
Sent: 2/02/2020 10:14:33 PM

Subject: Submission DA2019-1420 and Mod2019-0627 John Colet School

Attachments: John Colet School Mod2019-0627.pdf; John Colet School DA2019-1420.pdf;

Please find attached submissions for DA2019/1420 and Mod2019/0627 for John Colet School, 6-8 Wyatt Avenue Belrose.

Attached also is an Excel spreadsheet containing vehicle data that that supports my application. You may not wish to publish this data online but I submit it as an Appendix to both submissions.

Yours Sincerely

Clare McElroy

Clare McElroy
5 Wyatt Ave
Belrose NSW 2085
27 January 2020

The General Manager
Northern Beaches Council
725 Pittwater Rd
Dee Why NSW 2099

Attention: Nick England

ModDA2019/0627
6 & 8 Wyatt Ave BELROSE
Modification of Development Consent DA2015/0558 granted for staged development for new classrooms and ancillary works and staged increase in student numbers at John Colet School

Thank you for the opportunity to provide a submission on this Modification Application from John Colet School.

I submit my objection to the Modification.

I have received concurrent notifications, one for Development Application (DA2019/1420) and the other for a Section 4.55(2) Modification (Mod2019/1420). Both proposals relate to the “future stages” of a development application submitted in 2015 (DA2015/0558) for staged development at the school.

The Development Application has been addressed in a separate submission.

There are significant changes when compared to the 2015 concept plan. A Consent Condition (Condition 5) for DA2015/0558 states that additional DAs need to be submitted for future works (Stages F-Q) and that these development applications for construction of future stages F to Q are to be consistent with the concept plans and drawings submitted for these stages under DA2015/0558.

This Modification seeks to change the last stages of the applicant’s 2015 Masterplan to fast track a building construction (stage Q), enlarge and modify the building from the original plan, reduce boundary setbacks, modify landscaping and open space management. Doing so will impact other stages of the Masterplan yet there are no applications or documents to wholly address these changes and show how further stages will be incorporated.

Staff and student numbers

There is no clarification of student numbers in this application. The applicant states that no increase in student numbers is being sought beyond previous approvals but does not specify whether this means an increase over 285 (approved for Stage 1) or an increase over 350,

which was the intention for this stage of the masterplan. There is no indication of the present number of students at the school. The staged development was proposed as a way of assessing and addressing concerns about the intensification of activity at the school and this cannot be done without knowing current student numbers.

Traffic and parking

Traffic congestion and parking issues have been the foundation of numerous community objections to the school's development applications over the years. The school has a single road frontage with no on-site drop off zone, resulting in chaos, congestion and poor driver behaviour during school rush hours. The school site is too small and cramped to accommodate the staff parking required under local planning controls.

When the JRPP approved Stage 1 of the Masterplan for DA2015/0558, the approval was subject to the following consent condition (Condition 6):

"An amended parking/access plan is to be provided in the next application relating to the staged consent, which demonstrates that:

- a) All car spaces have dimensions to satisfy provisions of the relevant Australian Standards; (specifically stacked spaces 3-8 and 25-30 to be 5.5m long as a consent condition for Stage 1 and any future stages of the masterplan)*
- b) A passing bay can be provided on-site that eliminates any potential queuing of vehicles entering the site from Wyatt Avenue;*
- c) One-way road system for the road north of the staff common room;*
- d) Re-design of vehicle spaces 18, 19 and 20 to facilitate adequate vehicular movements consistent with relevant Australian Standards. (DACPLBOC2)*

No amended traffic/access/parking plan has been provided with this application.

In addition, the DA2015/0558 response from Council's Traffic Engineer, in relation to provision of parking:

"On-site parking is to be provided for the maximum number of staff on-site at any one time"

My School website 2018 shows John Colet School has 22 teaching staff (18 full time) and 28 non-teaching staff (15 full time). The John Colet School website shows 45 current staff. From these figures it is reasonable to assume that there are 33 full time staff requiring on-site parking on any given day. The site cannot provide adequate staff parking when small car spaces are reduced by 40% and other parking spaces are redesigned to comply with the consent conditions for Stage 1.

