high acoustic fence around the side and rear of the site and the fence to the front of the car parks will provide for security. In addition, the OPM provides for security measures to the College.

- **Impact of Alfred Road car park to No. 16 Alfred Road**

The submissions raised concerns that there is no buffer between the proposed carpark accessed via Alfred Road and No. 16 Alfred Road. The proposed driveway is adjacent to the residential boundary and will have adverse impacts on neighbouring amenity in terms of visual and acoustic privacy, light spill and security.

Comment:

A 2.0m wide landscape setback and a 1.8m high acoustic barrier is provided between the driveway and the northern boundary to No. 16 Alfred Road. Council's Environmental Health Team has no objections to the proposal in terms of acoustic impacts to the neighbour subject to compliance with the recommendations of the acoustic report. The landscape setback will help screen the barrier and the driveway to reduce any adverse visual impacts.

The applicant's acoustic consultant notes: "*The Alfred Road carpark will create a buffer between play space accessed by students and the residential property at 16 Alfred Street. Complaints have previously been received from this property with respect to amenity impacts associated with ball-play next to their property boundary. The provision of a staff car park (which will generally only be operational in the morning and afternoon times) between this property and the active play areas should result in improved amenity for residents of 16 Alfred Street.*"

A condition requires bollard lighting to be non-glare and filtered to direct the light downwards and ensure that there is no unreasonable light spill. The 1.8m high acoustic fence to the neighbouring boundary will provide adequate security in addition to compliance with the security measures detailed in the OPM.

- **Light spill**

Submissions raised concerns that light spill from the car parks and school will impact on neighbouring amenity. Increased student numbers may result in increased events at night which will add to this problem.

Comment

As discussed above, a condition requires all bollard lighting to be non-glaring and filtered to direct light directed downwards to comply with WDCP Part D12. In addition, a condition requires the exterior sensor lighting on the main campus to be on timers operating from 5:00pm - 10:00pm.

- **Reduction in open space / play area**

The submissions raised concerns that the proposed car park at Alfred Street will reduce the amount of open space / play area. In addition, heat from the proposed car parks as a result of the hard surfaces will also have environmental impacts.

Comment

The car park proposed at the corner of Gulliver Street and Alfred Road replaces some play space in this corner of the site.

The proposal will result in a total 15,999m² of open play space. This applicant notes that the area includes hard stand play areas (including basketball courts) as well as soft landscaped areas such as the ovals and other landscaped areas and the 15,999m² of open space equates to 9.99m² per student when the full complement of 1,600 students is present.

Clause D1 of the WDCP requires a minimum of 40% of the site to be landscaped open space (LOS). The assessment officer has calculated that 32.7% of the site will be retained as LOS and while this represents a 7.3% variation, the proposal meets the objectives of the control and given the urban context is assessed as acceptable given the additional hard surface play areas available on campus for the students and proposed planting. In response to environmental issues in relation to the additional hard surfaces, it is recommended that a condition be imposed requiring the paved material finish to be drivable grassed pavers within the 6.5m front setback and the remaining paving is to be water permeable paving. The materials will help reduce heat gain to minimise environmental impacts.

- **Supervision and management**

The submission raised concerns about the lack of teacher supervision and management of student behaviour around the periphery of the school. There are also issues with respect to litter around the school and security with trespassing to private property. Submissions note that teachers smoke in neighbouring streets.

Comment

The OPM includes noise management measure to ensure teacher supervision to monitor student behaviour in the play spaces, students are to be instructed that they are unable to retrieve balls that go over the fence, which will prevent trespassing on private property. The TPMP also provides details of traffic wardens and crossing supervisors who will be responsible for the management of students arriving and departing from the College, to minimise impacts in the neighbouring streets. Security and waste management and cleaning measures are also provided in the OMP.

- **Community consultation / notification**

The submissions raised concerns that the notification is misleading in terms of the

address referenced and the notification should extend to a wider area. The State Planning legislation allows schools to expand without community consultation. The application does not correctly identify all properties to which the application relates.

Comment:

St Augustine's College have confirmed that they have approached adjacent residents to open and maintain a dialogue with these residents. Consultation was undertaken with particular residents over the past 12 months. The College has sought to communicate development plans that potentially impact these residents. While some have been supportive of the College and its plans, others have not been, and communications have broken down.

The subject development application was exhibited on three (3) occasions in accordance with the Northern Beaches Community Participation Plan, including re-notification to include all the correct and applicable properties. It is acknowledged that work which is Exempt or Complying Development under state legislation does not require the same level of public consultation.

- **De-value properties**

The submissions raised concerns that the increase in student enrolments will de-value neighbouring residential properties.

Comment:

This is not a matter for consideration under Section 4.15 of the Environmental Planning and Assessment Act, 1979.

- **Precedent**

The submissions raised concerns that approval will set a precedent for other schools in the area to increase student enrolments to the detriment of the local area.

Comment:

There are no other schools in the immediate vicinity of the site. Notwithstanding this, each application is assessed on its merits, and it is not anticipated that a precedent will be set for other schools to increase student enrolments.

The application was re-notified on 28 September 2022, as it was identified that the original notification did not include all addresses relating to the application site. Six additional submissions were received which reflected the issues raised above.

The application was re-notified again on 16 December 2022, to inform the community that additional information had been received, including the OMP and open space calculations. Five (5) additional submissions were received which reflected the issues raised above in addition to the following new issues:

- **The open space details include No. 50 Alfred Road to falsely calculate the calculation.**

Comment:

No. 50 Alfred Road is owned by the College, however, it is not part of the subject site as no

approval has been granted for a change of use from residential to educational. While No. 50 is outlined in red in the Open Play area plan, suggesting it is part of the subject site, the land is not included in the landscaped open space calculations. A detailed assessment of landscaped open space is provided under WDCP Clause D1 of this report.

In addition, it is noted that Council has contacted the applicant to request that only the subject site be included in all plans. Should the application be approved, the draft conditions do not reference the Open Play Area plan as a stamped approved plan.

- **The details in the additional reports are conflicting. The OMP clarifies the extent of the proposal including extra curricular and community activities which are not considered in the TPMP and acoustic report.**

Comment:

The OMP provides details of the current operation of the school in respect of extra curricular activities. Section 3.7 of the TPMP also provides details of special events and provides details of car park management measures in respect of these events. Section 5.2 of the acoustic report also provides details of the school operation noise assessment. A deferred commencement condition requires all reports to be amended, consistent and updated. In addition, a condition prohibits the use of the new carparks for events.

REFERRALS

Internal Referral Body	Comments
Environmental Health (Industrial)	<p>Supported, subject to conditions</p> <p><u>General Comments</u></p> <p>The proposal generally is to increase student numbers, the school's capacity is proposed to increase from 1,200 to 1,600 students; provide additional carparks within a residential environment.</p> <p>This has a number of potential issues of concern for Environmental Health to consider which include; noise from car parks; construction work noise; Dust from construction work; increase student numbers noise and car park lighting.</p> <p>The statement of environmental effects (SEE) and the acoustic report (E-LAB Consulting 13.12.21) have tried to address all these issues. Comments below include those extracted from the EES and Acoustic Report demonstrating how potential issues will be addressed.</p> <p>Any commercial or industrial activity within or adjacent to residential development without a designated buffer zone and or acoustic barriers has the potential to create a nuisance.</p> <p>Importantly the main use of the car parks will be mainly during school hours and restricted by way of a swipe card for access giving control of</p>

Internal Referral Body	Comments
	<p>use. Teachers will be allocated spaces increasing supervision.</p> <p>As part of the application, there are 2 new carparks envisaged:</p> <p>One is to be located at 60 Federal Parade which will yield 24 car parking spaces.</p> <p>Another is to be located on the corner of Alfred Road and Gulliver Street which will yield 30 car parking spaces. Currently, there is a playground belonging to the school where majority of the proposed car spaces are. The carpark is to have one-way traffic flow with entrance on Alfred Road and exit on Gulliver Street.</p> <p>The following assumptions have been made by the Acoustic Engineer for the noise modelling and assessment:</p> <p>Carparks will only be used by school staff and students, on normal occasions (allocated spaces), and overflow of student / parent vehicles during after-hours events;</p> <p>Carparks will only be used during the day (7am to 6pm) for normal school days, with evening usage (6m to 10pm) only for after-hours events;</p> <p>Peak carpark usage is predicted to be between 7am to 8am when staff/students arrive and 3pm to 4pm when staff/students leave;</p> <p>Carpark capacity (24 cars for Federal Parade and 30 cars for Alfred Road) is linearly filled or emptied in a span of 1 hour; and Installation of mitigation measures are proposed.</p> <p>SCHOOL STUDENT NOISE</p> <p>As part of the application, the school's capacity is proposed to increase from 1,200 to 1,600 students. To assess the extent of noise impact to surrounding receivers, noise emissions from within the school for both the currently allowed school capacity (1,200) and proposed new capacity (1,600) will be predicted and compared.</p> <p>It is acknowledged in the field of acoustics that a noise difference of up to 2dB is generally indiscernible to an average person. This principle is discussed in Section 3.4 of the NSW Road Noise Policy, which states:</p> <p>"In assessing feasible and reasonable mitigation measures, an increase of up to 2dB represents a minor impact that is considered barely perceptible to the average person"</p> <p>CARPARK NOISE MITIGATION</p> <p>To ensure compliance with noise emission criteria the following recommendations are to be implemented and followed:</p>

Internal Referral Body	Comments
	<p>Standard carpark hours of operation are to only be after 7am and before 6pm, with operation of the carparks from 6pm to 10pm only permitted for special events (infrequently);</p> <p>Carpark boundaries adjacent to residential receivers to have an acoustic barrier.</p> <p>Acoustic barrier shall be minimum 1.8m in height and all gaps are to be minimised.</p> <p>Acoustic barrier shall be made of a material and constructed to have a minimum surface density of 16kg/m².</p> <p>CONSTRUCTION NOISE EMISSIONS</p> <p>The use of a standard A-class hoarding of the following materials and construction will suffice to mitigate the impact of the highest predicted noise levels:</p> <p>The A-class hoarding should be impervious of gaps and cracks which would compromise its performance it should be comprised of acoustically suitable materials such as 17 mm plywood be minimum 2.1m in height</p> <p>The barrier shall reduce the noise levels experienced at the surrounding residential receivers to the proposed carparks.</p> <p>Locating site amenities towards the site boundaries further increases the shielding of construction noise.</p> <p>Proposed Noise & Vibration Monitoring Program:</p> <p>A monitoring program for the construction works is proposed. The monitoring program is to be carried out during the likely noisiest periods during each construction phase as agreed with the Acoustic engineer and Contractor.</p> <p>The assessment has considered the following key acoustic elements:</p> <p>Traffic noise generation from the addition of new carparks and the impact on nearby noise sensitive receivers</p> <p>Noise impact to nearby noise sensitive receivers from the operation of the new carpark</p> <p>Noise impact to nearby noise sensitive receivers from the increase in students within the school</p> <p>Noise and vibration impact to nearby receivers from the construction of proposed carparks</p>

Internal Referral Body	Comments
	<p>In terms of operation of the carpark surrounded by residential dwellings at 60 Federal Road , the gate will be opened each school day morning at 7am by school maintenance staff and remain open until 9am. It will then be closed. A swipe card or remote control will be issued to staff members parking in this car park, and they will be able to open the gate to leave at the end of each school day. The car park will not be used after hours or on weekends.</p> <p>Dust during works can be considered as a condition of any approval. Lighting is proposed to be only at bollard height so glare issues mitigated.</p> <p>The number of and finishing hours of "special events" where the carparks are used needs to be documented before any approval is issued.</p> <p>Environmental Health support the proposal and it is critical that the recommendations contained within the acoustic report be implemented and conditions are outlined in recommended conditions below.</p> <p><u>Planner Comment</u></p> <p>The proposed carparks are located in close proximity to residential properties. To ensure that the acoustic privacy of the neighbouring residents is maintained it is recommended that the use of the car park is restricted to between 7:00am and 6:00pm Monday to Friday with no use for events. A deferred commencement condition requires the acoustic report and OPM to be amended to include this restriction.</p>
Landscape Officer	<p>Supported subject to conditions</p> <p>The development application is to provide the following outcome: increase the current approved student population cap; demolition of the existing building and construction of a at grade car park and associated landscape works at 60 Federal Parade; and construction of a at grade car park and associated landscape works on the south-eastern corner of the College site along Gulliver Street, as described and illustrated in the reports and plans. A Landscape Plan and a Arboricultural Impact Assessment accompany the application and are assessed as part of this Landscape Referral.</p> <p>The application is assessed by Landscape Referral against Warringah Local Environmental Plan 2011 and the following Warringah Development Control Plan 2011 controls (but not limited to):</p> <ul style="list-style-type: none"> • D1 Landscaped Open Space and Bushland Setting • E1 Preservation of Trees or Bushland Vegetation and E2 Prescribed Vegetation <p>The Landscape Plans submitted address hard and soft landscape proposals for both carparking properties with separate plans for the Federal Avenue carpark and the Gulliver Street carpark. No concerns</p>

Internal Referral Body	Comments
	<p>are raised regarding the landscape design proposals subject to conditions for all proposed trees to be pre-ordered to achieve the requested specification to ensure slight lines are not impacted as well as to establish a residential landscape outcome consistent with the surrounding land zones.</p> <p>The Arboricultural Impact Assessment includes assessment of impacts including proposals for tree removal to the Federal Avenue property and no concerns are raised, and recommendations for tree protection measures are included and conditions of consent shall be imposed. The Landscape Plan for Federal Avenue nominates the retention of the existing Brushbox as well as the neighbouring trees. Satisfactory tree replacement is included in the Landscape Plan.</p> <p>No Arboricultural Impact Assessment is provided for the existing street trees fronting the property along the Gulliver Street road reserve, including the street tree in proximity to the new driveway construction, and conditions of consent shall be imposed for tree protection measures.</p> <p>Subject to conditions of consent, no Landscape Referral concerns are raised.</p>
NECC (Development Engineering)	<p>Supported, subject to conditions</p> <p><u>Updated comments 5/9/22</u> The applicant has now provided a Flood impact report prepared by Core engineering which addresses E11 Flooding of Councils Development Control Plan and Councils water management for development policy.</p> <p>No objections subject to conditions.</p> <p><u>Previous Comments</u> 1) Flooding impacts 60 Federal Parade The Greendale Creek Flood Study draft report dated February 2022 has indicated that No 60 Federal Parade is flood affected. The applicant is to prepare a Flood management report in accordance with Councils former Warringah Development Control Plan E11 control "Flooding" The Flood management report is to be prepared by a suitably qualified civil engineer with NER accreditation in stormwater design and hydraulic modelling. The report is to identify the flood risks associated with the development proposal and compliance with the relevant flood controls of clause E11. Additionally the Flood management report is to demonstrate compliance with Clause 5.2.1 -Flood Planning of Councils LEP.</p> <p>2) Stormwater management The applicant is to submit a Stormwater management report in accordance with Councils water management policy for development which details all design assumptions in determination of the Onsite stormwater detention tank sizing. A DRAINS model is to be submitted</p>

