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**From:** Paula Brennan  
**Sent:** 24/02/2022 10:21:40 PM  
**To:** Council Northernbeaches Mailbox  
**Subject:** Application Number: DA2021/2567 - Submission  
**Attachments:** Objection to DA 20212567 Feb 2022.pdf;

Dear Daniel

Please find attached objection to the St Augustines development Application.  
Application Number: DA2021/2567.

Please do not hesitate to contact me if further information is required.

Regards  
Paula Brennan



**Northern Beaches Council Re: Development Application DA2021/2567**

**Objector:** Paula Brennan & David Wrbik of 38 Consul Rd Brookvale

Objection to New - Demolition works, construction of a car park and increase in student numbers at an education establishment.

Dave and I reside and own 38 Consul Rd, looking directly toward the large western facing building. We object to this Development application on several grounds and will address these further in the letter. We concur with Mr John Truszewski, Mr Ramadan Ali and Mr Lauren McNamara.

This development application and the supporting documentation focuses on additional car parking for teachers, who effectively are employees of the College. This DA should not be seen as a simple or straightforward development application.

It appears to be a DA to increase student numbers and add parking spaces. It seems that this DA attempts to retrospectively correct a breach of a condition of an existing development application, but this DA is quite complex.

We believe this DA runs contrary to the rationale behind the SEPP. However, this DA is inextricably linked to the State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017 (SEPP) and the need to comply with development provisions.

As we have mentioned in our other submissions, **there is a current student cap of 1200 students and no cap on staff numbers at the College**. The cap of 1200 students were set by the Land and Environment Court to "Manage impacts on the Locality".

Extract from Consolidated Conditions of Consent

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

42. **Maintenance period for civil works under the provisions of the Roads Act 1993 and Environmental Planning and Assessment Act 1979**  
A Maintenance Period of six (6) months shall apply to the drainage works located in, on or over a public road as approved under the provisions of Section 139 of the Roads Act 1993 and Section 80A of the Environmental Planning and Assessment Act 1979, after it has been completed and approved in writing by the appropriate Roads Authority. In that period the applicant shall be liable for any part of the work which fails to perform in the manner outlined in Roads Authority's specifications, or as would be reasonably be expected under the design conditions.
- Reason: To ensure works are appropriately constructed and repaired where defective. (DACENG01)
43. **Linemarking / Allocation of Parking**  
All on-site parking spaces provided shall be provided and maintained available for their designated purpose as per the approved Traffic and Parking Management Plan. On-site parking spaces shall be clearly line marked or sign posted, as practicable, to ensure ease of identification by users and maintain effective daily operation of the Traffic and Parking Management Plan
- Appeal No: 10424 of 2015*
- 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 that adequate parking facilities to service the development are provided on site. (DACPLG01)
44. **Residential Privacy**  
Storage lockers / racks and the like are not to be placed along the eastern elevation of Senior Science rooms.
- Reason: Maintain privacy to No.10 Gulliver Street (DACPLGOG1)
45. **Maximum Enrollment**  
The school/college campus site is limited to a maximum student enrolment of 1200 students.
- Reason: To manage impacts on the locality. (DACPLGOG2)

Once again, we need to emphasise the 1200 student cap exists to manage impacts on our residential area.

The current impacts on the locality are Traffic congestion, Safety Noise and excessively large, out of character developments that have been built in the past 3 years. This development application only addresses additional parking for teachers, but does not remedy existing traffic, pedestrian and student safety issues.

The College has totally disregarded the cap of 1200 students that "**Must** be complied with at all times". In the College's [2020 Annual Report](#) the school knowingly publishes the numbers showing above 1200 for 2020.

#### Student Enrolment Figures and Trends

Year	2018		2019		2020	
	Domestic	International	Domestic	International	Domestic	International
5	84		84		112	
6	84		84		84	
7	206		225		233	2
8	187		212		225	
9	194	5	187	6	206	13
10	157	23	190	19	184	16
11	156	19	138	20	170	13
12	163	17	155	19	137	18
All	1231	64	1275	64	1351	62
Total Number of Students	1295		1339		1413	

In 2019, Under the State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017 (SEPP) complying development provisions, the College increased the building footprint, adding additional floors, classrooms and an outdoor rooftop terrace, thus creating additional space to house an increase in the student population. Although the College claimed that its intention was not to increase student numbers, the facts are that the College already had increased the student numbers and continued to increase the numbers. Extract from SEPP:

**Note.** Complying development must also comply with the general requirements in clause 19.

- (2) Development carried out by or on behalf of any person on land within the boundaries of an existing school is complying development if:
- it is an alteration or addition referred to in subclause (1) or clause 40 (2) (e) that is carried out for the purpose of a change of use to another use specified in subclause (1), and
  - it complies with this clause.