Regardless of whether every staff member currently drives, the school must still provide for one on-site space per staff member in attendance as individual staff arrangements may change over time.

Currently, staff park vehicles outside the school all day in the public spaces reserved for users of Wyatt Reserve and the tennis centre, and in Wyatt Avenue and surrounding streets.

Attached to this submission is a spreadsheet with registration numbers of vehicles parked in the above areas during school hours, from Fri 11th Aug 2017 to Thurs 26th Oct 2017 – a period

that includes both school days and school holidays (when no cars were recorded). Weekends were not surveyed as few vehicles, other than cars known to belong to residents or tradespeople, were observed in the survey area. These results show the pattern of staff parking in the neighbourhood and whilst individual vehicles may have changed since this time, the quantity and distribution has not - if anything it has increased. The figures below show that up to 27 staff vehicles are parked outside the school in a given day with a median figure of 18. How many staff are parking in the school grounds?

	Total	Average	Max
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Figure 1 (above): Total staff parking in survey area by weekday from 11th August to 26th October 2017

Median	18
Average	14
Max	27
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Figure 2 (above): Median, average and maximum no. of staff vehicles parked in survey area per day

The applicant's previous Traffic and Parking Assessment has concluded that lack of on-site parking is of no consequence as parking is available in surrounding streets; however, this is irrelevant. The school is required to contain staff parking within the school grounds and not impact the neighbourhood. The school has not demonstrated that it can satisfy current consent conditions for parking and access. Therefore, any further applications should be refused, regardless of whether extra staff are proposed.

Desired Future Character

The school is a Category 3 development in the C8 Belrose North locality, deferred land administered under the WLEP2000. Category 3 is development that is generally inconsistent with the desired future character for the locality which is described in the WLEP2000 as:

"The present character of the Belrose North locality will remain unchanged except in circumstances specifically addressed as follows.

The natural landscape including landforms and vegetation will be protected and, where possible, enhanced. Buildings will be grouped in areas that will result in the minimum amount of disturbance of vegetation and landforms and buildings which are designed to blend with the colours and textures of the natural landscape will be strongly encouraged.

Development will be limited to new detached style housing conforming with the housing density standards set out below and low intensity, low impact uses."

As the proposal is not detached style housing, the proposal needs to demonstrate that it is a low impact, low intensity use to demonstrate consistency with the DFC.

Impact and intensity of use are defined in the NSW Land and Environment Court (LEC) judgement in *Vigor Master v Warringah Council* [2008] NSWLEC 1128.

Intensity (part) *“low intensity would constitute a development which has a low level of activities associated with it”*

Impact: *“Impact – is commonly used in planning to identify the likely future consequences of proposed development in terms of its surroundings and can relate to visual, noise, traffic, vegetation streetscape, privacy, solar access etc. Therefore, low impact would constitute a magnitude of impacts such that was minimal, minor or negligible level and unlikely to change the amenity of the locality”*

This development does not comply with the locality statement nor low impact, low intensity uses. The building is tall, bulky and visually intrusive with reflective glass and finishes that do not blend with the surroundings. Together with the other bulky buildings on the site, the appearance is one of a continuous, dominant built form along Wyatt Avenue. Assuming the proposed building has lighting that is consistent with the other buildings on site, the school's appearance will dominate the Wyatt avenue frontage with uninterrupted night lighting.

The application proposes further disturbance to the site's landform and vegetation, including a large area of cut-and-fill and construction of a retaining wall above a natural drainage line. The native canopy trees approved for clearing in Stage 1 are not being compensated for in this later stage and the few replacements are not comparable species e.g. exotic *Fraxinus* (Ash) and Pine species. More than half of the site's endangered vegetation has already been cleared since 2000, including the entire western boundary that was cleared of its endangered Duffys Forest Ecological Community without approval. This area is now a play area and classroom space, with further modifications proposed in this DA – this is not a low impact/intensity use of what was previously natural bushland.

In these days of climate awareness and native species loss, it is extremely disappointing to see a school not supporting the conservation of our unique natural heritage.