Internal Referral Body	Comments
	<p>for Council review.</p> <p>The development application in not supported for the above reasons.</p>
Strategic and Place Planning (Urban Design)	<p>Supported, subject to conditions</p> <p>This advice is provided as an internal referral from the Urban Design Unit to the development assessment officer for consideration and coordination with the overall assessment.</p> <p>The applicant seeks consent for a proposed increase in the student population and construction of new staff car parking areas at St Augustine’s College, located at 37-43 & 60 Federal Parade, Brookvale, under DA2021/2567, and the proposed development comprises of the following:</p> <ul style="list-style-type: none"> • An increase to the current approved student population cap of 1,200 students to 1,600 students; • Demolition of the existing building and construction of a new 24 space at grade car park on 60 Federal Parade; and • Construction of a new 30 space at grade car park (including one accessible parking space) on the south-eastern corner of the College site. <p>Urban Design raise no objection to the proposed development subject to conditions.</p>
Traffic Engineer	<p>Supported, subject to conditions</p> <p>The Development Application seeks approval to increase the student capacity at the school from the currently approved 1200 students to 1600 students. Staffing numbers are also proposed to be increased from 150 Full time equivalent (FTE) staff to 152 FTE. No changes to modify or increase the floor area of the school are proposed although additional parking in the form of a 24 space carpark on school property at 60 Federal Parade together with a 30 space carpark at the south east corner of the school site are proposed.</p> <p>The plans together with the Traffic & Parking Management Plan and Transport Impact Assessment both prepared by Stantec Australia have been reviewed and the following comments are made:</p> <p>Parking</p>

Internal Referral Body	Comments
	<p>The WDCP requires educational establishments to provide parking at a rate of one space per staff member in attendance plus adequate pick up/set down areas, adequate parking for bikes and adequate provision for student parking. As staffing numbers are proposed to be 152 full time equivalent staff, 152 parking spaces for staff are required. The DA proposes to increase parking levels from the existing 106 spaces to 143 spaces, including 3 disabled spaces. Four motorcycle spaces are also proposed. This still leaves a shortfall of 9 staff spaces however it is a significant improvement on the level of staff parking supplied at present.</p> <p>The Transport Impact Assessment argues that the 152 spaces is in excess of requirements as only 90 percent of staff drive to school and that the 143 spaces is sufficient to meet demand. 90% of 152 staff equates to 137 staff and the 143 spaces would therefore exceed the anticipated staff demand. This assumes that there is no need for any student parking however the DCP also requires “adequate” parking for students in addition to staff parking. Given that staff numbers at the school are only increasing by two while student numbers at the school are increasing by 400, it seems appropriate to allocate at least some of the 54 additional parking spaces for student rather than staff use. It is noted that the Transport Impact Assessment advises that 25 students are currently registered to drive to/from school. This number would be expected to increase with the proposed increase in student numbers and it is considered that the 24 space carpark at 60 Federal Parade would be more appropriately allocated for student use to cater for existing and proposed increased student parking demand. This action would mean that there were 119 staff spaces (78% of total staff numbers) which, although an increase on existing staff parking spaces, will also tend to encourage more staff to consider travel by means other than single occupant cars.</p> <p>Subject to the above change the level of parking provision is deemed acceptable.</p> <p>Travel Mode</p> <p>The Transport Impact Assessment highlights that at present 90% of staff drive to work in single occupant vehicles with only 1% utilising public transport. Given the proximity of the school to high frequency public transport from a range of destinations and noting the corresponding high percentage of students (66%) arriving by public transport there appears to be scope for some mode shift in travel by staff of the school. Providing high numbers of allocated parking spaces exclusively for staff use discourages travel by alternate transport modes.</p> <p>Traffic Generation</p>

Internal Referral Body	Comments
	<p>The Transport Impact assessment has estimated that the proposed increase in student numbers by 400 will result in an increase in vehicle trips above the approved levels of 130 in the am peak hour and 86 in the pm peak hour. As the approved student numbers of 1200 are already exceeded with 1422 students already attending the school, the increases quoted above will be lower, estimated at 56 in the am peak hour and 35 in the pm peak hour.</p> <p>The afternoon peak period is generally the most congested as parents who pick up their children tend to arrive early and wait to ensure that they obtain a spot close to the school. Without traffic marshalls to manage pick up and drop off zones they tend to quickly congest and stay that way until students are collected.</p> <p>Site observations on 17 March 2022 in the lead up to the after school pick up period revealed that from 3:10pm traffic began queuing back from the Gulliver Street entrance to the on-site drop off and pick up zone. By 3:25pm the queue extend west along Gulliver Street to Consul Road and continued along Consul Road for another 80m (almost as far north as St.Johns Close). A parked vehicle was attempting to leave a parking space on the north side of Gulliver Street for 15 minutes but was unable to do so as it was blocked by the stationary queue of traffic on Gulliver Street. Parents were also observed double parking for extended periods of time in Alfred St and parking illegally on street corners.</p> <p>These queuing and illegal parking issues are likely to be exacerbated by the increase in student numbers. To combat these issues staggering of start and finish times for various year groups at the school is required to spread the traffic and parking impact peaks and reduce pressure on drop off/pick up zones. A revised Parking and Traffic Management Plan will be required to provide detail on how this would occur.</p> <p>Loading</p> <p>Loading and Servicing arrangements will be unchanged and will continue to be achieved via the existing driveways on Alfred Street which are satisfactory for this purpose.</p> <p>Traffic & Parking Management Plan</p> <p>It is noted that the Traffic and Parking management plan proposes to implement a high degree of monitoring of kiss and drop zones with staff to be rostered on to manage a) the Federal parade No Parking zone b) Alfred Road No Parking zone, c) Gulliver St pick up and drop off area d) Pittwater Road. Site observations on the 17th March revealed no staff or traffic wardens monitoring these areas and as a result high levels of illegal and long term parking activity in drop off and pick areas. The presence of school staff to act as traffic wardens and manage these</p>

Internal Referral Body	Comments
	<p>areas would be beneficial.</p> <p>It is noted that there is currently nothing in the Traffic and Parking Management Plan to restrict single occupant travel or incentivise travel for staff other than by single occupant cars. There is scope within the Traffic & Parking Management Plan to encourage travel by alternate modes by staff and the school could do much to encourage this to reduce reliance upon private motor vehicle travel.</p> <p>In addition, it is also considered that the following changes to the Traffic and Parking Management Plan would assist in smoother operation of the student drop off and pick times and reduce reliance upon private motor vehicles for travel.</p> <p>a) incorporate staggered start and finish times for different year groups</p> <p>b) Include stronger measures to encourage and incentivise staff to travel by carpooling, public transport, walking or cycling</p> <p>c) designate parking within the new carpark at 60 Federal Parade for student use to minimise on-street student parking activity.</p> <p>d) allocate the balance of the 143 offstreet parking spaces (119 spaces) for staff use to limit ease of access to on-site staff parking and encourage travel by alternate travel modes.</p> <p><u>Planner comment</u></p> <p>The recommendation above have been included as deferred commencement condition to ensure that efficient management are in place before the consent becomes operational and ensure consistency between all documents.</p>

External Referral Body	Comments
Ausgrid - SEPP (Transport and Infrastructure) 2021, s2.48	<p>Supported, without conditions</p> <p>The application was referred to Ausgrid who advised that a decision is not required on the application.</p>
Roads and Maritime Service - SEPP (Transport and Infrastructure) 2021, s2.122 - Traffic generating development	<p>Supported, without conditions</p> <p>The application was referred to Transport for NSW (TfNSW) as Traffic Generating Development. TfNSW offered no objections to the proposal.</p>

ENVIRONMENTAL PLANNING INSTRUMENTS (EPIs)*

All, Environmental Planning Instruments (SEPPs and LEPs), Development Controls Plans and Council Policies have been considered in the merit assessment of this application.

In this regard, whilst all provisions of each Environmental Planning Instruments (SEPPs and LEPs), Development Controls Plans and Council Policies have been considered in the assessment, many provisions contained within the document are not relevant or are enacting, definitions and operational provisions which the proposal is considered to be acceptable against.

As such, an assessment is provided against the controls relevant to the merit consideration of the application hereunder.

State Environmental Planning Policies (SEPPs) and State Regional Environmental Plans (SREPs)

SEPP Educational Establishments and Child Care Facilities 2017

PART 4 - SCHOOLS

The subject application was lodged before the commencement of the SEPP (Transport and Infrastructure) 2021, therefore SEPP (Educational Establishments and Child Care Facilities) 2017 applies as detailed below.

Part 4, Clause 35 of State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017 stipulates that:

(6) Before determining a development application for development of a kind referred to in subclause (1), (3) or (5), the consent authority must take into consideration—

(a) the design quality of the development when evaluated in accordance with the design quality principles set out in Schedule 4, and

(b) whether the development enables the use of school facilities (including recreational facilities) to be shared with the community.

Comment

The proposal seeks consent for an increase in student numbers from 1,200 to 1,600 and the construction of two (2) car parks and associated civil works, boundary fencing and landscaping.

The design quality principles in respect of the car parks are set out and addressed as follows:

Principle 1—context, built form and landscape

Schools should be designed to respond to and enhance the positive qualities of their setting, landscape and heritage, including Aboriginal cultural heritage. The design and spatial organisation of buildings and the spaces between them should be informed by site conditions such as topography, orientation and climate.

Landscape should be integrated into the design of school developments to enhance on-site amenity, contribute to the streetscape and mitigate negative impacts on neighbouring sites.

School buildings and their grounds on land that is identified in or under a local environmental plan as a scenic protection area should be designed to recognise and protect the special visual qualities and natural environment of the area, and located and designed to minimise the

development's visual impact on those qualities and that natural environment.

Comment:

The application includes landscaping along the street frontages and the perimeter of both car parks adjoining neighbouring residential properties. The proposed car park at 60 Federal Parade has a 1.4m landscaped setback to No. 62 Federal Parade, a 2.1m to No 58 Federal Parade and a 0.7m to 52 Alfred Road. The proposed car park on the main campus has a 1.4m landscaped setback to Gulliver Street, a 0.8m - 1.2m setback to 6 Gulliver Street and a 0.7m to 16 Alfred Road. The proposed landscaping around the perimeter of the car parks will contribute to the streetscape and mitigate impacts to neighbouring sites.

The carpark is generally compliant with the built form controls in terms of setbacks. The application has been referred to Council's Urban Designer, who raise no objections to the proposal subject to conditions, requiring:

- *The paved material to be drivable grassed pavers within the 6.5m front setback and the remainder of the pavers to be water permeable paving.*
- *The fence height to be reduced to 1.3m within the front 6.5m setback.*

These design changes will ensure that the development responds to the existing / desired future landscaped character of the R2 Low Density Residential area which includes dwellings set in a landscape setback to the street frontage.

The application was also referred to Council's Landscape Officer who raised no objections to the landscape design subject to conditions for all proposed trees to be pre-ordered to achieve the requested specification to ensure sight lines are not impacted, as well as to establish a residential landscape outcome consistent with the surrounding land zones.

The recommended conditions will provide landscaping and aesthetic improvement to the front building setback area to appear landscaped and generally free of any structures, and car parking. The design changes will help minimise the impact of development on and improve the visual quality of the streetscape and maintain the visual continuity, pattern of building placement and front landscaping elements.

In summary, subject to urban design and landscape conditions, the proposal satisfies Principle 1.

Principle 2—sustainable, efficient and durable

Good design combines positive environmental, social and economic outcomes. Schools and school buildings should be designed to minimise the consumption of energy, water and natural resources and reduce waste and encourage recycling.

Schools should be designed to be durable, resilient and adaptable, enabling them to evolve over time to meet future requirements.

Comment:

While the construction of the car parks reduces the amount of deep soil landscaping available on the campus, on balance, the application provided an opportunity to help address issues in the local area in respect of traffic and parking. The proposal includes the provision of additional landscaping along the street frontages and perimeter, including the planting of 13 new trees, including two new canopy trees

within the rear boundary of No. 60 Federal Parade.

Conditions are included in the recommendation to address environmental issues, including a requirement for permeable paving, protection of existing trees and conditions relating to water and waste management.

In summary, on balance, and subject to conditions, the proposal is assessed as compliant with Principle 2.

Principle 3—accessible and inclusive

School buildings and their grounds should provide good wayfinding and be welcoming, accessible and inclusive to people with differing needs and capabilities.

Note. Wayfinding refers to information systems that guide people through a physical environment and enhance their understanding and experience of the space.

Schools should actively seek opportunities for their facilities to be shared with the community and cater for activities outside of school hours.

Comment:

The OMP includes details of community use of the College facilities. While it is noted that the community activities are primarily conducted during school holidays and between the hours of 7.00am and 3.00pm, a condition restricts the use of both car parks after school hours to ensure that impacts on residential amenity are mitigated and managed.

The OMP and TPMP provides a suitable information system to help guide students and staff on the operation and management of the college to ensure impacts on neighbours are minimised. Due to deficiencies with these plans, a deferred commencement condition requires the plans to be amended to address the requirements of Referral Officers and ensure consistency between reports.

In summary, subject to conditions, the proposal is assessed as compliant with Principle 3.

Principle 4—health and safety

Good school development optimises health, safety and security within its boundaries and the surrounding public domain, and balances this with the need to create a welcoming and accessible environment.

Comment:

The proposed car parking will help address the ongoing issue with regards to traffic, road safety and parking. Accessible car parking spaces are provided in accordance with Council's standards.

The amended landscape plan includes reference to the provision of a sliding gate at the entry to the car parks, which will ensure that the car parks are secure to staff and students of the college. A condition requires a separate pedestrian gate to ensure the safety of staff and students accessing the car parks. A condition also requires bollard lighting to be non-glaring and filtered to direct light directed downwards to comply with WDCP Part D12. The lighting will ensure the safe use of the car parks, while minimising light spill impacts to neighbours.

As discussed throughout this report, a traffic and parking management plan has been submitted in

support of the application and a deferred commencement condition requires the plan to be amended to include the following prior to the consent becoming operational:

- staggered start and finish times for different year groups to reduce queuing and illegal parking activity,
- additional measures to encourage and incentivise staff to travel by carpooling, public transport, walking or cycling,
- advice that parking within the new carpark at 60 Federal Parade is for student use and measures to manage such use and advice that the balance of the 143 offstreet parking spaces (119 spaces) are for staff use, with no use of the carparks for events and;
- measures to manage such use with a view to encouraging staff to travel by alternate travel modes.

Likewise, the Operational Plan of Management (OPM), which incorporates safety and security measures, is required to be updated and ensure compliance and consistency with the recommendations of the acoustic report and TPMP.

Subject to conditions, the proposal optimises health, safety and security within its boundaries and surrounding public domain in accordance with principle 4.

Principle 5—amenity

Schools should provide pleasant and engaging spaces that are accessible for a wide range of educational, informal and community activities, while also considering the amenity of adjacent development and the local neighbourhood.

Schools located near busy roads or near rail corridors should incorporate appropriate noise mitigation measures to ensure a high level of amenity for occupants.

Schools should include appropriate, efficient, stage and age appropriate indoor and outdoor learning and play spaces, access to sunlight, natural ventilation, outlook, visual and acoustic privacy, storage and service areas.

Comment:

As discussed throughout this report, landscaping is proposed around the perimeter of the carparks, which will help protect existing residential amenity. The application is supported with an acoustic report which assesses acoustic impacts as a result of the increase in student numbers, school student noise, car park noise, and construction noise. The report notes that "*receivers around the Alfred Road / Gulliver Street carpark are expected to be less affected by noise given the intrusive nature of playground activities compared to car park activities.*"

The recommended noise mitigation measures include; restricting the hours of operation of the car park to after 7.00am and before 6.00pm, the installation of a 1.8m high acoustic barrier around the boundaries adjacent to neighbouring residential properties, and general acoustic recommendations for construction. The application was referred to Council's Environmental Health Team who raised no objections to the proposal subject to the conditions provided. In addition, a deferred commencement condition requires the acoustic report to be amended to restrict the use of the car park for events in order to protect the residential amenity of neighbouring properties.

The OPM and the TPMP also include conditions to ensure neighbouring residential amenity is protected. As discussed above, a deferred commencement condition requires all reports to be updated

and consistent to ensure the effective operation and management of the College in accordance with Principle 5.