**Note 1.** Complying development must also comply with the general requirements in clause 19.

**Note 2.** Development to which section 100B (1) of the *Rural Fires Act 1997* applies is not complying development under this Policy.

- (3) The development standards for complying development under this clause (other than for development referred to in subclause (1) (a) (viii), (ix) or (x)) are set out in Schedule 2.
- (4) Nothing in this clause authorises the carrying out of development in contravention of any existing condition of the most recent development consent (other than a complying development certificate) that applies to any part of the school, relating to hours of operation, noise, car parking, vehicular movement, traffic generation, loading, waste management, landscaping or student or staff numbers.

The College undertook the development as a Complying Development, **bypassing** the DA requirement for Public Exhibition, community participation, Council, and local planning panel consideration and approval.

Dave and I purchased our home in April 2018, and at no time did we or our neighbours have an opportunity to voice our concerns around impacts to Views, Privacy, Noise, out of scale development, and other impact to our local residential amenity.



Sadly, it appears to us the College acted dishonestly or in a deceiving manner in that it assured neighbours that the student caps would remain, when in fact, already exceeded. Extract from Circular that we received in Late November 2018:



November 9, 2018

Dear Neighbours,

In December 2018, St Augustine's College is proposing to commence work to refurbish and develop the academic heart of the school, in order to ensure learning spaces continue to keep pace with quality teaching practices. Our College campus is located on the corner of Alfred Road and Federal Parade, Brookvale. This communication is to ensure our neighbours are well informed and have opportunities to communicate and interact with the College. At all times, we will be working closely with the builders to minimise any potential impacts on the neighbourhood, including traffic safety, noise management and environmental care.

**Our Needs:**

The build is a necessary requirement of meeting the College's current needs and it is not our intention, at this stage, to increase student numbers. To vary this, a Development Application through Council would be required.

The College's 2016-2020 Mission Statement and Strategic Intent document, housed on our website, ([www.saintauz.nsw.edu.au/newsandevents/publications](http://www.saintauz.nsw.edu.au/newsandevents/publications)) outlines our challenges to embrace new

The local community petitioned to Northern Beaches council to halt commencement due to start in January 2019 but collectively and singularly we failed. I contacted my local member, Brad Hazzard, as well as the town planner at the Council both advising they were not able to assist our community. As a marketing ploy, St Augustine's sent around a staff member to address concerns about the development. I was told how lucky we were to be getting a new building to replace an old one.

The size and scale of the new building is beyond that of what was previously there. In this development a very large window, approx. 6m x 18m faces west across all our homes. This was not changed or sized down after our concerns were raised. Under Complying Development provisions, this building is a large, out of character school development and if a Development Application had been required, it would not be approved. These photos illustrate the oversized, out of character development. Neighbours complain about loss of privacy, light spill from illuminated school windows at night and noise from the rooftop terrace. Funnily enough even large palms and trees planted to soften this monolith are dwarfed.

On a nicer note, when I do contact the school and/or Councillor David Walton at times as lights are left on, accidentally, overnight, weekends or public holidays. I will say the school does take action to rectify. However, the light shines over 500m into our bedrooms, and right through my front door into our entry area until it is switched off. With term 1 under way, there seems an increase in decibels of school bell and loud music, although nice just not appropriate at the noise level given its 815am. Turned down a few decibels allows the students to enjoy and neighbours more peaceful existence.

Despite the assurance to neighbours that the College population would not increase, the College subsequently increased its student population from 1200 to 1400+ during 2019-2020, either due to poor governance, or deliberately flouting the conditions of development consent. An increase in population requires a corresponding increase in college staff, rooms and facilities.