The APZ on the northwest boundary is being actively eroded and compacted through use as a playground. This was once a biodiversity conservation area that is not being protected or enhanced. There is dumping and weed invasion in the *Grevillea caleyi* reservation area at the rear of the school. This is not a low impact activity.

If we use 2000 as the baseline for assessing the Desired Future Character of the C8 Belrose North locality, given that this is the date of the applicable LEP, then this proposal does not comply with the character statement at all.

A primary school is not a low impact, low intensity use of the site, given that the surrounding neighbourhood is comprised of detached residential dwellings and rural acreages with an associated low level of activity and vehicle movements. The Wyatt Avenue neighbourhood is not comparable to others in the C8 Belrose North locality where those neighbourhoods comprise large businesses and retirement facilities. Unlike John Colet, all other schools in the area have large grounds and multiple road frontages, allowing activity associated with those schools to be spread over a larger area and not concentrated into a single residential street.

It is residents who are best placed to decide if a development impacts them and submissions on the school's relentless DAs over the years, show that neighbours are significantly impacted by noise, traffic, loss of visual amenity, use of public open space and other issues.

Building bulk, height and setbacks

The proposal does not comply with provisions in the WLEP, including:

Clause 66 Building Bulk, which states:

- *"Buildings are to have a visual bulk and an architectural scale consistent with structures on adjoining or nearby land and are not to visually dominate the street or surrounding streets unless the applicable locality statement provides otherwise".*

The Desired Future Character statement for C8 Belrose North (as described previously) does not provide for buildings to visually dominate the street. The scale of the proposed building extension does not reflect the detached residential dwellings in the surrounding streets or on the adjoining land, which comprises rural acreages and bushland.

- *"Side and rear setbacks are to be progressively increased as wall height increases"*

This application proposes a reduction in front and side setbacks and an increase in building height.

Under local planning controls, the maximum permissible building height is 8.5m. The proposed building height is 11m. This is a 30% increase over the maximum. At 9.6m, even the minimum height of the proposed building exceeds the maximum by 1.1m or 12%.

The minimum side setback is 10m. The application proposes a 5m setback on the western boundary – a 50% reduction.

This will make the building appear even more dominant and will limit the area available for screen planting.

- *"Large areas of continuous wall planes are to be avoided by varying building setbacks and using appropriate techniques to provide visual relief"*

Under local planning controls, the minimum front setback is 20m. The applicant proposes a 17.2m setback, arguing that this will be consistent with adjacent buildings. This will mean four multi-storey buildings presenting a solid and continuous façade across the Wyatt Avenue frontage. This will be further exacerbated by a modification to the building design, which originally showed an elevated structure with open space underneath. In the new design, the ground floor area is partly filled in, further adding to the building bulk. At the eastern end, the recessed façade of the administration building has also been filled in as part of Stage 1, so that there is no visual relief at all along the entire Wyatt Ave frontage.

For the western façade, the textured aluminium panels proposed by the applicant aren't fooling anyone and will not cause the building to visually retreat when it is 11m tall and within 5m of a boundary.

- *"Appropriate landscape plantings are to be provided to reduce the visual bulk of new buildings and works."*

The landscape plan shows only a couple of trees along the western façade – species that are not closely spaced and neither of which, given that I have had both in my own garden for

close to 20 years, are likely to achieve a height and width capable of visually obscuring this building. The reduced, 5m wide, western boundary setback must also accommodate a retaining wall, leaving little scope for a dense screen of vegetation. The remaining plants along the western boundary are low shrubs and a lily species, neither of which will be effective at screening a tall building

The applicant attempts to justify height and setback variations by arguing that the building will *appear* to be consistent with existent buildings on the site, buildings which also exceed the height limit and do not comply with front setbacks. This is not a valid argument for continued non-compliance. The existing buildings were constructed with Commonwealth grants and do not conform to the Desired Future Character statement or relevant Development Control Plan for the Belrose North C8 locality. At the time, the community were given no opportunity to comment or object to their construction. The applicant is using these oversized buildings along the Wyatt Avenue frontage to buttress their application and leverage further non-compliance in the name of “consistency”.