Principle 6—whole of life, flexible and adaptive

School design should consider future needs and take a whole-of-life-cycle approach underpinned by site wide strategic and spatial planning. Good design for schools should deliver high environmental performance, ease of adaptation and maximise multi-use facilities.

Comment:

The proposal is for an increase in student numbers and car parking, it does not include any multi-functional use facilities, therefore principle 6 is not directly relevant.

Principle 7— aesthetics

School buildings and their landscape setting should be aesthetically pleasing by achieving a built form that has good proportions and a balanced composition of elements. Schools should respond to positive elements from the site and surrounding neighbourhood and have a positive impact on the quality and character of a neighbourhood.

The built form should respond to the existing or desired future context, particularly, positive elements from the site and surrounding neighbourhood, and have a positive impact on the quality and sense of identity of the neighbourhood.

Comment:

The landscape design is assessed as acceptable subject to conditions, with reference to the comments from Council's Landscape Officer above. In addition, conditions are included in the recommendation requiring design changes to the carparks fronting Federal Parade and Gulliver Street, to ensure that the streetscape and character of the area is maintained.

Subject to conditions requiring design amendments, the proposal achieves compliance with Principle 6.

Other relevant clauses of SEPP (Educational Establishments and Child Care Facilities) 2017

The application was lodged prior to the adoption of SEPP (Transport and Infrastructure) 2021, therefore in accordance with the Transferred Provisions, SEPP (Educational Establishments and Child Care facilities) 2017 applies to this application.

Clause 35(6)(b) requires the determining authority to take into consideration whether the development enables the use of school facilities to be shared with the community.

Comment:

The subject application seeks consent for an increase in student numbers and the construction of two car parks, so no new facilities or GFA is proposed under the subject application. Despite this, the OPM provides details of the community use of the existing facilities which demonstrates compliance with the SEPP.

Clause 57 sets out provisions relating to *traffic generating development*.

Comment:

As the proposal entails an increase in capacity of more than 50 additional students, the development is a 'traffic generating development' in accordance with this clause and written notice is therefore required to be given Transport for NSW (TfNSW). In accordance with the provisions of the SEPP and Clause 2.122 of the Transport and Infrastructure SEPP 2021, the application was referred to TfNSW who raised no objections to the proposal, noting that proposal will have negligible impact on the classified road network.

Clause 38 (Existing schools - exempt development) and Schedule 1 of the Education SEPP 2017 provide that at grade car parking can be undertaken in connection with an existing educational establishment as "Exempt Development".

Comment:

Pursuant to Clause 38, the applicant is permitted to construct carparking on site without consent from Council. In response to issues raised regarding the change of use of the residential property to a car park, the Applicant made the following comment:

Notwithstanding, as the increase in car parking is linked to the proposed increase in student numbers (and the consequential increase in staff), it is considered appropriate that the car parking areas be assessed as part of the same development application seeking approval for the increase in student enrolments, rather than these components being carried out as Exempt Development.

This statement is concurred with, as the subject application provides an appropriate pathway which allows effective management of the parking facilities, via the impositions of conditions to ensure that the construction and use of the car parks will not have unreasonable impacts on the visual amenity of the area or neighbouring residential amenity.

Planning Circular - Regulating Expansion of Schools

Planning Circular PS 21-038 - *Regulating expansion of schools*, explains how the planning provisions of the former Education SEPP (now SEPP TI) relate to student and staff cap conditions and provides advice to consent authorities regarding the appropriate application of caps on student and staff numbers. It states that staff and student caps should only be applied in circumstances justified by a comprehensive and evidence-based assessment of relevant planning issues such as traffic and parking.

The applicant has confirmed that: *"The application under assessment by Council has provided justification and evidence regarding the provision of car parking and implications for local traffic conditions associated with the increase in student numbers. It is the only proposal currently being considered by the College. At present the College has no plans beyond regularising its student enrolment numbers and improving parking and traffic management."*

It is recommended that the student numbers be capped at **1,600**, based on the size of the school site, facilities, parking, traffic, and amenity factors in this local area. However, given the deficiencies with the supporting documentation, it is recommended that a deferred commencement condition be imposed to ensure that management and operational measures are in place before the consent becomes operational.

SEPP 55 - Remediation of Land

The application was lodged on 11 January 2021, prior the commencement of State Environmental Planning Policy (Resilience and Hazards) 2021 on 1 March 2021. In accordance with the Interpretation Act 1987 SEPP 55 Remediation of Land still applies.

Clause 7 (1) (a) of SEPP 55 requires the Consent Authority to consider whether the land is contaminated. Council records indicate that No. 60 Federal Parade has been used for residential purposes for a significant period, with no prior land uses. In this regard, it is considered that the site poses no risk of contamination and therefore, no further consideration is required under Clause 7 (1) (b) and (c) of SEPP 55 and the land is suitable for a car park in association with the educational land use.

Council's records indicate that the remainder of the subject site has been used for educational facility purposes for a significant period with no prior land uses. In this regard, it is considered that the site poses no risk of contamination and therefore, no further consideration is required under Clause 7 (1) (b) and (c) of SEPP 55, and the land is suitable for a car park in association with the educational land use and the land is suitable for the educational facility land use.

SEPP (Infrastructure) 2007

Ausgrid

Clause 45 of the SEPP requires the Consent Authority to consider any development application (or an application for modification of consent) for any development carried out:

- within or immediately adjacent to an easement for electricity purposes (whether or not the electricity infrastructure exists).
- immediately adjacent to an electricity substation.
- within 5.0m of an overhead power line.
- includes installation of a swimming pool any part of which is: within 30m of a structure supporting an overhead electricity transmission line and/or within 5.0m of an overhead electricity power line.

Comment:

The proposal was referred to Ausgrid who advised that a decision is not required.

Transport for NSW (TfNSW)

Clause 104 (traffic generating development) and Schedule 3 of this Policy requires a referral to TfNSW on all Traffic Generating Development including 50 or more car parking spaces (whether or not ancillary development) applicable to sites with access to classified road or to road that connects to classified road (if access within 90m of connection, measured along alignment of connecting road).

In accordance with the provision the application was referred to TfNSW who raised no objections to the proposed development noting that it will have a negligible impact on the classified road network.

SEPP (Transport and Infrastructure) 2021

Schedule 9 Savings and transitional provisions

Pursuant to Part 3 of Schedule 9 SEPP Educational Establishments and Child Care facilities) 2021

does not apply to the subject application as it was lodged but not finally determined before the commencement of the Policy on 1 March 2022.

Warringah Local Environmental Plan 2011

Is the development permissible?	Yes
After consideration of the merits of the proposal, is the development consistent with:	
aims of the LEP?	Yes
zone objectives of the LEP?	Yes

Principal Development Standards

Standard	Requirement	Proposed	% Variation	Complies
Height of Buildings	8.5m	No buildings are proposed	N/A	N/A

Compliance Assessment

Clause	Compliance with Requirements
2.7 Demolition requires consent	Yes
6.2 Earthworks	Yes

Detailed Assessment

Zone R2 Low Density Residential

Educational establishments are permitted with consent in the R2 Low Density Residential Zone. The objectives of the R2 zone are:

- *To provide for the housing needs of the community within a low density residential environment.*
- *To enable other land uses that provide facilities or services to meet the day to day needs of residents.*
- *To ensure that low density residential environments are characterised by landscaped settings that are in harmony with the natural environment of Warringah.*

Comment:

St Augustine's School has a historic use on the main campus site which first opened in 1956.

It is also acknowledged that No. 60 Federal Parade is isolated from the main campus, being located across the road to the north. The later use of No 60 Federal Parade as an addition to the educational establishment was approved under DA2018/1804. Therefore, the use of No. 60 Federal Parade as part of the educational establishment is not in question under the current application. It is also noted that a carpark associated with an existing educational establishment is Exempt Development under SEPP (Educational Establishments and Child Care Facilities) 2017, and the College can construct the two carparks at any time without the need for development consent.

The subject application provides a suitable pathway to ensure that the design and landscaping associated with the two carparks is appropriate and responds to the characteristics of the surrounding low density residential area. Design and landscape conditions will ensure that the proposed carparks are consistent with the objectives of the R2 Low Density Residential zone, as discussed further below.

The application is supported with an OPM, Traffic and Parking Management Plan and an acoustic report that provides details of ameliorative measures to ensure that the intensification of the use relating to the increase in student numbers, continues to be compatible within the R2 Low Density Residential zone. However, due to deficiencies and inconsistencies with these reports, a deferred commencement condition requires amendments to the reports before the consent becomes operational.

The application was referred to Council's Transport Officer and Environmental Health Officer, who support the application, and confirm that the proposal, subject to conditions, will not result in any unreasonable impacts on neighbouring residential amenity in terms of traffic, parking road safety or acoustic privacy. Compliance with the various reports, as amended by conditions of consent, will help address issues currently experienced by surrounding residents in respect of car park, road safety, noise, and security. These matters are discussed in more detail below.

Warringah Development Control Plan

Built Form Controls

Built Form Control	Requirement	Proposed	% Variation*	Complies
B5 *Side Boundary Setbacks	0.9m	<u>Federal Parade Carpark</u> East = 4.1 - 6.2m West = 4.3m	N/A	Yes
	0.9m	<u>Alfred and Gulliver Street Carpark</u> 1.9m to No.16 Alfred Street	N/A	Yes
		<u>2.4 - 3.3m to No. x Gulliver Street</u> 2.4 - 3.3m	N/A	Yes
B7 Front Boundary Setbacks	6.5m	<u>Federal Parade Carpark</u> 2.2m	66.1%	No
		<u>Alfred and Gulliver Street Carpark</u> 22.4m to Alfred Street (primary frontage) 4m to Gulliver Street (secondary frontage)	N/A N/A	Yes Yes
B9 *Rear Boundary Setbacks	6m	<u>Federal Parade Carpark</u> 2.2m	66.6%	No
D1 Landscaped Space (LOS) and Bushland Setting	40% (11,604.6sqm)	32.7% (9,489.9sqm)	7.3%	No

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***Note:** The carpark at Alfred and Gulliver Street is a corner site. On corner allotments for land zoned R2 Low Density Residential or R3 Medium Density Residential, where the minimum rear building setback is 6.0 metres, the rear building setback does not apply. On corner allotments, to measure the side setback and side boundary envelope, the side boundaries are taken to be the boundaries that do not have frontage to a public street.

Compliance Assessment

Clause	Compliance with Requirements	Consistency Aims/Objectives
A.5 Objectives	Yes	Yes
B5 Side Boundary Setbacks	Yes	Yes
B7 Front Boundary Setbacks	No	Yes
B9 Rear Boundary Setbacks	No	Yes
C2 Traffic, Access and Safety	Yes	Yes
C3 Parking Facilities	No	Yes
C4 Stormwater	Yes	Yes
C6 Building over or adjacent to Constructed Council Drainage Easements	Yes	Yes
C7 Excavation and Landfill	Yes	Yes
C8 Demolition and Construction	Yes	Yes
C9 Waste Management	Yes	Yes
D1 Landscaped Open Space and Bushland Setting	Yes	Yes
D3 Noise	Yes	Yes
D8 Privacy	Yes	Yes
D20 Safety and Security	Yes	Yes
D21 Provision and Location of Utility Services	Yes	Yes
D22 Conservation of Energy and Water	Yes	Yes
E1 Preservation of Trees or Bushland Vegetation	Yes	Yes
E2 Prescribed Vegetation	Yes	Yes

Detailed Assessment

B5 Side Boundary Setbacks

Federal Parade Carpark

The side setbacks to the east exceed the 0.9m requirement with a landscaped setback of 5.2m to No. 42 Alfred Road to the immediate east and a landscaped setback of 4.1m to No. 44 Alfred Road also to the east which is noted to be within the ownership of the College.

Equally, a generous landscape setback of 4.3m is provided to No. 62 Alfred Parade to the immediate west which also exceeds the 0.9m side setback control.

Alfred and Gulliver Street Carpark

A landscape setback of 1.9m is provided to No. 16 Alfred Road to the immediate south and a landscape setback of between 2.4 - 3.3m is provided to No. 6 Gulliver Street to the immediate west.

The amended landscape plan has been provided which includes details of a 1.8m high acoustic barrier which is proposed adjacent to all common boundaries.

The proposal complies with and exceeds compliance with the minimum 0.9m setback requirement and meets the objectives of the control including:

- *To provide opportunities for deep soil landscape areas.*
- *To ensure that development does not become visually dominant.*
- *To provide adequate separation between buildings to ensure a reasonable level of privacy, amenity and solar access is maintained.*

B7 Front Boundary Setbacks

Description of Non-compliance

The front setback of the carpark to Federal Parade is 2.2m, which represents a 66% breach of the 6.5m front setback control.

Merit Consideration:

With regard to the consideration for a variation, the development is considered against the underlying Objectives of the Control as follows:

- *To create a sense of openness.*

Comment:

The proposed carpark is open with the exception of fencing. Conditions are recommended to require the hardsurface material within the front setback (or two car parking space widths) of both car parks to be drivable grassed pavers which will assist compliance with this objective.

- *To maintain the visual continuity and pattern of buildings and landscape elements.*

Comment:

As noted above, conditions require the carpark to be constructed with drivable grassed pavers within the front setback. This combined with low lying planting will ensure that the visual continuity and pattern of landscape elements is respected and will ensure that there are no road safety issues with respect to impacts of landscaping on sight lines at the car park entry/exit.

- *To protect and enhance the visual quality of streetscapes and public spaces.*

Comment:

The conditions relating to the surface treatment of the carpark will help assist in protecting the visual quality of the street. In addition, conditions are recommended requiring the fence height and sliding gate within the front setback of both car parks to be a maximum of 1.3m above footpath level.

- *To achieve reasonable view sharing.*

Comment:

There will be no impacts on view sharing.

Having regard to the above assessment, it is concluded that the proposed development is consistent with the relevant objectives of WLEP 2011 / WDCP and the objectives specified in s1.3 of the Environmental Planning and Assessment Act, 1979. Accordingly, this assessment finds that the proposal is supported, in this particular circumstance.

B9 Rear Boundary Setbacks

Description of Non-compliance

The rear setback for the Federal Parade carpark is 2.2m, which represents a 66.6% breach of the 6.0m rear setback control.

Merit Consideration:

Regarding the consideration for a variation, the development is considered against the underlying Objectives of the Control as follows:

- *To ensure opportunities for deep soil landscape areas are maintained.*

Comment:

The 2.2m setback provides sufficient space for deep soil landscaping and mass planting. The landscape plan provides details of such planting, including 8 Lilly Pilly's within the rear setback, which will reach a mature height of 4.0m and two canopy trees (Water Gums), one at the north-east corner and one at the north-west corner, which will reach a mature height of 12.0m. Council's Landscape Officer has no objections to the proposed landscaping subject to the conditions provided.

- *To create a sense of openness in rear yards.*

Comment:

There are no built structures within the rear yard, hence the proposal is consistent with this objective.

- *To preserve the amenity of adjacent land, particularly relating to privacy between buildings.*

Comment:

The landscape plan has been amended to include details of a 1.8m high acoustic barrier fence along the rear boundary. This acoustic barrier was recommended in the applicants' acoustic report. In addition, the existing brick retaining wall along the rear boundary will be retained and restored.

The acoustic barrier, restored brick wall and new planting will ensure that the visual and acoustic privacy of the neighbour to the immediate north at No. 50 and 52A Alfred Road is not unreasonably impacted. Council's Environmental Health Officer has reviewed the application and has indicated they have no objections to the proposal subject to the conditions provided, including compliance with the acoustic report.