Also, let it be noted, that the Survey Plan submitted for this DA is outdated (4/12/2012), and the "Survey Area Not Updated" is where this new building is located. Why does the Council permit the use of an inaccurate survey that is 10 years old to support a new Development Application?



This DA is linking the addition of *teachers* parking spaces to increasing *student* numbers. Additional teachers parking spaces **are not** relevant to the primary need for the College to accommodate the increased number of students. The College did construct additional classrooms under a Complying Development Certificate. Circular PS 17-004 clarifies the complying development provisions of the State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017 "Some types of College developments will be permitted as 'complying development' provided that certain predetermined standards are complied with, including height limits and setbacks requirements.

This includes the construction of additional classrooms, but only if the works do not contravene any existing conditions on development consents relating to student or staff numbers that apply to the land within the boundaries of an existing College" The College is at this current Development Application as an instrument to retrospectively rectify a noncompliance, i.e., increase student population, which was facilitated by creating additional classrooms and teaching spaces by using the CDC of 2018. The act of increasing the student population as a result of creating additional classrooms to house the students, negates the CDC's compliance.

With the non-compliance to the increase in student numbers above 1200, the Complying Development Certificate (CDC) should never have been issued.

Furthermore, this development application does not include any reasons that led to the Colleges increase of student and staff numbers, nor any assurances that the College would adhere to its caps. The development application does not mention any corrective actions to address the non-compliance in the Colleges governance processes that led to the current increase in students above the current cap.

If an increase was permitted, where are assurances to the Council and the Community that the new caps will be adhered to? Given their history and the inaction of both LGA and State level bureaucrats, then the likelihood could be to assume more than 2000.

The development application does not address how the College will cater for the increase in student numbers regarding the increase in recreation space that is required. Reducing the College's playground space to accommodate teachers parking does not facilitate additional student's recreation space, particularly when year groups require isolation during these pandemic times.

In addition, I would like to address the removal of beautiful established angophoras that house possums, kookaburras, cockatoos, rosellas and lorikeets, along with many other native wildlife. Our neighbours at 40 Consul Rd have been advised the Banksia located on their driveway is under preservation order for its significance to nesting cockatoos. It seems these aged banksias are in limited supply along the beaches. Given this fact, why would other trees that provide alternative homes be removed.



Living across from 33 Consul Rd, the vacant lot owned by the College, is unsightly with its unkempt ground does not help for neighbourly relations. There have been caravans, boats left there. However, as there is little vegetation or grass but a dust bowl, this fine dust settles on our cars, windows, doors and clothes above what a normal residential area would expect. I would be interested to know the plans for this parcel.

### **Safety Concerns:**

The queues at the drop off and pick up spots are so excessive that some parents decide to use No Stopping Zones alongside marked School Zones for drop off and pick up. Double parking is often an issue and creates further blockages. This is a regular occurrence. This creates safety issues for both the motorists, and students who need to cross the road when it is busy. Students regularly cross the road looking at mobile phones after they are dropped off on the opposite side. The TMP indicates that the students arriving by car is only 14 cars as nominated in the study, was this done on a day during Covid? If you look at the images attached, you can see there are already more than 14 cars. I am more than happy to discuss this with the consultant. It would be prudent to provide the daytime and parameters around the findings. If this was the case, do you think there would be so much outrage in our local community?

A very real issue is the parking in our local streets. It is limited in my street (Consul Rd) and daily there is illegal parking to the corner along St Johns Close to Consul. Parents Park across driveways, in no stopping zones etc. There are also the hazards in Federal Pde outside the school with oversized caravans and boats, along with trailers, not the school's fault of course but just further obstacles for residents due to the easy access of parking for these recreational vehicles. Add a carpark, this provides further opportunity for non-residents to utilise our already limited car spaces.

In addition to the day-to-day car chaos, it is also a fact that criminal behaviour is likely to occur in and around car parks for drug deals after dark, and homeless youth to sleep. We may see an increase in crime rate, break and enter or drug paraphernalia left for our children to access. Will there be gates, security and if so, how often and when?