Open Space Management

- There is no amended plan for Open Space Management, despite changes to the function and layout of playground areas proposed with this application. The useable open space area has been reduced with this proposal despite the increase of student numbers that was granted for Stage 1.
- The useable open space area that was shown in the Open Space Management Plan for DA2015/0558 showed areas that were out-of-bounds for play, such as the driveway and skip bin area in the setback at the front of the school and other spaces that were clearly not fit for the purpose of student recreation.
- There is no information about how the school is managing the bushland area in the north of the school grounds (formerly called Asset Zone B or Area D) for use as both a play area and an Asset Protection Zone for bushfire protection. This area was previously a conservation area that was not to be disturbed as part of consent for DA2010/1170. It is now classified as an APZ but is not being managed in accordance with the RFS Standards for Asset Protection Zones regarding preventing soil erosion, this being:

“Step 5 - Take measures to prevent soil erosion. -When using mechanical hazard reduction methods you should retain a ground cover of at least 75% (up to 90%) to prevent erosion. Ground cover includes vegetation, twigs, leaf litter, clippings or rocks”.

This zone is now being used as a playground and litter, soil erosion and soil compaction (from trampling) are now evident throughout, particularly on the western boundary. Groundcover vegetation and leaf litter have been removed throughout most of the area and the natural cover of small laterite rocks has also been moved from areas where it would have provided erosion control, presumably to facilitate student recreation. Raked leaf litter has been stockpiled (approximately 6m³) in the protected *Grevillea caleyi* conservation zone. This pile constitutes not only a greater fire hazard but is not consistent with the Biodiversity Management Plan management plan for the *G. caleyi* reserve.

The applicant needs to supply an updated Open Space Management Plan showing realistic playground capacity and outlining how the APZ will be managed, and by whom, to comply with RFS standards and to protect the environment.

- The school is unable to provide enough outdoor recreation areas for the number of students and uses Wyatt Reserve five days a week for outdoor activities. There is no other school in the area that relies on a public reserve for everyday student activities – normally it is only for interschool sport. As no Open Space Management Plan is supplied with this DA, I would like clarification on whether members of the public are permitted to use the reserve between the hours of 9am and 3pm weekdays when the school has reserved it for private use? I also raise objection to the school's occasional use of the adjacent children's playground if the playing fields are being used by another school on Friday mornings. This playground is a place for local parents to take young children and should not be used as a play space or holding area for John Colet pupils.

Landscape Plan

The applicant provides the usual cookie-cutter landscape plan that proposes to plant generic native species that are not necessarily local, as required under the C8 locality statement.

The canopy replacement trees are few and do not compensate for the huge losses of remnant native canopy approved for Stage 1 of the development. A consent condition of DA2015/0558 was to replace the proposed *Jacaranda mimosifolia* with non-invasive species. It is disappointing to see exotic species like *Fraxinus* and Pine as proposed replacements over local natives, particularly considering the conservation values of this location.

The plants proposed for screening are mostly low shrubs and there is insufficient setback for screening of the proposed 11m tall building on the western boundary.

The landscape plan proposes planting of grevillea hybrids and cultivars. At least ten of these plants have already been planted along the Wyatt Avenue frontage and more are indicated on the plan, with six *Grevillea* "Honey Gem" proposed for the western fence line.

This does not comply with the Biodiversity Management Plan for the Caley's Grevillea Reserve prepared by SLR Consulting in March 2014, which indicates, (Part 3 Existing Environment 3.2 Site Constraints) in accordance with the Recovery Plan for *Grevillea caleyi*

"Prevention of the use of other grevillea species in landscaping and rehabilitation to limit the likelihood of hybridisation" and additionally:

(Part 6 - Site Establishment) *"6.2 Native Bushland Plantings. No grevillea are to be used in landscaping on the site."* and

"Native plants to be used in the landscaping works must be grown from local provenance seed and cuttings".

These conditions have not been complied with. The Landscape Plan should be withdrawn and amended, and the planted grevilleas removed in accordance with the *G. caleyi* recovery plan.