- *To maintain the existing visual continuity and pattern of buildings, rear gardens and landscape elements.*

Comment:

Currently, a garage protrudes into the rear setback at No. 60 Federal Parade and there is minimal landscaping with the exception of one tree in the north-west corner, which is proposed to be removed. Sheds and other built structures are located within the rear setback of other sites along Federal Parade.

There are no physical structures proposed within the rear setback area. The proposed landscape planting will ensure that the proposal maintains the visually continuity of landscaping which characterises the surrounding area.

- *To provide opportunities to maintain privacy between dwellings.*

Comment:

As discussed above, the acoustic barrier, retention of the existing brick wall and landscape planting will ensure that there are no unreasonable impacts on neighbouring acoustic and visual privacy. In addition, conditions restricting the hours of use of carpark and the use of bollard style lighting to the carparks will prevent excessive glare or light spill to neighbours.

Having regard to the above assessment, it is concluded that the proposed development is consistent with the relevant objectives of WLEP 2011 / WDCP and the objectives specified in section 5(a) of the Environmental Planning and Assessment Act, 1979. Accordingly, this assessment finds that the proposal is supported, in this particular circumstance.

C2 Traffic, Access and Safety

Merit Consideration

A significant level of concern has been raised in the submissions in respect to ongoing issues with respect of traffic, parking and pedestrian and road safety issues in the neighbouring streets. Concern is also raised in respect to an exacerbation of these issues because of the proposed increase in student enrolments.

The application seeks, in part, to address compliance issues relating to student enrolments beyond the cap of 1,200 which applies to the 2013 DA consent. In a response to a request for additional information, the applicant has provided details of existing students enrolments, which confirmed that a

total of 1,414 students were enrolled in 2020 and 1,560 students in 2022.

The increase to the proposed student enrolment of 1,600 equates to an additional 40 students compared to the number of enrolments in 2022. The local community have had to endure the impact of the larger and unapproved student population for a number of years now and the concerns raised in the submissions in respect to traffic and parking issues are acknowledged and valid. While there is no excuse for the breach of the conditions of consent, the school has made the subject application to rectify the situation and it provides an opportunity to address and alleviate the impacts of the increase in student numbers, through the provision of two additional carparks comprising an additional 54 car parking spaces.

In terms of the design of the carparks, the applicant has demonstrated that the location of the vehicular access to both proposed car parks satisfies the requirements and objectives of Clause C2. A condition has been imposed that requires a dedicated pedestrian entry with a gate for both carparks, to ensure that there is no conflict with the use of the vehicular entry.

In addition, the application allows for the traffic, parking, and operational management of the College to be reviewed and measures adopted and enforced through conditions of consent to minimise current impacts on the local community.

The application has been updated with an amended Traffic, Parking and Management Plan (TPMP) and an Operational Plan of Management Plan (OPM). Council's Transport Officer has reviewed these documents, and while the reports are generally supported, there are a number of omissions, including all of the additional proposed car parking spaces being allocated to staff. The allocation of the Federal Avenue carpark to students will address the WDCP requirement to provide adequate parking on site for students. It is also noted that data, which was submitted by the applicant, confirms that only 90% of staff (137) currently drive to the school.

Therefore, a deferred commencement condition is recommended that would require the applicant to amend the TPMP as follows:

- Restrict the use of the 24 car parking spaces in the Federal Parade carpark to student car parking with the remaining car parking spaces being dedicated to staff with no use for events. An ongoing condition is also proposed to this affect.
- Provide details on how many students will be allocated parking spaces and the measures proposed to allocate/access student carparking at the Federal Parade carpark.
- A mechanism for reporting of illegal or inappropriate parking/driving behaviour by students and measures to respond to such issues, such as permanent or periodic removal of driving/off-street parking privileges.
- Provide details of the staggering of school start and finish times for different year groups to spread the parking demand at drop off and pick up times. It is noted that staggered school times is referenced in other supporting documentation, however there needs to be consistency between all documents to ensure that parking can be effectively managed.
- Amend Section 3.11 of the TPMP, which outlines arrangements for deliveries. The wording is to be amended to state that deliveries will not be accepted during pick up and drop off times.
- Amend Section 4.2.3 of the TPMP, which outlines Public Transport Actions that will be explored. One action that should be further explored is to liaise with Transport for NSW with regard to the provision of more buses specifically serving St. Augustine's. It is known that St. Augustine's students travelling to/from the north currently rely upon use of services which are provided for other schools which are often overcrowded, with students often being denied access to the bus. A note should also be added that students should be encouraged to always Tap on and Tap off the bus so that accurate Opal data is recorded relating to school travel.
- Amend Section 4.2.4 of the TPMP to make reference to the operation of a shuttle bus service

for staff. This is a good initiative, however, for a school with a broad student catchment, a bus service for student travel should also be explored with it being noted that many private schools provide such bus services.

The deferred commencement condition also requires the OPM to be updated, as it includes the TPMP in the appendices, and all plans need to be consistent for effective implementation.

Subject to the submission of a revised TPMP and OPM that address the above requirements, the proposal will address many of the existing traffic and parking issues, and in doing so meet the objectives of Clause D2 of the WDCP including:

- *To minimise traffic hazards.*
- *To minimise vehicles queuing on public roads.*
- *To minimise the number of vehicle crossings in a street. To minimise traffic, pedestrian and cyclist conflict.*
- *To minimise the loss of "on street" kerbside parking.*

Having regard to the above assessment, it is concluded that subject to conditions, the proposed development is consistent with the relevant objectives of WLEP 2011 / WDCP and the objectives specified in s1.3 of the Environmental Planning and Assessment Act, 1979. Accordingly, this assessment finds that the proposal is supported, in this particular circumstance.

C3 Parking Facilities

Merit Consideration

Educational establishments are to provide parking at a rate of one space per staff member in attendance at the school, plus adequate pick up/set down areas, and adequate parking for bikes and adequate provision for student parking. The proposal does not comply with the required number of carparking spaces for the proposed student and staff numbers. Therefore, the proposal is assessed as follows.

The development is considered against the underlying Objectives of the Control as follows:

- *To provide adequate off street carparking.*

Comment:

The Traffic Impact Assessment (TIA) refers to there being 152 full time equivalent staff (an increase of 2 staff members), therefore 152 parking spaces for staff are required. The proposal seeks consent increase student enrolments by 400 from 1,200 to 1,600.

The TIA refers to a total of 143 car parking spaces being provided, including:

83 spaces access from Gulliver Street (existing)
30 spaces access from Alfred Road (proposed)
30 spaces access from Federal Parade (proposed)

The TPMP also refers to a total of 143 spaces, yet in some sections it notes that there are 106 existing car parking spaces as opposed to 83 existing spaces referenced in the TIA.

While there is an inconsistency with the documents about the number of existing carparking spaces, Council's Transport Officer has based the assessment on the car parking figures detailed in the TIA, which is the more conservative figure. The assessment notes that there is a shortfall of 9 staff spaces, however, it is acknowledged that the proposal represents a significant improvement on the level of staff parking provided at present. The TIA argues that the 152 spaces is in excess of the DCP requirements, as only 90 percent of staff drive to school and that the 143 spaces is sufficient to meet demand, i.e. 90% of 152 staff equates to 137 staff and the 143 spaces would therefore exceed the anticipated staff demand. This assumes that there is no need for any student parking, however, the DCP also requires "adequate" parking for students in addition to staff parking. Given that staff numbers at the school are only increasing by two, while student numbers at the school are increasing by 400, it is appropriate to allocate at least some of the 54 additional parking spaces for students rather than all being for staff use.

It is also noted that the TIA advises that 25 students are currently registered to drive to/from school. This number would be expected to increase with the proposed increase in student numbers, and it is considered that the 24 space carpark at 60 Federal Parade would be most appropriately dedicated as student parking, to adequately cater for existing and proposed increased student parking demand. This means that there were 119 staff spaces (78% of total staff numbers) which, although an increase on existing staff parking spaces, will also tend to encourage more staff to consider travel by means other than single occupant cars.

Based on the above, and as discussed under Clause C2, the application can only be supported subject to a condition requiring the Federal Parade carpark to be dedicated to student car parking. A deferred commencement condition is therefore recommended to require the TPMP and the OPM to be amended to address this requirement, in addition to the other measures discussed above. Subject to these amendments, the proposed car parking is assessed as being adequate.

- *To site and design parking facilities (including garages) to have minimal visual impact on the street frontage or other public place.*

Comment:

As discussed throughout this report, sufficient landscape setbacks are provided to ensure that there will be minimal visual impact of the carparks on the street frontages, while providing for sight lines to provide a safe access. In addition, conditions are imposed to require grassed pavers to be provided at the front of the carparks and other design measures to help reduce any visual impact on the streetscape.

The side setbacks exceed the 0.9m DCP requirement and landscape planting to the side and rear of the carparks will ensure that impacts to neighbouring residents is minimised.

Having regard to the above assessment, it is concluded that the proposed development is consistent with the relevant objectives of WLEP 2011 / WDCP and the objectives specified in s1.3 of the Environmental Planning and Assessment Act, 1979. Accordingly, this assessment finds that the proposal is supported, in this particular circumstance.

D1 Landscaped Open Space and Bushland Setting

Description of Non-compliance

The total College site equates to 29,011.5sqm, therefore 11,413.4sqm (40%) of Landscape Open Space (LOS) is required across the entire site.

The existing site provides 10,524.49sqm (36.3%) of LOS. As a result of the proposed carparks, the proposal reduces the LOS by 1,034.5sqm (3.6%) to 9,489.93sqm (32.7%), representing a 7.3% variation of the control. The calculation does not include the hard surfaced play areas on the College campus.

Merit Consideration

Regarding the consideration for a variation, the development is considered against the underlying Objectives of the Control as follows:

- *To enable planting to maintain and enhance the streetscape.*

Comment:

Despite the 7.3% variation of the LOS requirements, sufficient planting is proposed along the frontage of the carparks to enhance the streetscape. In addition, a condition requires the provision of drivable grassed pavers within the front setback which will help reduce the visual impact of the development in the street and provide for water infiltration.

- *To conserve and enhance indigenous vegetation, topographical features and habitat for wildlife.*

Comment:

The proposal includes the removal of two canopy trees, which will be replaced with native canopy trees in addition to significant screen planting along the boundaries of the carparks. There will be no unreasonable adverse impact on the topographical features or habitat for wildlife.

- *To provide for landscaped open space with dimensions that are sufficient to enable the establishment of low lying shrubs, medium high shrubs and canopy trees of a size and density to mitigate the height, bulk and scale of the building.*

Comment:

The landscape proposal incorporates a variety of landscape treatments around the perimeter of the car parks. The landscaping includes tree planting along the side and rear setbacks to a depth of between 1.9m - 6.2m to help minimise impacts on neighbouring residents. In addition, landscaping is provided along the front setback to enhance the landscaped character of the area while ensuring sight lines are maintained for road safety.

- *To enhance privacy between buildings.*

Comment:

The landscape setbacks combined with the acoustic barrier will ensure privacy is maintained to neighbouring residents.

- *To accommodate appropriate outdoor recreational opportunities that meet the needs of the*

occupants.

Comment:

In addition to the 9,489.9sqm of deep soil areas, the campus includes large areas of open hard space including outdoor paved play areas, basketball courts, and other outdoor usable spaces and terraces for learning, comfort and recreation and access connections. Given the urban setting of the College, the quantity and quality of the outdoor recreational spaces is assessed as acceptable despite the minor 7.3% breach in the LOS requirement.

- *To provide space for service functions, including clothes drying.*

Comment:

The proposal allows for sufficient space for the service function of the school including equitable and safe access for students, staff and visitors.

- *To facilitate water management, including on-site detention and infiltration of stormwater.*

Comment:

Council's Development Engineer has confirmed that there are no objections to the proposed water management subject to conditions.

Having regard to the above assessment, it is concluded that the proposed development is consistent with the relevant objectives of WLEP 2011 / WDCP and the objectives specified in s1.3 of the Environmental Planning and Assessment Act, 1979. Accordingly, this assessment finds that the proposal is supported, in this particular circumstance.

D3 Noise

Clause D3 requires:

1. Noise from combined operation of all mechanical plant and equipment must not generate noise levels that exceed the ambient background noise by more than 5dB(A) when measured in accordance with the NSW Industrial Noise Policy at the receiving boundary of residential and other noise sensitive land uses.

See also NSW Industrial Noise Policy Appendices

2. Development near existing noise generating activities, such as industry and roads, is to be designed to mitigate the effect of that noise.

3. Waste collection and delivery vehicles are not to operate in the vicinity of residential uses between 10pm and 6am.

4. Where possible, locate noise sensitive rooms such as bedrooms and private open space away from noise sources. For example, locate kitchens or service areas closer to busy road frontages and bedrooms away from road frontages.

5. Where possible, locate noise sources away from the bedroom areas of adjoining dwellings/properties to minimise impact.

Merit Assessment

Acoustic Report

The application is supported with an acoustic report that includes recommendations pertaining to the

operation and management of the school and the proposed carparks. In respect of the operation of the carparks, Section 5.1 of the acoustic report refers to:

- *the use of the car parks being restricted to staff and students and during after hours events.*
- *car park use being limited to between 7:00am and 6:00pm with evening use 6:00pm to 10:00pm only after hours.*
- *peak use being between 7:00am and 8:00am and 3:00pm and 4:00pm*
- *car park capacity being linear filled or emptied in a span of 1 hour*
- *installation of mitigation measures, namely a restriction in the hours of use, as detailed above, and a requirement for a 1.8m high acoustic barrier around the perimeter of the proposed car parks where they adjoin neighbouring residential properties.*

The carpark noise assessment concludes as follows:

*"Based on the results of the assessment of the noise generated by activities within the carparks, the predicted noise levels at the surrounding noise-sensitive receivers are expected to comply with the project noise trigger levels established in *Section 4.1 during expected hours of operation.*

Further, receivers around the Alfred Road / Gulliver Street carpark are expected to be less affected by noise given the intrusive nature of playground activities compared to car park activities."

*Note: Section 4.1 discussed the relevant acoustic requirements, including the controls prescribed in Section D3 of the WDCP and NSW EPA Noise Policy for Industry (NPI) 2017 – Industrial Noise (Plant and Equipment).

A deferred commencement condition requires the acoustic report to be amended to delete reference to the use of the car parks for events. The use of the car parks are restricted to use by students and staff respectively between the hours 7:00am and 6:00pm Monday to Friday.

Section 5.2 of the acoustic report assesses the impact of the increase in the schools capacity from 1,200 to 1,600 students and concludes as follows:

"Based on the noise emission modelling of both student capacities, it is observed that predicted noise levels at surrounding receiver catchments increases by 1-2dB(A) as a result of an additional 400 students".

The report notes that a difference of up to 2 dB(A) will not be discernible by the average listener and is considered acceptable.

The acoustic report also addresses construction noise and makes recommendations to ensure that there are no unreasonable impacts to neighbouring properties.

Operational Plan of Management (OPM)

The application has also been supplemented with an OPM, which includes noise management measures in Section 3.0, including the following strategies for play spaces:

Gulliver Green

- No access to students before 8:40am
- Teacher supervision to monitor student behaviour and limit any "high-ball" games.

Tolentine Park

- Teacher supervision to monitor student behaviour and limit any "high-ball" games.

Other Noise management measures include:

- All Public Address (PA) speakers are directed to the centre of the College and the PA system to be monitored and reviewed annually.
- All dust, bathroom, kitchen/canteen fume extractors are on timers and only operate between 7.00am and 5.00pm. Dust extractors are monitored by the Facilities and Maintenance Team using the acoustic measurement app 'Decibel X'. These are monitored annually at the time of service or as required.