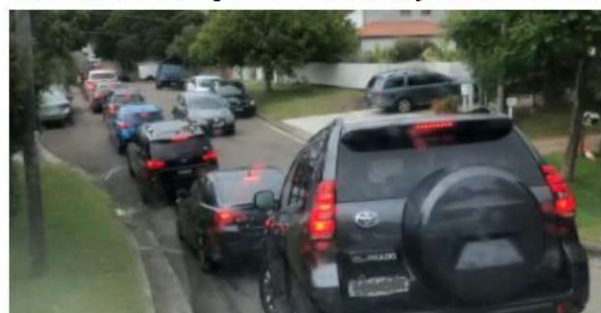
As a family we make a daily decision during term time to not leave between 815-845am and 245pm and 315pm. In addition, we have elderly neighbours who often require ambulances for diabetes, asthma and what can be life-threatening conditions. See screenshots below. Holidays are a dream.

With the only access across to Pine Ave with lights for the buses, there is just a queue of cars from Alfred to Gulliver -to Consul and along to Federal, back to Alfred then to Pine. It often takes at least 20 minutes or more to get through. On top of that there is the children's centre behind the Oval and continual works on Brookvale Oval (these have an end date I know but, in the meantime, chaos).

At times, there is no way of even driving past cars parked along from the corner of Consul and Federal. It is a sharp bend and 3-way street.



This shows the queue outside my home on the right - this is a regular occurrence at 3pm. (looking south)





Looking north – Does not match the supposed 14 cars as per report. This is how it is at least 3 days out of 5 every week.



### Concerns around the Colleges future expansion plans.

Observing the events that have taken place over the past 3-4 years, it seems apparent that the approach by the College is to:

1. Develop a master plan.
2. Use loopholes in legislation and complying development processes to bypass Development Application requirements in order to build developments (which the College claims didn't increase student numbers). This bypasses the Councils and Local Planning Panels.
3. Increase Student numbers by disregarding existing student caps imposed on the College. This action is enough to render the Complying development into a **non-complying development**.
4. Submit another Development Application to rectify the non-compliant increase in student numbers directly related to the non-compliance relating to the non-complying development.
5. Constrain the development application to apply to a small insignificant development <\$500k e.g., car parking spaces.
6. Assume that "existing conditions" i.e., with already increased student numbers and associated impacts to traffic, transport, noise issues are acceptable in the development application.
7. The application is too small to need to be submitted to the local planning panels.

Dave and I wholeheartedly agree with John Truszewski, of Federal Pde, that the College could have avoided this unnecessary stress on our community with the following:

1. Develop a Master Plan.
2. Be upfront and transparent with its intentions to expand population.
3. Engage with the community constructively and show respect for our homes and privacy.
4. Obtain Development approval for the construction of buildings, car parks, and increase in student numbers prospectively.
5. Build the works and increase the student numbers as permitted.

Alternatively, would it not be more beneficial to purchase land in Oxford Falls like St Pius for future developments and student numbers, and have 2 campuses.

A consultative approach with the first large development in 2018/2019 where consideration for their neighbours' concerns about the large glass conservatory style window, and the monolith building style were respected. I am sure it would not be difficult to have held a meeting in their school hall prior to this and asked for submissions at that point and offer alternative views that are not as intrusive into our locality.

Under Council legislation they can order the College to comply with its existing student cap but has **NOT** yet exercised this power.

We are concerned that the College can use the Complying Development provisions of the SEPP, then retrospectively apply for additional approvals to resolve their prior non-compliance. This appears to be contrary to the rationale behind the existence of the SEPPs complying development provisions.

It appears to us that the College has misused a combination of elements of this SEPP by acting in either in a dishonest or incompetent manner to gain an advantage and mislead the community.

If the Council approves this development application considering the background of this DA and related CDC, a dangerous precedent is set and may allow non-complying CDCs to be retrospectively made compliant using the application for development process.

With the events of recent years, and this current Development Application, it seems obvious to us that the College is not acting in the spirit of the SEPP nor in the spirit of their local community and church.

Dave and I implore the Council not to approve this application and to consider the impact on safety for all. The streets around the College are not built to handle large traffic volumes. This is a **residential** area, and this DA does not address how an increase in student numbers will not further impact the locality.

In the interest of public safety, it would be prudent that Council orders the College to comply with the existing DA conditions, before considering any further applications lodged to distort the process.

Please do not hesitate to contact Dave or I to discuss further

Regards

Paula Brennan & David Wrbik

38 Consul Rd Brookvale