Bushland Management – *Grevillea caleyi*

The approval for DA2015/0558 contained Consent Condition 13 - Bushland Management – Existing Positive Covenant. *“Bushland is to be protected, conserved, rehabilitated and managed in accordance with the existing Positive Covenant under Section 88B of the Conveyancing Act 1919.*

Under this instrument the school is bound, in perpetuity, to manage, protect and rehabilitate the bushland area containing the population of endangered *Grevillea caleyi*, in accordance with an associated Bushland Management Plan (Ecohort 2007). This management plan appears to have been replaced by a Biodiversity Management Plan for the Caley’s Grevillea Reserve prepared by SLR consulting in March 2014 and submitted as part of the Environmental Impact Assessment Report prepared by Gunninah for DA2015/0558.

The BMP facilitates *“The protection of the remnant vegetation and bushland within and adjoining the Caley’s Grevillea Reserve”*. The applicant has failed to comply with the conditions outlined in the plan. The population of *Grevillea caleyi* does not appear to have been mapped since 2014. The number of plants recorded on the subject site and in surrounding TAFE land appears to have declined and the remaining plants on the school site have been crushed beneath a fallen eucalypt. The area close to the metal barrier fence has large areas of Couch Grass infestation and there is evidence of bricks, weeds and plastic sheeting dumped in the area. There is a 6m³ stockpile of raked leaf litter, apparently from the adjacent APZ despite Section 7 of the EIAR report stating: *“A prohibition on the placement of materials stockpiles in any areas of vegetation to be retained”*.

There is also the requirement for no grevillea species to be used in landscaping to limit hybridisation. This condition has not been complied with.

Public benefit

The applicant describes the social/public benefits of the proposal as “ensuring the welfare and longevity of John Colet School”. That is a business plan for a private enterprise, not a social or public benefit.

The applicant notes that *“the standard of education that is expected at the school will not be able to be met if the proposed extension is not approved.*

Parent expectations from an expensive private school are not the concern of council staff. Education quality is not reliant on flashy new buildings. It is incumbent upon the applicant to plan within the constraints of their site without compromising the amenity of residents and destroying the environment. If they cannot manage this – and evidence thus far shows that the school cannot – then this application should be refused.

The applicant states that the school will become unviable if double stream classes and further site development are not implemented. Financial viability for the school is not a valid reason to accept the applicant’s proposal when it does not comply with local planning controls.

Conclusion

It is concerning and exasperating to see that after decades of ad hoc proposals and amendments, the applicant is still unable to navigate the approvals process and present a coherent vision for the site that is consistent with their concept Masterplan from 2015 and which complies with local planning controls.

The whole point of the staged Masterplan was for the school to provide clarity to a concerned community about future development and intensification of activity on the site, and to allow for the impact of each stage to be assessed. Instead, the applicant is demanding “flexibility” at the expense of an ordered, coherent plan and we are back to the confusion of ad-hoc DAs and amendments.

The proposal is an unacceptable overdevelopment of the site. It does not comply with the Desired Future Character statement or local planning controls. The school has not complied with previous consent conditions and currently cannot operate within the physical constraints of the site, relying on daily use of public open space and car parks to conduct their operation.

I urge Council to reject this incomplete DA for a non-compliant development.

Yours sincerely

Clare McElroy

Clare McElroy
5 Wyatt Ave
Belrose NSW 2085
27 January 2020

The General Manager
Northern Beaches Council
725 Pittwater Rd
Dee Why NSW 2099

Attention: Nick England

DA2019/1420
6 & 8 Wyatt Ave BELROSE
Alterations and Additions to an existing school

Thank you for the opportunity to provide a submission on this latest development application from John Colet School.

I submit my objection to the proposal.

I have received concurrent notifications, one for the above Development Application (DA2019/1420) and the other a Section 4.55(2) Modification (Mod2019/1420). Both proposals relate to the “future stages” of a development application submitted in 2015 (DA2015/0558) for staged development at the school.

This DA does not comply with consent conditions for DA2015/0558 and the application is lacking details and documents that are required under the WLEP2000.