Section 7.0 of the OPM also outlines how the College will manage complaints and section 8.0 refers to a requirement for an annual review of the OPM.

The application and supporting acoustic report and OPM have been reviewed by Council's Environmental Health Officer who raises no objections to the proposal subject to the conditions provided. A deferred commencement condition requires an amendment to the acoustic report to include an assessment of noise associated with events, noise from the PA system and noise from the sliding gates to the car park. In addition, the acoustic report needs to be amended to delete reference to the use of the car parks for events and to ensure consistency with the noise management measures in the OPM.

Subject to conditions, on merit the application is consistent with the requirements and objectives of Clause D3 Noise as discussed below.

- *To encourage innovative design solutions to improve the urban environment.*

Comment:

The application is supported with an acoustic report that provides details of design solutions, namely an acoustic barrier, and other mitigation measures to ensure that there are no unreasonable acoustic impacts on the surrounding environment.

- *To ensure that noise emission does not unreasonably diminish the amenity of the area or result in noise intrusion which would be unreasonable for occupants, users or visitors.*

Comment:

As discussed above, mitigation measures are included in the acoustic report and OPM to ensure that noise emissions associated with the use of the carpark and the increase in student numbers will not have unreasonable impacts on the residential amenity of the area. A deferred commencement condition requires the acoustic report and OPM to be amended to address the recommendations of Council's Environmental Health Officer and ensure consistency between all approved operational strategies, before the consent becomes operational.

Having regard to the above assessment, it is concluded that subject to conditions, the proposed development is consistent with the relevant objectives of WLEP 2011 / WDCP and the objectives specified in s1.3 of the Environmental Planning and Assessment Act, 1979. Accordingly, this assessment finds that the proposal is supported, in this particular circumstance.

D8 Privacy

The requirements of Clause D8 include:

- 1. Building layout should be designed to optimise privacy for occupants of the development and occupants of adjoining properties.*
- 2. Orientate living areas, habitable rooms and windows to private open space areas or to the street to limit overlooking*

Comment

The layout of the proposed carparks, which includes significant landscape setbacks to neighbouring residential properties, will ensure consistency with the requirements of Clause D8. In addition, the acoustic barrier and mitigation measures detailed in the acoustic report will ensure consistency with the following objectives of Clause D8:

- *To ensure the siting and design of buildings provides a high level of visual and acoustic privacy for occupants and neighbours.*
- *To encourage innovative design solutions to improve the urban environment.*
- *To provide personal and property security for occupants and visitors.*

As discussed under Clause D3 (Noise), the application is supported with an acoustic report and amended plans that include details of an acoustic barrier proposed around the perimeter of both carparks where they adjoin residential properties. The application has also been supplemented to include an OPM that includes measures to address noise and security.

The application has been reviewed by Council's Environmental Health Officer, who raises no objections to the proposal subject to the conditions provided. A deferred commencement condition requires the management reports to be amended to address the recommendations of Council's Referral Officers and ensure consistency across the documentation. The provisions of the acoustic report and OPM will ensure that the acoustic privacy is maintained to neighbours for occupants and neighbours and security is provided to the students and staff of the College in accordance with the objectives of Clause D8 Privacy. Refer to discussion in the referral section of this report and under clause D3 (Noise) above.

D20 Safety and Security

The relevant requirements of Clause D20 include:

- 2. Service areas and access ways are to be either secured or designed to allow casual surveillance.*
- 3. There is to be adequate lighting of entrances and pedestrian areas.*

Merit Consideration.

The application has been amended to include details of a security gate to the entrance to the carparks. Furthermore, a condition requires a separate pedestrian access gate to be provided to ensure the safety of students and staff using the carparks. In addition, a condition requires adequate lighting to be provided to the carpark that is designed to ensure the safety of the carpark users at night, whilst minimising light spill to neighbours.

As discussed throughout this report, the application has also been supplemented to include an Operational Plan of Management (OPM). The OPM includes the following measures to address safety and security:

Lighting

Section 5.0 of the OPM provides details of lighting including:

-Soft and sensor lighting operates overnight for security purposes and as a precaution for after-hours visitors.

Security Measures

Section 6.0 provides details of security measures to the college including:

-Emergency evacuation procedures plan

-Incident register

-A perimeter fence surrounds the College property and all gates are either padlocked closed or are activated with a swipe card.

-Security cameras (CCTV) are positioned around the College including at all entrances.

-A Maintenance Manager who ensure all buildings are secured and alarmed.

-A back-to-base alarm system. If alarms are triggered, they will only sound inside specific buildings. All external speakers are switched off to minimise neighbourhood disturbance.

Traffic and Parking Management Plan (TPMP)

The Traffic and Parking Management Plan (TPMP) also provides details of the following measures to manage the safety of students arriving and departing from the College and pedestrian management and safety measures:

- Bus management, staff will be present at the bus drop off locations to supervise students to ensure that there is minimal disruption to neighbours while making sure they are safe.

- Car park drop off management, staff to ensure

As discussed throughout this report, a deferred commencement condition requires the OPM, TPMP and acoustic report to be amended to address the requirements from Referral Officers and ensure consistency between documents.

Having regard to the above assessment, it is concluded that the proposed development is consistent with the following objective: *To ensure that development maintains and enhances the security and safety of the community* and the objectives specified in s1.3 of the Environmental Planning and Assessment Act, 1979. Accordingly, this assessment finds that the proposal is supported, in this particular circumstance.

E1 Preservation of Trees or Bushland Vegetation

The proposal includes the removal of two trees within the rear boundary of 60 Federal Parade, namely trees T5 and T6, which have been identified as structurally defective trees in the Arborist Report prepared by Raintree Consulting, dated 18 February 2021. Thirteen (13) trees are proposed to be planted within the setback areas of carpark, including two canopy trees. The proposed landscaping will help protect the landscaped character of the area and Council's Landscape Officer has raised no objections to the proposal subject to the conditions provided.

E2 Prescribed Vegetation

Clause E2 requires:

2. Development is to be situated and designed to minimise the impact on prescribed vegetation, including remnant canopy trees, understorey vegetation, and ground cover species.

Comment:

As discussed under Clause E1, sufficient replacement planting is proposed to replace the two trees that are proposed to be removed.

Having regard to the above assessment, it is concluded that the proposed development is consistent with the relevant objectives of WLEP 2011 / WDCP and the objectives specified in s1.3 of the Environmental Planning and Assessment Act, 1979. Accordingly, this assessment finds that the proposal is supported, in this particular circumstance.

THREATENED SPECIES, POPULATIONS OR ECOLOGICAL COMMUNITIES

The proposal will not significantly affect threatened species, populations or ecological communities, or their habitats.

CRIME PREVENTION THROUGH ENVIRONMENTAL DESIGN

The proposal is consistent with the principles of Crime Prevention Through Environmental Design.

POLICY CONTROLS

Northern Beaches Section 7.12 Contributions Plan 2022

The proposal is subject to the application of Northern Beaches Section 7.12 Contributions Plan 2022.

A monetary contribution of \$6,710 is required for the provision of new and augmented public infrastructure. The contribution is calculated as 1% of the total development cost of \$671,000.

CONCLUSION

The site has been inspected and the application assessed having regard to all documentation submitted by the applicant and the provisions of:

- Environmental Planning and Assessment Act 1979;
- Environmental Planning and Assessment Regulation 2021;
- All relevant and draft Environmental Planning Instruments;
- Warringah Local Environment Plan;
- Warringah Development Control Plan; and
- Codes and Policies of Council.

This assessment has taken into consideration the submitted plans, Statement of Environmental Effects, all other documentation supporting the application and public submissions, and does not result in any unreasonable impacts on surrounding, adjoining, adjacent and nearby properties subject to the conditions contained within the recommendation.

In consideration of the proposal and the merit consideration of the development, the proposal is considered to be:

- Inconsistent with the objectives of the DCP
- Consistent with the zone objectives of the LEP

- Consistent with the aims of the LEP
- Consistent with the objectives of the relevant EPIs
- Consistent with the objects of the Environmental Planning and Assessment Act 1979

PLANNING CONCLUSION

This proposal seeks consent for an increase in the approved student numbers at St Augustine's College from 1,200 to 1,600 and construction of two carparks and associated landscaping and fencing works.

The application has been referred to the Northern Beaches Local Planning Panel due to there being more than 10 public submissions (total of 38) being received in response to the multiple notifications.

The application seeks to regularise the existing student enrolments, which were confirmed as being 1,560 in 2022, when current approvals are for a maximum of 1,200 students. The proposal for additional student numbers is accompanied by a proposal to construct two new carparks, which will provide 54 additional carparking spaces, with suitable management and operational measures implemented to improve the facilities and functionality of the school and to minimise the impact of the intensification on the amenity of the surrounding residential area.

The critical assessment issues for this application relate to the impacts of the increased student population on parking, traffic and amenity in the local area. These key issues are consistent with the concerns raised in the resident objections and in the prelodgement advice. The issues have been addressed in the assessment of the application, through the submission of additional information or are able to be resolved by way of suitable conditions of consent. Importantly, a deferred commencement condition will require the Traffic and Parking Management Plan (TPMP), the Acoustic Report and Operational Plan of Management (OPM) to be revised to include the recommendations of Council's Transport Officer and Environmental Health Officer and to ensure consistency between all of these documents which will form part of the consent.

Specifically, the deferred commencement condition relating to the TPMP includes the need to reference a restriction in the use of the carpark at Federal Parade to students only, incorporate staggered start and finish school times for different year groups and require bus services to be further explored and used. A separate condition requires the carparks to be constructed and operational before the full increase in student enrolments (1,600) takes effect, to ensure that adequate parking is available on site to address the intensification of use of the College and concurrently address ongoing issues in the local area with respect to parking and transport.

All management plans will be required to be revised should the implementation or effectiveness of the TPMP be impacted by unforeseen changes in school operations, including the use of newly acquired sites or as a result of new development adjoining or near the subject site.

A 1.8m high acoustic barrier fence is proposed around the boundaries of the carparks where they adjoin neighbouring residential properties. In addition, the acoustic report provides details of mitigation measures and operational measures, including a restriction in the hours of use of the car parks and staff supervision of play areas, to ensure that acoustic amenity is maintained for neighbouring residents. The acoustic report also requires amendment as part of the deferred commencement condition to require an assessment of noise associated with school events and noise from the PA system and to ensure consistency with the noise measures in the OPM.

Landscaping is proposed around the perimeter of the carparks and conditions require drivable grassed pavers within the front setback to reduce the visual impact to neighbours and the streetscape.

Overall, the development (as amended and supplemented by the applicant) performs satisfactorily against the relevant planning and related controls, and subject to special and standard conditions, will not result in unreasonable impacts on adjoining or nearby properties, or the natural environment.

Therefore, the proposal is recommended for deferred commencement approval.
It is considered that the proposed development satisfies the appropriate controls and that all processes and assessments have been satisfactorily addressed.

RECOMMENDATION

DEFERRED COMMENCEMENT APPROVAL

A. THAT the Northern Beaches Local Planning Panel, on behalf of Northern Beaches Council as the consent authority grant a Deferred Commencement Development Consent being subject to a two (2) year time frame for Deferred Commencement Consents detailed within Clause 76 of the Environmental Planning and Assessment Regulation 2021 to DA2021/2567 for Demolition works, construction of two carparks and an increase in student numbers at an educational establishment on land at Lot B DP 395193,0 L Federal Parade, BROOKVALE, Lot 100 DP 1250521,37 - 43 Federal Parade, BROOKVALE, Lot 13 DP 568333,60 Federal Parade, BROOKVALE, subject to the conditions printed below:

B. THAT once the matters detailed within the Deferred Commencement Development Consent conditions are satisfactorily addressed then an operational development consent be issued subject to the time frames detailed within Part A of this recommendation.

DEFERRED COMMENCEMENT CONDITIONS

1. Deferred Commencement

A. The Transport and Parking Management plan shall be amended to incorporate and address the following:

- (i) The Plan shall specify that the carpark at 60 Federal Parade shall exclusively be used for students and provide details to manage such use with the hours of use restricted to between 7:00am and 6:00pm Monday to Friday.
- (ii) The Plan shall include details of a mechanism for reporting and taking action in respect of illegal or inappropriate parking/driving behaviour by students, including unsociable behaviour in the Federal Parade car park
- (iii) The Plan shall specify that the the balance of the 143 offstreet parking spaces (119 spaces) are for staff use with the hours of use restricted to between 7:00am and 6:00pm Monday to Friday.
- (iv) The Plan shall incorporate staggered start and finish school times for different year groups to reduce queuing and illegal parking.
- (v) The Plan shall include details of measures to encourage and incentivise staff and students to travel by carpooling, public transport, walking or cycling.
- (vi) The Plan shall include measures to require stacked parking spaces to be assigned to staff who will arrive early and leave late.
- (vii) Section 3.7 of the Plan outlines management measures in respect of sports and special events. In accordance with the Plan the Federal Parade and Alfred Road car park shall not be used during sports and special events.
- (viii) Section 3.11 of the Plan, which outlines arrangements for deliveries, shall be amended to state that deliveries will not be accepted during pick up and drop off times.
- (ix) Section 4.2.3 of the Plan, which outlines Public Transport Actions that will be explored, shall be amended to include the following: The College shall liaise with Transport for NSW with regard to the provision of more buses specifically serving St. Augustines. In addition, a note should also be added that students should be encouraged to always Tap on and Tap off the bus so that accurate Opal data is recorded relating to school travel.
- (x) Section 4.2.4 of the Plan, which makes reference to the operation of a shuttle bus service for staff shall be amended to explore a bus service for student travel noting many students travel from outside the local area.

(xi) Should the implementation or effectiveness of the TPMP be impacted by unforeseen changes in school operations, including the use of newly acquired sites or as a result of surrounding major development, the TPMP measures and controls are to be revised accordingly and submitted to Council for approval.

(xii) A copy of the approved TPMP is to be kept onsite at all times and made available to staff and students for their information and to the accredited certifier or Council on request.

Reason: To incorporate the recommendations of Council's Transport Officer so as to ensure the sufficient traffic and parking measures are in place, and consistent with the measures detailed Operational Plan of Management, in order to protect the residential amenity of the surrounding area and in the interest of road and pedestrian safety.

B. The acoustic report shall be amended to incorporate and address the following:

(i) Section 6.1 of the report, which details carpark mitigation measures, shall be amended to delete reference to the operation of the car parks from 6.00pm to 10.00pm for special events. The report shall specify that the car parks are not to be used or special events, including sports events.

(ii) The report shall be amended to include an assessment of noise generated by automatic (electric motor driven) gates or barriers.

(iii) The Public Address (PA) system shall be documented and assessed with mitigation measures recommended as necessary. All PA speakers are to be directed to the centre of the College and the PA system to be monitored and reviewed annually.

(iv) Reference shall be made to the Gulliver Green playground not to be accessible to students before 8.40am.

(v) Teachers are required to be present to monitor student behaviour in all playgrounds.

(vi) All dust, bathroom, kitchen/canteen fume extractors are on timers and only operate between 7.00am and 5.00pm.

(vii) Dust extractors being monitored by the Facilities and Maintenance Team using the acoustic measurement app 'Decibel X'. These are monitored annually at the time of service or as required.

(viii) The carpark cleaning/blowing will not be permitted before the approved carpark operating hours.

(ix) The acoustic report shall be included as an appendices to the Operational Plan of Management.

(x) Should the implementation or effectiveness of the acoustic report be impacted by unforeseen changes in school operations, including the use of newly acquired sites or as a result of surrounding major development, the acoustic mitigation measures and controls are to be revised accordingly and submitted to Council for approval.

(xi) A copy of the approved acoustic report is to be kept onsite at all times and made available to staff and students for their information and to the accredited certifier or Council on request.

Reason: To incorporate the recommendations of Council's Health Officer and to ensure the mitigation measures relating to the school operation are consistent with the measures detailed Operational Plan of Management in order to protect the acoustic amenity of neighbouring residents.

C. The Operational Plan of Management Plan (OPM) shall be amended to incorporate and address the following:

(i) The OPM shall include a provision for the College to be responsible and include details of a mechanism for reporting and taking action in respect of illegal or inappropriate parking/driving behaviour by students, including unsociable behaviour in the Federal Parade car park

- (ii) The applicant shall amend the OPM to include the updated Transport and Parking Management Plan and acoustic report as appendices to ensure consistency between reports.
- (iii) Should the implementation or effectiveness of the OPM and the accompanying TPMP and acoustic report be impacted by unforeseen changes in school operations including the extension of the school, the measures and conditions in the OPM and supported reports are to be revised accordingly and submitted to Council for approval.
- (iv) A copy of the approved OPM is to be kept onsite at all times and made available to staff and students for their information and to the accredited certifier or Council on request.
- (v) An annual review of the OPM and associated TPMP shall be carried out simultaneously and submitted annually. The traffic review and acoustic review shall inform any changes to the OPM. The annual review of the OPM shall be submitted to Council with an overview report prepared, for Council's review and records.

Reason: To ensure the school operation management measures are consistent between all documents and up-to-date in order to protect the residential amenity of the surrounding area.

Evidence required to satisfy the deferred commencement condition/s must be submitted to Council within two (2) years of the date of this consent, or the consent will lapse in accordance with Section 76 of the Environmental Planning and Assessment Regulation 2021. This evidence is to be submitted along with a completed 'Deferred Commencement Document Review Form' (available on Council's website) and the application fee, as per Council's Schedule of Fees and Charges.

Evidence required to satisfy the deferred commencement condition/s must be submitted to Council within two (2) years of the date of this consent, or the consent will lapse in accordance with Clause 76 of the Environmental Planning and Assessment Regulation 2021. This evidence is to be submitted along with a completed 'Deferred Commencement Document Review Form' (available on Council's website) and the application fee, as per Council's Schedule of Fees and Charges.

Upon satisfaction of the deferred commencement condition/s, the following conditions apply:

DEVELOPMENT CONSENT OPERATIONAL CONDITIONS

2. **Approved Plans and Supporting Documentation**

The development must be carried out in compliance (except as amended by any other condition of consent) with the following:

a) Approved Plans

Engineering Plans - Endorsed with Council's stamp		
Drawing No.	Dated	Prepared By
C100 Rev 4 Demolition and Site Management Plan 60 Federal Parade	06.12.2021	Core Project Consulting
C101 Rev 4 Demolition and Site Management Plan Alfred Road	06.12.2021	Core Project Consulting
C200 Rev 4 Sediment and Erosion (SED) Control Plan and Details 60 Federal Parade	06.12.2021	Core Project Consulting
C201 Rev 4 Sediment and Erosion (SED) Control Plan and Details Alfred Road	06.12.2021	Core Project Consulting

C002 Rev 4 Area Analysis and SED Details	06.12.2021	Core Project Consulting
C300 Rev 4 Stormwater Management Plan 60 Federal Parade	06.12.2021	Core Project Consulting
C301 Rev 4 Stormwater Management Plan Alfred Road	06.12.2021	Core Project Consulting
C302 Rev 4 OSD Details 60 Federal Parade	06.12.2021	Core Project Consulting
C303 Rev 4 OSD Details Alfred Road	06.12.2021	Core Project Consulting
C304 Rev 4 Footpath and SW Pit Detail	06.12.2021	Core Project Consulting
C401 Rev 04 Car Park Layout Alfred Road	06.12.2021	Core Project Consulting
C402 Rev 4 Standard Detail Car Park	06.12.2021	Core Project Consulting
C501 Rev 4 Delineation and Line Marking Alfred Road	06.12.2021	Core Project Consulting

Reports / Documentation – All recommendations and requirements contained within:		
Report No. / Page No. / Section No.	Dated	Prepared By
*Noise and Vibration Impact Assessment Project P00054 Rev 005	13.12.2021	E-LAB Consulting
Preliminary Arboricultural Impact Assessment Report Ref No 11121	14.07.2021	Rain Tree Consulting
Transport Impact Assessment Ref N19000 Issue C	12.12.2021	Stantec
*Traffic and Parking Management Plan Ref N190000 Issue F	29.07.2022	Stantec
Flood Impact Assessment Rev 1	28.07.2022	Core Project Consultants
*Operational Plan of Management	01.12.2022	St St Augustine's College

***Note:** As revised in accordance with the Deferred Commencement Conditions

b) Any plans and / or documentation submitted to satisfy the Deferred Commencement Conditions of this consent as approved in writing by Council.

c) Any plans and / or documentation submitted to satisfy the Conditions of this consent.

d) The development is to be undertaken generally in accordance with the following:

Landscape Plans		
Drawing No.	Dated	Prepared By
L-01 Rev E Landscape Master Plan	10.11.2022	SPACE Landscape Design
L-02 Rev E Landscape Plan Sheet 1	10.11.2022	SPACE Landscape Design
L-03 Rev E Landscape Plan Sheet 2	10.11.2022	SPACE Landscape Design

L-03 Rev E Landscape Details and Specifications	10.11.2022	SPACE Landscape Design
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In the event of any inconsistency between conditions of this consent and the drawings/documents referred to above, the conditions of this consent will prevail.

Reason: To ensure the work is carried out in accordance with the determination of Council and approved plans.

3. Carparks to be construction before any increase in student enrolments

Both the Federal Parade and Alfred Road carparks shall be fully constructed and operational within 6 months of the date of the operational consent.

The car parks shall be fully operational before the increase in student enrolments above the 2022 enrolments which are confirmed to be 1,560. Once the car parks are constructed and operational the maximum student enrolments is capped at 1600.

Details demonstrating compliance are to be submitted to the Principal Certifying Authority prior to the issue of final Occupation Certificate.

Reason: To ensure there is sufficient carparking to support the increase in student enrollments and minimise impacts on the availability of on street carparking.

4. Prescribed Conditions

- (a) All building works must be carried out in accordance with the requirements of the Building Code of Australia (BCA).
- (b) BASIX affected development must comply with the schedule of BASIX commitments specified within the submitted BASIX Certificate (demonstrated compliance upon plans/specifications is required prior to the issue of the Construction Certificate);
- (c) A sign must be erected in a prominent position on any site on which building work, subdivision work or demolition work is being carried out:
 - (i) showing the name, address and telephone number of the Principal Certifying Authority for the work, and
 - (ii) showing the name of the principal contractor (if any) for any building work and a telephone number on which that person may be contacted outside working hours, and
 - (iii) stating that unauthorised entry to the work site is prohibited.

Any such sign is to be maintained while the building work, subdivision work or demolition work is being carried out, but must be removed when the work has been completed.
- (d) Residential building work within the meaning of the Home Building Act 1989 must not be carried out unless the Principal Certifying Authority for the development to which the work relates (not being the Council) has given the Council written notice of the following information:
 - (i) in the case of work for which a principal contractor is required to be appointed:
 - A. the name and licence number of the principal contractor, and

- B. the name of the insurer by which the work is insured under Part 6 of that Act,
- (ii) in the case of work to be done by an owner-builder:
 - A. the name of the owner-builder, and
 - B. if the owner-builder is required to hold an owner-builder permit under that Act, the number of the owner-builder permit.

If arrangements for doing the residential building work are changed while the work is in progress so that the information notified under becomes out of date, further work must not be carried out unless the Principal Certifying Authority for the development to which the work relates (not being the Council) has given the Council written notice of the updated information.

- (e) Development that involves an excavation that extends below the level of the base of the footings of a building on adjoining land, the person having the benefit of the development consent must, at the person's own expense:
 - (i) protect and support the adjoining premises from possible damage from the excavation, and
 - (ii) where necessary, underpin the adjoining premises to prevent any such damage.
 - (iii) must, at least 7 days before excavating below the level of the base of the footings of a building on an adjoining allotment of land, give notice of intention to do so to the owner of the adjoining allotment of land and furnish particulars of the excavation to the owner of the building being erected or demolished.
 - (iv) the owner of the adjoining allotment of land is not liable for any part of the cost of work carried out for the purposes of this clause, whether carried out on the allotment of land being excavated or on the adjoining allotment of land.

In this clause, allotment of land includes a public road and any other public place.

Reason: Legislative requirement.

5. **General Requirements**

- (a) Unless authorised by Council:
Building construction and delivery of material hours are restricted to:
 - 7.00 am to 5.00 pm inclusive Monday to Friday,
 - 8.00 am to 1.00 pm inclusive on Saturday,
 - No work on Sundays and Public Holidays.

Demolition and excavation works are restricted to:

- 8.00 am to 5.00 pm Monday to Friday only.

(Excavation work includes the use of any excavation machinery and the use of jackhammers, rock breakers, excavators, loaders and the like, regardless of whether the activities disturb or alter the natural state of the existing ground stratum or are breaking up/removing materials from the site).

- (b) Should any asbestos be uncovered on site, its demolition and removal must be carried out in accordance with WorkCover requirements and the relevant Australian Standards.

- (c) At all times after the submission the Notice of Commencement to Council, a copy of the Development Consent and Construction Certificate is to remain onsite at all times until the issue of a final Occupation Certificate. The consent shall be available for perusal of any Authorised Officer.
- (d) Where demolition works have been completed and new construction works have not commenced within 4 weeks of the completion of the demolition works that area affected by the demolition works shall be fully stabilised and the site must be maintained in a safe and clean state until such time as new construction works commence.
- (e) Onsite toilet facilities (being either connected to the sewer or an accredited sewer management facility) for workers are to be provided for construction sites at a rate of 1 per 20 persons.
- (f) Prior to the release of the Construction Certificate, payment of the Long Service Levy is required. This payment can be made at Council or to the Long Services Payments Corporation. Payment is not required where the value of the works is less than \$25,000. The Long Service Levy is calculated on 0.35% of the building and construction work. The levy rate and level in which it applies is subject to legislative change. The applicable fee at the time of payment of the Long Service Levy will apply.
- (g) The applicant shall bear the cost of all works associated with the development that occurs on Council's property.
- (h) No skip bins, building materials, demolition or excavation waste of any nature, and no hoist, plant or machinery (crane, concrete pump or lift) shall be placed on Council's footpaths, roadways, parks or grass verges without Council Approval.
- (i) Demolition materials and builders' wastes are to be removed to approved waste/recycling centres.
- (j) No trees or native shrubs or understorey vegetation on public property (footpaths, roads, reserves, etc.) or on the land to be developed shall be removed or damaged during construction unless specifically approved in this consent including for the erection of any fences, hoardings or other temporary works.
- (k) Prior to the commencement of any development onsite for:
 - i) Building/s that are to be erected
 - ii) Building/s that are situated in the immediate vicinity of a public place and is dangerous to persons or property on or in the public place
 - iii) Building/s that are to be demolished
 - iv) For any work/s that is to be carried out
 - v) For any work/s that is to be demolished

The person responsible for the development site is to erect or install on or around the development area such temporary structures or appliances (wholly within the development site) as are necessary to protect persons or property and to prevent unauthorised access to the site in order for the land or premises to be maintained in a safe or healthy condition. Upon completion of the development, such temporary structures or appliances are to be removed within 7 days.
- (l) A "Road Opening Permit" must be obtained from Council, and all appropriate charges paid, prior to commencement of any work on Council property. The owner/applicant shall be responsible for all public utilities and services in the area of the work, shall notify all relevant Authorities, and bear all costs associated with any repairs and/or adjustments as those Authorities may deem necessary.
- (m) The works must comply with the relevant Ausgrid Network Standards and SafeWork NSW Codes of Practice.

Reason: To ensure that works do not interfere with reasonable amenity expectations of residents and the community.

6. Implementation of Traffic and Parking Management Plan

Traffic and Parking is to be managed in accordance with the approved final Traffic and Parking Management Plan (TPMP). All controls in the TPMP must be maintained at all times during school operational hours. Should the implementation or effectiveness of the TPMP be impacted by unforeseen changes in school operations or as a result of surrounding major development, the TPMP measures and controls are to be revised accordingly and submitted to Council for approval. A copy of the approved TPMP is to be kept onsite at all times and made available to staff and students for their information and to the accredited certifier or Council on request.

Reason: To ensure compliance and Council's ability to modify the approved Traffic and Parking Management Plan where it is deemed unsuitable

FEES / CHARGES / CONTRIBUTIONS

7. Policy Controls

Northern Beaches Section 7.12 Contributions Plan 2022

A monetary contribution of \$6,710.00 is payable to Northern Beaches Council for the provision of local infrastructure and services pursuant to section 7.12 of the Environmental Planning & Assessment Act 1979 and the Northern Beaches Section 7.12 Contributions Plan (as amended).

The monetary contribution is based on a development cost of \$671,000.00.

The total amount payable will be adjusted at the time the payment is made, in accordance with the provisions of the Northern Beaches Section 7.12 Contributions Plan (as amended).

Details demonstrating compliance, by way of written receipts issued by Council, are to be submitted to the Certifier prior to issue of any Construction Certificate or, if relevant, the Subdivision Certificate (whichever occurs first).

A copy of the Contributions Plan is available for inspection at 725 Pittwater Road, Dee Why or on Council's website at Northern Beaches Council - Development Contributions.

Reason: To provide for contributions in accordance with the Contribution Plan to fund the provision of new or augmented local infrastructure and services.

8. Security Bond

A bond (determined from cost of works) of \$2,000 and an inspection fee in accordance with Council's Fees and Charges paid as security are required to ensure the rectification of any damage that may occur to the Council infrastructure contained within the road reserve adjoining the site as a result of construction or the transportation of materials and equipment to and from the development site.

An inspection fee in accordance with Council adopted fees and charges (at the time of payment) is payable for each kerb inspection as determined by Council (minimum (1) one inspection).

All bonds and fees shall be deposited with Council prior to Construction Certificate or demolition

work commencing, and details demonstrating payment are to be submitted to the Certifier prior to the issue of the Construction Certificate.

To process the inspection fee and bond payment a Bond Lodgement Form must be completed with the payments (a copy of the form is attached to this consent and alternatively a copy is located on Council's website at www.northernbeaches.nsw.gov.au).

Reason: To ensure adequate protection of Council's infrastructure.

9. **Construction, Excavation and Associated Works Bond (Drainage works)**

The applicant is to lodge a bond of \$10000 as security against any damage or failure to complete the construction of stormwater drainage works in Gulliver Street as part of this consent.

Details confirming payment of the bond are to be submitted to the Certifying Authority prior to the issue of the Construction Certificate.

Reason: Protection of Council's infrastructure.

10. **Construction, Excavation and Associated Works (Security Bond)**

A bond of \$10000 as security against damage to Council's roads fronting the site caused by the transport and disposal of materials and equipment to and from the site.

Details confirming payment of the bond are to be submitted to the Certifying Authority prior to the issue of the Construction Certificate.

Reason: Protection of Council's infrastructure.

CONDITIONS TO BE SATISFIED PRIOR TO THE ISSUE OF THE CONSTRUCTION CERTIFICATE

11. **Tree Root Investigation for T3 Brushbox**

Prior to the issue of a Construction Certificate, a non-destructive root investigation within the development property shall be undertaken investigating the location of tree roots belonging to tree T3 - Bushbox located within 60 Federal Parade in accordance with clause 3.3.4 of AS 4970-2009 Protection of Trees on Development Sites.