There are significant changes when compared to the 2015 concept plan and I find it most unusual and inappropriate for council to accept an incomplete DA that is reliant for approval on a simultaneous Modification.

- A Consent Condition (Condition 5) for DA2015/0558 states that additional DAs need to be submitted for future works (Stages F-Q) and that these development applications for construction of future stages F to Q are to be consistent with the concept plans and drawings submitted for these stages under DA2015/0558.

This consent condition has not been satisfied.

- A Consent Condition (Condition 6) for Stage 1 of DA2015/0558 required an amended parking/access plan to be provided in applications for future stages of the masterplan. This consent condition has not been satisfied.
- This new DA seeks to change the last stages of the applicant’s 2015 Masterplan to fast track a building construction (stage Q), enlarge and modify the building from the original plan, reduce boundary setbacks, modify landscaping and open space management. Doing

so will impact other stages of the Masterplan yet there are no applications or documents to wholly address these changes and show how further stages will be incorporated.

- Consent Condition 13 - Bushland Management – Existing Positive Covenant.

Under this instrument the school is bound, in perpetuity, to manage and protect the bushland area containing the population of endangered *Grevillea caleyi*, in accordance with an associated Bushland Management Plan. The management of this area is discussed in more detail elsewhere in this submission but, in summary, the applicant has failed to comply with the conditions outlined in the plan to monitor and protect the health of *Grevillea caleyi* on site. In addition, there is a requirement for no grevillea species to be used in landscaping to limit hybridisation. This condition has not been complied with.

Staff and student numbers

There is no clarification of student numbers in this application. The applicant states that no increase in student numbers is being sought beyond previous approvals but does not specify whether this means an increase over 285 (approved for Stage 1) or an increase over 350, which was the intention for this stage of the masterplan. There is no indication of the present number of students at the school. The staged development was proposed as a way of assessing and addressing concerns about the intensification of activity at the school and this cannot be done without knowing current student numbers.

Traffic and parking

Traffic congestion and parking issues have been the foundation of numerous community objections to the school's development applications over the years. The school has a single road frontage with no on-site drop off zone, resulting in chaos, congestion and poor driver behaviour during school rush hours. The school site is too small and cramped to accommodate the staff parking required under local planning controls.

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- a) All car spaces have dimensions to satisfy provisions of the relevant Australian Standards; (specifically stacked spaces 3-8 and 25-30 to be 5.5m long as a consent condition for Stage 1 and any future stages of the masterplan)*
- b) A passing bay can be provided on-site that eliminates any potential queuing of vehicles entering the site from Wyatt Avenue;*
- c) One-way road system for the road north of the staff common room;*
- d) Re-design of vehicle spaces 18, 19 and 20 to facilitate adequate vehicular movements consistent with relevant Australian Standards. (DACPLBOC2)*

No amended traffic/access/parking plan has been provided with this application.

In addition, the DA2015/0558 response from Council's Traffic Engineer, in relation to provision of parking:

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- *"Large areas of continuous wall planes are to be avoided by varying building setbacks and using appropriate techniques to provide visual relief"*

Under local planning controls, the minimum front setback is 20m. The applicant proposes a 17.2m setback, arguing that this will be consistent with adjacent buildings. This will mean four multi-storey buildings presenting a solid and continuous façade across the

Wyatt Avenue frontage. This will be further exacerbated by a modification to the building design, which originally showed an elevated structure with open space underneath. In the new design, the ground floor area is partly filled in, further adding to the building bulk. At the eastern end, the recessed façade of the administration building has also been filled in as part of Stage 1, so that there is no visual relief at all along the entire Wyatt Ave frontage.

For the western façade, the textured aluminium panels proposed by the applicant aren't fooling anyone and will not cause the building to visually retreat when it is 11m tall and within 5m of a boundary.