An Arborist with minimum AQF Level 5 in arboriculture shall supervise the works to verify tree root locations. A Tree Root Map shall be documented that will be the basis for determining construction methodology near existing tree T3.

The root investigation shall map existing roots of significance that must not be impacted by construction works. The tree root investigation shall be conducted to confirm the following data to be used for the location/alignment of any new proposed works:

- i) confirmation of the location of any tree roots at or >25mm (Ø) diameter to areas that require excavation for proposed works. Alternative alignment of proposed works shall be provided as necessary to avoid major roots, and
- ii) mapping of the suitable location/alignment of proposed works.

The Tree Root Map shall be issued to a qualified Structural Engineer as a basis for structural design, and for determining the final location/alignment and construction methodology of proposed works within the tree protection zone (TPZ).

Prior to the issue of a Construction Certificate, the Arborist shall provide certification to the Certifier that the tree root investigation and clear distance recommendations have been adequately addressed in the Construction Certificate plans.

Reason: To ensure protection of vegetation proposed for retention or adjacent to the site.

12. **Stormwater Disposal**

The applicant is to demonstrate how stormwater from the new development within this consent is disposed of to an existing approved system or in accordance with Northern Beaches Council's WATER MANAGEMENT POLICY PL850, MANLY SPECIFICATION FOR DEVELOPMENT. Details by an appropriately qualified and practicing Civil Engineer demonstrating that the existing approved stormwater system can accommodate the additional flows, or compliance with the Council's specification are to be submitted to the Certifying Authority for approval prior to the issue of the Construction Certificate.

Reason: To ensure appropriate provision for disposal and stormwater management arising from development.

13. **Car Parking Finishes**

All driveways, car parking areas and pedestrian paths are to be surfaced and sealed. Details of treatment to these areas are to be submitted to the Certifying Authority prior to issue of the Construction Certificate.

Reason: To provide suitable stormwater disposal and to prevent soil erosion and runoff.

14. **Construction Traffic Management Plan**

As a result of the site constraints, limited vehicle access and parking, a Construction Traffic Management Plan (CTMP) and report shall be prepared by an RMS accredited person and submitted to and approved by the Northern Beaches Council Traffic Team prior to issue of any Construction Certificate.

Due to heavy traffic congestion throughout the town centre, truck movements will be restricted during the major commuter peak times being 8.00-9.30am and 4.30-6.00pm. Truck movements must be agreed with Council's Traffic and Development Engineer prior to submission of the CTMP.

The CTMP must address following:

- The proposed phases of construction works on the site, and the expected duration of each construction phase
- The proposed order in which works on the site will be undertaken, and the method statements on how various stages of construction will be undertaken
- Make provision for all construction materials to be stored on site, at all times
- The proposed areas within the site to be used for the storage of excavated materials, construction materials and waste containers during the construction period
- The proposed method of access to and egress from the site for construction vehicles, including access routes and truck routes through the Council area and the location and type of temporary vehicular crossing for the purpose of minimising traffic congestion and noise in the area, with no access across public parks or reserves being allowed
- The proposed method of loading and unloading excavation and construction machinery, excavation and building materials, formwork and the erection of any part of the structure within the site. Wherever possible mobile cranes should be located wholly within the site
- Make provision for parking onsite. All Staff and Contractors are to use the basement parking once available

- Temporary truck standing/ queuing locations in a public roadway/ domain in the vicinity of the site are not permitted unless approved by Council prior
- Specify that, due to the proximity of the site adjacent to St. Augustine's School, no heavy vehicle movements or construction activities effecting vehicle and pedestrian traffic are permitted in school zone hours (8:00am-9:30am and 2:30pm-4:00pm weekdays)
- Include a Traffic Control Plan prepared by a person with suitable RMS accreditation for any activities involving the management of vehicle and pedestrian safety
- The proposed manner in which adjoining property owners will be kept advised of the timeframes for completion of each phase of development/construction process. It must also specify that a minimum Fourteen (14) days notification must be provided to adjoining property owners prior to the implementation of any temporary traffic control measure
- Include a site plan showing the location of any site sheds, location of requested Work Zones, anticipated use of cranes and concrete pumps, structures proposed on the footpath areas (hoardings, scaffolding or shoring) and any tree protection zones around Council street trees
- Take into consideration the combined construction activities of other development in the surrounding area. To this end, the consultant preparing the CTMP must engage and consult with developers undertaking major development works within a 250m radius of the subject site to ensure that appropriate measures are in place to prevent the combined impact of construction activities, such as (but not limited to) concrete pours, crane lifts and dump truck routes. These communications must be documented and submitted to Council prior to work commencing on site
- The proposed method/device to remove loose material from all vehicles and/or machinery before entering the road reserve, any run-off from the washing down of vehicles shall be directed to the sediment control system within the site
- Specify that the roadway (including footpath) must be kept in a serviceable condition for the duration of construction. At the direction of Council, undertake remedial treatments such as patching at no cost to Council
- The proposed method of support to any excavation adjacent to adjoining properties, or the road reserve. The proposed method of support is to be designed and certified by an appropriately qualified and practising Structural Engineer, or equivalent
- Proposed protection for Council and adjoining properties
- The location and operation of any on site crane

The CTMP shall be prepared in accordance with relevant sections of Australian Standard 1742 – “Manual of Uniform Traffic Control Devices”, RMS’ Manual – “Traffic Control at Work Sites”.

All fees and charges associated with the review of this plan is to be in accordance with Council’s Schedule of Fees and Charges and are to be paid at the time that the Construction Traffic Management Plan is submitted.

Reason: To ensure public safety and minimise any impacts to the adjoining pedestrian and vehicular traffic systems.

15. On-site Stormwater Detention Details

The Applicant is to provide a certification of drainage plans detailing the provision of on-site stormwater detention in accordance with Northern Beaches Council’s WATER MANAGEMENT POLICY FOR DEVELOPMENT, and generally in accordance with the concept drainage plans prepared by Core Project Consulting, drawing number C301 Rev4 ,C302 Rev 4, C303 Rev 4. Detailed drainage plans are to be prepared by a suitably qualified Civil Engineer, who has membership to the Institution of Engineers Australia, National Professional Engineers Register (NPER) and registered in the General Area of Practice for civil engineering.

The drainage plans must address the following: i. Detailed long sections of all stormwater outlet lines located within Council footpath area are to be provided in relation to all utility services.
ii. Detailed drainage plans, including engineering certification, are to be submitted to the Certifying Authority for approval prior to the issue of the Construction Certificate.

Reason: To ensure appropriate provision for the disposal of stormwater and stormwater management arising from the development.

16. **Vehicle Crossings Application**

The Applicant is to submit an application for driveway levels with Council in accordance with Section 138 of the Roads Act 1993. The fee associated with the assessment and approval of the application is to be in accordance with Council's Fee and Charges.

An approval is to be submitted to the Certifying Authority prior to the issue of the Construction Certificate.

Reason: To facilitate suitable vehicular access to private property.

17. **Stormwater Drainage Application**

The applicant is to provide a stormwater drainage application under Section 68 of the Local Government Act 1993 to Council for approval. The submission is to include four (4) copies of Civil Engineering plans for the design of the Stormwater inlet Pit in Gulliver Street which is to be generally in accordance with the civil design approved with the Development Application and Council's specification for engineering works - AUS-SPEC #1. The form can be found on Council's website at www.northernbeaches.nsw.gov.au > Council Forms > Stormwater Drainage Application Form. The fee associated with the assessment and approval of the application is to be in accordance with Council's Fees and Charges. Details demonstrating compliance are to be submitted to the Certifying Authority prior to the issue of the Construction Certificate.

Reason: To ensure appropriate provision for disposal and maintenance stormwater management and compliance with the BASIX requirements, arising from the development.

18. **Amendments to the Approved Plans:**

The following amendments are to be made to the plans:

(a) 60 Federal Parade car park - The paved material finish is to be drivable grassed pavers within the 6.5m front setback, or two parking space widths; to coordinate with parking bays and the remaining paving is to be water permeable paving.

(b) Alfred Street / Gulliver Street car park - The paved material finish is to be drivable grassed pavers within the front setback to Gulliver Street, or one parking space widths; to coordinate with parking bays and the remaining paving is to be water permeable paving.

(c) The fence height and any gates to both car parks within the front building setback zone are to be a maximum 1.3m above footpath level.

(d) A gated pedestrian entry separated from the vehicular entry is to be provided. The gate is to be the same height as the front fence. No gates are to encroach over the property boundary when opening, closing, or stationary.

(e) A clear path of travel for pedestrians is to be provided from the public footpath.

The modifications are to be submitted to and approved by *the Certifying Authority* prior to the issue of a Construction Certificate.

Reason: To minimise the visual impact of development on and improve the visual quality of the streetscape and to aid water infiltration and protect the natural environment and to ensure that development maintains and enhances the security and safety of the community.

19. **Pre-commencement Dilapidation Report**

The applicant must prepare and submit a pre-commencement dilapidation report providing an accurate record of the existing condition of adjoining public property and public infrastructure (including roads, gutter, footpaths, etc). A copy of the report must be provided to Council, any other owners of public infrastructure and the owners of adjoining and affected private properties.

The pre-construction / demolition dilapidation report must be submitted to Council for written approval and the written approval is then to be submitted to the Certifying Authority prior to the issue of the any Construction Certificate and the commencement of any works including demolition.

Reason: Protection of Council's infrastructure during construction.

20. **Compliance with standards (Demolition):**

The development is required to be carried out in accordance with all relevant Australian Standards.

Details demonstrating compliance with the relevant Australian Standard are to be submitted to Council prior to the commencement of demolition works.

Reason: To ensure the development is constructed in accordance with appropriate standards.

21. **Waste Management Plan**

A Waste Management Plan must be prepared for this development. The Plan must be in accordance with the Development Control Plan.

Details demonstrating compliance must be provided to the Certifier prior to the issue of the Construction Certificate.

Reason: To ensure that any demolition and construction waste, including excavated material, is reused, recycled or disposed of in an environmentally friendly manner.

CONDITIONS THAT MUST BE ADDRESSED PRIOR TO ANY COMMENCEMENT

22. **Project Arborist**

A Project Arborist with minimum AQF Level 5 in arboriculture shall be engaged to provide tree protection measures in accordance with Australian Standard 4970-2009 Protection of Trees on Development Sites, and the recommendations of the Arboricultural Impact Assessment.

The Project Arborist shall be in attendance and supervise all works as nominated in the Arboricultural Impact Assessment.

Existing ground levels shall be maintained within the tree protection zone of trees to be retained, unless authorised by the Project Arborist.

All tree protection measures specified must:

- a) be in place before work commences on the site, and
- b) be maintained in good condition during the construction period, and
- c) remain in place for the duration of the construction works.

The Project Arborist shall provide certification to the Principal Certifier that all recommendations listed for the protection of the existing tree(s) have been carried out satisfactorily to ensure no impact to the health of the tree(s). Photographic documentation of the condition of all trees to be retained shall be recorded, including at commencement, during the works and at completion.

Note:

- i) A separate permit or development consent may be required if the branches or roots of a protected tree on the site or on an adjoining site are required to be pruned or removed.
- ii) Any potential impact to trees as assessed by the Project Arborist will require redesign of any approved component to ensure existing trees upon the subject site and adjoining properties are preserved and shall be the subject of a modification application where applicable.

Reason: Tree protection.

23. **Tree Removal Within the Property**

This consent approves the removal of the following tree(s) within the Federal Avenue property (as recommended in the Arboricultural Impact Assessment):

- i) tree numbers 5 and 6 - Sydney Blue Gum, both assessed as structurally defective,
- ii) a qualified AQF level 5 Arborist shall identify these trees on site and tag or mark prior to removal.

Note: Exempt Species as listed in the Development Control Plan or the Arboricultural Impact Assessment do not require Council consent for removal. The existing Exempt Species within the property include tree numbers: 2, 4, 7, 8 and 9, and a qualified AQF level 5 Arborist shall identify these trees on site and tag or mark prior to removal.

Reason: To enable authorised development works.

24. **Work Zones and Permits**

Prior to commencement of the associated works, the applicant shall obtain a Work Zone Permit where it is proposed to reserve an area of road pavement for the parking of vehicles associated with a construction site.

A separate application is required with a Traffic Management Plan for standing of construction vehicles in a trafficable lane

Reason: To ensure Work zones are monitored and installed correctly.

25. **Public Liability Insurance - Works on Public Land**

Any person or contractor undertaking works on public land must take out Public Risk Insurance with a minimum cover of \$20 million in relation to the occupation of, and approved works within Council's road reserve or public land, as approved in this consent. The Policy is to note, and provide protection for Northern Beaches Council, as an interested party and a copy of the Policy must be submitted to Council prior to commencement of the works. The Policy must be valid for the entire period that the works are being undertaken on public land.

Reason: To ensure the community is protected from the cost of any claim for damages arising from works on public land.

CONDITIONS TO BE COMPLIED WITH DURING DEMOLITION AND BUILDING WORK

26. Protection of Existing Street Trees

All existing street trees in the vicinity of the works shall be retained during all construction stages and the street trees fronting the development sites shall be protected by tree protection fencing in accordance with Australian Standard 4687-2007 Temporary Fencing and Hoardings and in accordance with Section 4 of Australian Standard 4970-2009 Protection of Trees on Development Sites.

As a minimum, the tree protection fencing for street tree(s) fronting the development site shall consist of standard 2.4m panel length to four sides unless otherwise directed by an Arborist with minimum AQF Level 5 in arboriculture. All fencing shall be located to allow for unrestricted and safe pedestrian access upon the road verge.

Reason: Street tree protection.

27. Tree and Vegetation Protection

a) Existing trees and vegetation shall be retained and protected, including:

- i) all trees and vegetation within the site not approved for removal, excluding exempt trees and vegetation under the relevant planning instruments of legislation,
- ii) all trees and vegetation located on adjoining properties,
- iii) all road reserve trees and vegetation,
- iv) any exempt species tree(s) referred above in item i) that is removed at any time shall be replaced at a ratio of 1:1 with a locally native tree species.

b) Tree protection shall be undertaken as follows:

- i) tree protection shall be in accordance with Australian Standard 4970-2009 Protection of Trees on Development Sites, including the provision of temporary fencing to protect existing trees within 5 metres of development,
- ii) existing ground levels shall be maintained within the tree protection zone of trees to be retained, unless authorised by an Arborist with minimum AQF Level 5 in arboriculture,
- iii) removal of existing tree roots at or >25mm (Ø) diameter is not permitted without consultation with an Arborist with minimum AQF Level 5 in arboriculture,
- iv) no excavated material, building material storage, site facilities, nor landscape materials are to be placed within the canopy dripline of trees and other vegetation required to be retained,
- v) structures are to bridge tree roots at or >25mm (Ø) diameter unless directed by an Arborist with minimum AQF Level 5 in arboriculture on site,
- vi) excavation for stormwater lines and all other utility services is not permitted within the tree protection zone, without consultation with an Arborist with minimum AQF Level 5 in arboriculture including advice on root protection measures,
- vii) should either or all of v) or vi) occur during site establishment and construction works, an Arborist with minimum AQF Level 5 in arboriculture shall provide recommendations for tree protection measures. Details including photographic evidence of works undertaken shall be submitted by the Arborist to the Principal Certifier,
- viii) any temporary access to, or location of scaffolding within the tree protection zone of a protected tree or any other tree to be retained during the construction works is to be undertaken using the protection measures specified in sections 4.5.3 and 4.5.6 of Australian Standard 4970-2009 Protection of Trees on Development Sites,
- ix) tree pruning from within the site to enable approved works shall not exceed 10% of any tree canopy, and shall be in accordance with Australian Standard 4373-2007 Pruning of Amenity Trees, and should additional pruning be required an application to Council's Tree Services shall be submitted for approval or otherwise.

The Principal Certifier must ensure that:

c) The activities listed in section 4.2 of Australian Standard 4970-2009 Protection of Trees on Development Sites, do not occur within the tree protection zone of any tree, and any temporary access to, or location of scaffolding within the tree protection zone of a protected tree, or any other tree to be retained on the site during the construction, is undertaken using the protection measures specified in sections 4.5.3 and 4.5.6 of that standard.

Reason: Tree and vegetation protection.

28. **Road Reserve**

The applicant shall ensure the public footways and roadways adjacent to the site are maintained in a safe condition at all times during the course of the work.

Reason: Public safety.

29. **Implementation of Demolition Traffic Management Plan**

All works and demolition activities are to be undertaken in accordance with the approved Demolition Traffic Management Plan (DTMP). All controls in the DTMP must be maintained at all times and all traffic management control must be undertaken by personnel having appropriate RMS accreditation. Should the implementation or effectiveness of the DTMP be impacted by surrounding major development not encompassed in the approved DTMP, the DTMP measures and controls are to be revised accordingly and submitted to Council for approval. A copy of the approved DTMP is to be kept onsite at all times and made available to the accredited certifier or Council on request.

Reason: To ensure compliance and Council's ability to modify the approved Construction Traffic Management Plan where it is deemed unsuitable during the course of the project.

30. **Implementation of Construction Traffic Management Plan**

All works and construction activities are to be undertaken in accordance with the approved Construction Traffic Management Plan (CTMP). All controls in the CTMP must be maintained at all times and all traffic management control must be undertaken by personnel having appropriate RMS accreditation. Should the implementation or effectiveness of the CTMP be impacted by surrounding major development not encompassed in the approved CTMP, the CTMP measures and controls are to be revised accordingly and submitted to Council for approval. A copy of the approved CTMP is to be kept onsite at all times and made available to Council on request.

Reason: To ensure compliance of the developer/builder in adhering to the Construction Traffic Management procedures agreed and are held liable to the conditions of consent.

31. **Road reserve to remain serviceable**

The applicant shall be responsible in ensuring that the road reserve remains in a serviceable state during the course of the demolition and building works.

Reason: To ensure public safety.

32. **Removing, Handling and Disposing of Asbestos**

Any asbestos material arising from the demolition process shall be removed and disposed of in accordance with the following requirements:

- Work Health and Safety Act;
- Work Health and Safety Regulation;
- Code of Practice for the Safe Removal of Asbestos [NOHSC:2002 (1998)];

- Guide to the Control of Asbestos Hazards in Buildings and Structures [NOHSC: 3002 (1998);
- Clause 42 of the Protection of the Environment Operations (Waste) Regulation 2005; and
- The demolition must be undertaken in accordance with Australian Standard AS2601 – The Demolition of Structures.

Reason: For the protection of the environment and human health.

33. **Demolition Works - Asbestos**

Demolition works must be carried out in compliance with WorkCover Short Guide to Working with Asbestos Cement and Australian Standard AS 2601 2001 The Demolition of Structures.

The site must be provided with a sign containing the words DANGER ASBESTOS REMOVAL IN PROGRESS measuring not less than 400 mm x 300 mm and be erected in a prominent visible position on the site. The sign is to be erected prior to demolition work commencing and is to remain in place until such time as all asbestos cement has been removed from the site and disposed to a lawful waste disposal facility.

All asbestos laden waste, including flat, corrugated or profiled asbestos cement sheets must be disposed of at a lawful waste disposal facility. Upon completion of tipping operations the applicant must lodge to the Principal Certifying Authority, all receipts issued by the receiving tip as evidence of proper disposal.

Adjoining property owners are to be given at least seven (7) days' notice in writing of the intention to disturb and remove asbestos from the development site.

Reason: To ensure the long term health of workers on site and occupants of the building is not put at risk unnecessarily.

34. **Survey Certificate**

A survey certificate prepared by a Registered Surveyor is to be provided demonstrating that the car parks, boundary fences and acoustic barriers are in accordance with the approved plans.

Details demonstrating compliance are to be submitted to the Principal Certifying Authority.

Reason: To demonstrate the proposal complies with the approved plans.

35. **Vehicle Crossings**

The Applicant is to construct 3 vehicle crossing 3.5 metres wide in accordance with Northern Beaches Council Drawing No A4-3330/ Normal and the driveway levels application approval. An Authorised Vehicle Crossing Contractor shall construct the vehicle crossing and associated works within the road reserve in plain concrete. All redundant laybacks and crossings are to be restored to footpath/grass. Prior to the pouring of concrete, the vehicle crossing is to be inspected by Council and a satisfactory "Vehicle Crossing Inspection" card issued.

A copy of the vehicle crossing inspection form is to be submitted to the Principal Certifying Authority.

Reason: To facilitate suitable vehicular access to private property.

36. **Construction noise**

All recommendations contained within the acoustic report by E-LAB Consulting -13.12.21 in regard to minimising construction noise shall be implemented during works.

Reason: To minimise noise to adjacent receivers.

37. **Dust during works**

Dust dust to neighbouring residents and businesses and ensure any airborne substance is kept within the boundaries of the site

Measures may include but not be limited to:

- Water sprays
- Bunker storage
- Limiting size of stockpiles and covering stock piles
- Vertical barriers e.g. fencing with fine mesh attached

Reason: To minimise dust to neighbouring residents and businesses control measures including best practice, and in accordance with NSW Workplace Health and Safety Regulations and the Protection of the Environment Operations Act 1997, shall be implemented to minimise and avoid air pollution

CONDITIONS WHICH MUST BE COMPLIED WITH PRIOR TO THE ISSUE OF THE OCCUPATION CERTIFICATE

38. **Landscape Completion**

Landscaping is to be implemented in accordance with the approved Landscape Plans, and inclusive of the following conditions:

- i) all tree planting shall be pre-ordered for delivery at a minimum planting size of 200 litres, and shall meet the requirements of Natspec - Specifying Trees,
- ii) all tree planting shall contain clear trunk heights of 1.8 metres, a caliper minimum of 60mm, and a height of at least 3.0 metres,
- iii) all trees shall be planted into a prepared planting hole 1m x 1m x 600mm depth within the garden beds, backfilled with a sandy loam mix or approved similar, mulched to 75mm depth minimum and maintained, and watered until established, and shall be located at least 3.0 metres from buildings, and at least 1.5 metres from common boundaries,
- iv) mass planting shall be installed at minimum 1 metre intervals for shrubs of a minimum 200mm container size at planting or as otherwise scheduled if greater in size, and at 4 plants per metre square for groundcovers of a minimum 140mm container size at planting or as otherwise scheduled if greater in size, and shall be in a garden bed prepared with a suitable free draining soil mix and minimum 50mm depth of mulch,
- v) all proposed tree planting shall be positioned in locations to minimise significant impacts on neighbours in terms of blocking winter sunlight to living rooms, private open space and where the proposed location of trees may otherwise be positioned to minimise any significant loss of views from neighbouring and nearby dwellings and from public spaces.

Prior to the issue of an Occupation Certificate, details (from a landscape architect or landscape designer) shall be submitted to the Principal Certifier, certifying that the landscape works have

been completed in accordance with any conditions of consent.

Reason: Environmental amenity.

39. **Condition of Retained Vegetation - Project Arborist**

Prior to the issue of an Occupation Certificate, a report prepared by the project arborist shall be submitted to the Principal Certifier, assessing the health and impact on all existing trees required to be retained, including the following information:

- i) compliance to any Arborist recommendations for tree protection generally and during excavation works,
- ii) extent of damage sustained by vegetation as a result of the construction works,
- iii) any subsequent remedial works required to ensure the long term retention of the vegetation.

Reason: Tree protection

40. **Stormwater Disposal**

The stormwater drainage and on site detention works shall be certified as compliant with the approved Construction certificate drawings and Councils water management policy for development by the design engineer. Details demonstrating compliance are to be submitted to the Principal Certifying Authority prior to the issue of any interim / final Occupation Certificate.

Reason: To ensure appropriate provision for the disposal of stormwater arising from the development.

41. **Post-Construction Road Reserve Dilapidation Report (Major Development)**

The applicant must bear the cost of all restoration works to Council's road, footpath and drainage assets damaged during the course of this development.

A Post Construction Dilapidation Report after the completion of all building works is to demonstrate that there is no damage to Council infrastructure prior to the refund of any security deposits.

Reason: To ensure security against possible damage to Council property.

42. **Positive Covenant and Restriction as to User for On-site Stormwater Disposal Structures**

The Applicant shall lodge the Legal Documents Authorisation Application with the original completed request forms (NSW Land Registry standard forms 13PC and/or 13RPA) to Council and a copy of the Works-as-Executed plan (details overdrawn on a copy of the approved drainage plan), hydraulic engineers' certification.

The Applicant shall create on the Title a restriction on the use of land and a positive covenant in respect to the ongoing maintenance and restriction of the on-site stormwater disposal structures within this development consent. The terms of the positive covenant and restriction are to be prepared to Council's standard requirements at the applicant's expense and endorsed by Northern Beaches Council's delegate prior to lodgement with the NSW Land Registry Services. Northern Beaches Council shall be nominated as the party to release, vary or modify such covenant.

A copy of the certificate of title demonstrating the creation of the positive covenant and restriction for on-site storm water detention as to user is to be submitted.

Details demonstrating compliance are to be submitted to the Principal Certifying Authority prior to the issue of final Occupation Certificate.

Reason: To ensure the on-site stormwater disposal system is maintained to an appropriate operational standard.

43. **Environmental Reports Certification**

Written certification from a suitably qualified person(s) shall submit to the Principal Certifying Authority and Northern Beaches Council, stating that all the works/methods/procedures/control and measures/recommendations approved by Council in the following reports have been completed:

- (a) The final approved Noise and Vibration Impact Assessment Project which has been submitted to address the requirements of the deferred commencement condition
- (b) The final approved Operational Plan of Management which has been submitted to address the requirements of the deferred commencement condition
- (c) The final approved Traffic and Parking Management Plan which has been submitted to address the requirements of the deferred commencement condition
- (d) Preliminary Arboricultural Impact Assessment Report, Ref No 11121, dated 14.07.2021, prepared by Rain Tree Consulting
- (e) Transport Impact Assessment, Ref N19000 Issue C, dated 12.12.2021, prepared by Stantec
- (f) Flood Impact Assessment Rev 1, dated 28.07.2022, prepared by Core Project Consultants

Details demonstrating compliance are to be submitted to the Certifying Authority prior to the issue of a the Final Occupation Certificate.

Reason: To ensure compliance with standards.

44. **Acoustic compliance - school operations**

Prior to the issues of an Occupation Certificate the acoustic recommendations contained the acoustic report by E-LAB Consulting 13.12.21 shall be implemented.

Additionally noise generated by automatic (electric motor driven) gates or barriers and the Public Address (PA) system shall be assessed by the acoustic consultant to ensure a nuisance to neighbours in avoided.

Reason: To achieve acoustic compliance and reduce nuisance to residential receivers.

45. **Removal of All Temporary Structures/Material and Construction Rubbish**

Once construction has been completed all silt and sediment fences, silt, rubbish, building debris, straw bales and temporary fences are to be removed from the site.

Details demonstrating compliance are to be submitted to the Principal Certifier prior to the issue of an Occupation Certificate.

Reason: To ensure bushland management.

46. **Waste Management Confirmation**

Prior to the issue of an Occupation Certificate, evidence / documentation must be submitted to the Principal Certifier that all waste material from the development site arising from demolition and/or construction works has been appropriately recycled, reused or disposed of generally in accordance with the approved Waste Management Plan.

Reason: To ensure demolition and construction waste is recycled or reused and to limit landfill.

47. **Sydney Water**

A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained from Sydney Water Corporation.

Application must be made through an authorised Water Servicing Co-ordinator. Please refer to the Building Developing and Plumbing section of the web site www.sydneywater.com.au <<http://www.sydneywater.com.au>> then refer to “Water Servicing Coordinator” under “Developing Your Land” or telephone 13 20 92 for assistance.

Following application a “Notice of Requirements” will advise of water and sewer infrastructure to be built and charges to be paid. Please make early contact with the Co-ordinator, since building of water/sewer infrastructure can be time consuming and may impact on other services and building, driveway or landscape design.

Details demonstrating compliance are to be submitted to the Principal Certifying Authority prior to the issue of any interim / final Occupation Certificate.

Reason: To ensure compliance with the statutory requirements of Sydney Water.

ON-GOING CONDITIONS THAT MUST BE COMPLIED WITH AT ALL TIMES

48. **Landscape Maintenance**

If any landscape materials/components or planting under this consent fails, they are to be replaced with similar materials/components. Trees, shrubs and groundcovers required to be planted under this consent are to be mulched, watered and fertilised as required at the time of planting.

If any tree, shrub or groundcover required to be planted under this consent fails, they are to be replaced with similar species to maintain the landscape theme and be generally in accordance with the approved Landscape Plan and any conditions of consent.

Reason: To maintain local environmental amenity.

49. **Noise - carparks**

Section 6.1 of the acoustic report prepared by E-LAB Consulting, which details carpark mitigation measures, shall be amended to delete reference to the operation of the car parks from 6.00pm to 10.00pm for special events. The report shall specify that the car parks are not to be used for special events, including sports events.

All other recommendations contained within Section 6.1 of the acoustic report with regard to ongoing use of the carparking areas shall be implemented at all times.

Reason: To avoid future noise nuisances to residential receivers.

50. **Hours of use of car parks**

The use of the Federal Parade and Alfred Road car parks are restricted to the following hours:

(a) 7:00am and 6:00pm Monday to Friday

(b) the use of the carparks is prohibited for use associated with events, including the events specified in the final approved Operational Management Plan.

Reason: To ensure that amenity of the surrounding locality is maintained.

51. **Maximum Number of Student Enrolments**

The maximum number of student enrolments for the entire St Augustine's College is to be restricted to 1,600 students. There are to be strictly no increases beyond this maximum number of students without obtaining further development consent.

Furthermore, the full increase in the number of students beyond the 2022 enrolment figure is only be achieved when the two new carparks are constructed and made fully operational.

Reason: To ensure the capacity of the College/School is restricted to a set number which accords with the provision of carparking, limits the impacts on the surrounding road network and protects the amenity or surrounding residential properties.

52. **Peer Review of Traffic Parking Management Plan**

Parking impacts relating to school operations are to be reviewed annually for the first two years of the consent's operation by an independent traffic consultant at the applicant's expense. This is to evaluate the success of the Traffic Parking and Management Plan (TPMP). The peer review report, which shall include a review of on-street parking occupancies in streets within a 400m walking catchment of the school, shall be submitted to Council's Transport Network Manager annually for review.

Reason: To minimise parking impacts.

53. **Parking Enclosure**

No parking spaces, or access thereto, shall be constrained or enclosed by any form of structure such as fencing, cages, walls, storage space, or the like, without prior consent from Council.

Reason: To ensure accessibility is maintained.

54. **Stacked Parking Spaces**

Stacked parking spaces are to be assigned to staff who will arrive early and leave late.

Reason: To minimize conflicts regarding parking areas.

55. **Lighting**

External lighting within the College campus shall comply with the following:

(a) All bollard lighting is to be non-glaring and filtered to direct light directed downwards to comply with Warringah DCP Part D12.

(b) Lighting on the main campus is to be sensor lighting on timers and operate from 5.00pm – 10.00pm.

Reason: To minimise light spill on neighbouring residents while ensuring the safety and security of students and staff within the College campus.