- *“Appropriate landscape plantings are to be provided to reduce the visual bulk of new buildings and works.*

The landscape plan shows only a couple of trees along the western façade – species that are not closely spaced and neither of which, given that I have had both in my own garden for close to 20 years, are likely to achieve a height and width capable of visually obscuring this building. The reduced, 5m wide, western boundary setback must also accommodate a retaining wall, leaving little scope for a dense screen of vegetation. The remaining plants along the western boundary are low shrubs and a lily species, neither of which will be effective at screening a tall building

The applicant attempts to justify height and setback variations by arguing that the building will *appear* to be consistent with existent buildings on the site, buildings which also exceed the height limit and do not comply with front setbacks. This is not a valid argument for continued non-compliance. The existing buildings were constructed with Commonwealth grants and do not conform to the Desired Future Character statement or relevant Development Control Plan for the Belrose North C8 locality. At the time, the community were given no opportunity to comment or object to their construction. The applicant is using these oversized buildings along the Wyatt Avenue frontage to buttress their application and leverage further non-compliance in the name of “consistency”.

Open Space Management

- There is no amended plan for Open Space Management, despite changes to the function and layout of playground areas proposed with this application. The useable open space area has been reduced with this proposal despite the increase of student numbers that was granted for Stage 1.
- The useable open space area that was shown in the Open Space Management Plan for DA2015/0558 showed areas that were out-of-bounds for play, such as the driveway and skip bin area in the setback at the front of the school and other spaces that were clearly not fit for the purpose of student recreation.
- There is no information about how the school is managing the bushland area in the north of the school grounds (formerly called Asset Zone B or Area D) for use as both a play area and an Asset Protection Zone for bushfire protection. This area was previously a conservation area that was not to be disturbed as part of consent for DA2010/1170. It is now classified as an APZ but is not being managed in accordance with the RFS Standards for Asset Protection Zones regarding preventing soil erosion, this being:

“Step 5 - Take measures to prevent soil erosion. -When using mechanical hazard reduction methods you should retain a ground cover of at least 75% (up to 90%) to prevent erosion. Ground cover includes vegetation, twigs, leaf litter, clippings or rocks”.

This zone is now being used as a playground and litter, soil erosion and soil compaction (from trampling) are now evident throughout, particularly on the western boundary. Groundcover vegetation and leaf litter have been removed throughout most of the area and the natural cover of small laterite rocks has also been moved from areas where it would have provided erosion control, presumably to facilitate student recreation. Raked leaf litter has been stockpiled (approximately 6m³) in the protected *Grevillea caleyi* conservation zone. This pile constitutes not only a greater fire hazard but is not consistent with the Biodiversity Management Plan management plan for the *G. caleyi* reserve.

The applicant needs to supply an updated Open Space Management Plan showing realistic playground capacity and outlining how the APZ will be managed, and by whom, to comply with RFS standards and to protect the environment.

- The school is unable to provide enough outdoor recreation areas for the number of students and uses Wyatt Reserve five days a week for outdoor activities. There is no other school in the area that relies on a public reserve for everyday student activities – normally it is only for interschool sport. As no Open Space Management Plan is supplied with this DA, I would like clarification on whether members of the public are permitted to use the reserve between the hours of 9am and 3pm weekdays when the school has reserved it for private use? I also raise objection to the school's occasional use of the adjacent children's playground if the playing fields are being used by another school on Friday mornings. This playground is a place for local parents to take young children and should not be used as a play space or holding area for John Colet pupils.

Landscape Plan

The applicant provides the usual cookie-cutter landscape plan that proposes to plant generic native species that are not necessarily local, as required under the C8 locality statement.

The canopy replacement trees are few and do not compensate for the huge losses of remnant native canopy approved for Stage 1 of the development. A consent condition of DA2015/0558 was to replace the proposed *Jacaranda mimosifolia* with non-invasive species. It is disappointing to see exotic species like *Fraxinus* and Pine as proposed replacements over local natives, particularly considering the conservation values of this location.

The plants proposed for screening are mostly low shrubs and there is insufficient setback for screening of the proposed 11m tall building on the western boundary.

The landscape plan proposes planting of grevillea hybrids and cultivars. At least ten of these plants have already been planted along the Wyatt Avenue frontage and more are indicated on the plan, with six *Grevillea* “Honey Gem” proposed for the western fence line.

This does not comply with the Biodiversity Management Plan for the Caley's *Grevillea* Reserve prepared by SLR Consulting in March 2014, which indicates, (Part 3 Existing Environment 3.2 Site Constraints) in accordance with the Recovery Plan for *Grevillea caleyi*

“Prevention of the use of other grevillea species in landscaping and rehabilitation to limit the likelihood of hybridisation” and additionally:

(Part 6 - Site Establishment) *“6.2 Native Bushland Plantings. No grevillea are to be used in landscaping on the site.”* and

“Native plants to be used in the landscaping works must be grown from local provenance seed and cuttings”.

These conditions have not been complied with. The Landscape Plan should be withdrawn and amended, and the planted grevilleas removed in accordance with the *G. caleyi* recovery plan.

Bushland Management – *Grevillea caleyi*

The approval for DA2015/0558 contained Consent Condition 13 - Bushland Management – Existing Positive Covenant. *“Bushland is to be protected, conserved, rehabilitated and managed in accordance with the existing Positive Covenant* under Section 88B of the Conveyancing Act 1919.

Under this instrument the school is bound, in perpetuity, to manage, protect and rehabilitate the bushland area containing the population of endangered *Grevillea caleyi*, in accordance with an associated Bushland Management Plan (Ecohort 2007). This management plan appears to have been replaced by a Biodiversity Management Plan for the Caley’s Grevillea Reserve prepared by SLR consulting in March 2014 and submitted as part of the Environmental Impact Assessment Report prepared by Gunninah for DA2015/0558.

The BMP facilitates *“The protection of the remnant vegetation and bushland within and adjoining the Caley’s Grevillea Reserve”*. The applicant has failed to comply with the conditions outlined in the plan. The population of *Grevillea caleyi* does not appear to have been mapped since 2014. The number of plants recorded on the subject site and in surrounding TAFE land appears to have declined and the remaining plants on the school site have been crushed beneath a fallen eucalypt. The area close to the metal barrier fence has large areas of Couch Grass infestation and there is evidence of bricks, weeds and plastic sheeting dumped in the area. There is a 6m³ stockpile of raked leaf litter, apparently from the adjacent APZ despite Section 7 of the EIA report stating: *“A prohibition on the placement of materials stockpiles in any areas of vegetation to be retained”*.

There is also the requirement for no grevillea species to be used in landscaping to limit hybridisation. This condition has not been complied with.

Public benefit

The applicant describes the social/public benefits of the proposal as *“ensuring the welfare and longevity of John Colet School”*. That is a business plan for a private enterprise, not a social or public benefit.

The applicant notes that *“the standard of education that is expected at the school will not be able to be met if the proposed extension is not approved”*.

Parent expectations from an expensive private school are not the concern of council staff. Education quality is not reliant on flashy new buildings. It is incumbent upon the applicant to plan within the constraints of their site without compromising the amenity of residents and

destroying the environment. If they cannot manage this – and evidence thus far shows that the school cannot – then this application should be refused.

The applicant states that the school will become unviable if double stream classes and further site development are not implemented. Financial viability for the school is not a valid reason to accept the applicant's proposal when it does not comply with local planning controls.

Conclusion

It is concerning and exasperating to see that after decades of ad hoc proposals and amendments, the applicant is still unable to navigate the approvals process and present a coherent vision for the site that is consistent with their concept Masterplan from 2015 and which complies with local planning controls.

The whole point of the staged Masterplan was for the school to provide clarity to a concerned community about future development and intensification of activity on the site, and to allow for the impact of each stage to be assessed. Instead, the applicant is demanding "flexibility" at the expense of an ordered, coherent plan and we are back to the confusion of ad-hoc DAs and amendments.

The proposal is an unacceptable overdevelopment of the site. It does not comply with the Desired Future Character statement or local planning controls. The school has not complied with previous consent conditions and currently cannot operate within the physical constraints of the site, relying on daily use of public open space and car parks to conduct their operation.

I urge Council to reject this incomplete DA for a non-compliant development.

Yours sincerely

Clare McElroy