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## MEMORANDUM

**DATE:** 11 May 2023

**TO:** Northern Beaches Local Planning Panel

**CC:** Steve Findlay, Development Assessment Manager  
Peter Robinson, Executive Manager

**FROM:** Anne-Marie Young, Principal Planner

**SUBJECT:** Item 4.3, DA2021/2567 60 Federal Parade, Brookvale, St Augustine's School - Demolition work and construction of carparks and increase in student population.

**REFERENCE:** Response to submissions received in relation to the Applicants response the Panels request for further information

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Dear Panel Members,

The purpose of this memo is to provide a response to the submission received from Jillian Sneyd, GLN Planning on behalf of the owners of 31 Consul Road, Brookvale.

### OVERVIEW

On 15 February 2023, the NBLPP deferred the consideration of the Application to give the applicant a two-week period to submit additional information to address omissions and inconsistencies with the Transport and Parking Management Plan, Acoustic Report and Operational Plan of Management.

On 11 April 2023, the Applicant uploaded a letter from *DFP Planning* and the following amended reports to the Planning Portal:

- Traffic and Parking Management Plan (TPMP), Issue G, prepared by Stantec, dated 6 April 2023
- Noise and Vibration Impact Assessment Project P00054 Rev 006 prepared by E-LAB Consulting, dated 5 April 2023
- Operational Plan of Management, dated 11 April 2023, prepared by St Augustine's College

The additional information was uploaded to the Planning Portal and Council's website on 11 April 2023 and therefore was available to the public.

On 4 May 2023, a supplementary memo was uploaded to Council website providing a review of the Applicants response the Panels request for further information.



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On 9 May 2023, a submission was received from Jillian Sneyd, GLN Planning on behalf of the owners of 31 Consul Road, Brookvale in response to the additional information submitted by the Applicant to address the Panel's minutes. The submission was referred to Council's Transport Officer and Environmental Health Officer. A response to the issues raised in the submission is provided below:

**a) Increase in student numbers – impacts on traffic, acoustic and amenity**

***The DA as submitted and the assessment in my opinion and that of my client's misses the fundamental point that the works as proposed are a result of the increase in student numbers. This is not construction of a carpark to support existing approved student numbers. The additional student numbers have not only an impact on parking required but also on traffic, acoustic and amenity impacts. As we raised in our earlier submissions, the DA includes 33 Consul Road in the playground area calculations. 33 Consul Road and the land adjoining the Council easement and existing drainage infrastructure is flood affected and no indication of the nature of the use of 33 Consul Road or landscaping is proposed.***

**Planners Response:** The assessment report clearly describes and assesses the proposal for the increase in student numbers and the construction of 2 new car parks. The report considers the impact of the increase on traffic, acoustic and neighbouring amenity and the draft conditions address any outstanding issues to manage these issues. The updated TPMP, acoustic report and Operational Plan of Management (OPM) address the inconsistencies in the transport and parking report, acoustic report and previous OPM as detailed in the supplementary memo dated 2 May 2023.

**b) Use of 33 Consul Road as a playground**

***As we raised in our earlier submissions, the DA includes 33 Consul Road in the playground area calculations. ...***

***The land which is included within the playground area calculations is subject to flooding. No 33 Consul Road is not identified as being landscaped or any potential use nor even stabilised. This has been the case despite the site being part of the school ground since prior to the construction of the Gould Building (by way of CDC).***

***The landscape plan does not include landscaping of 33 Consul Road. This site forms part of the approved school site and the use of the land should be considered with this DA for which the lodgement is to enable the ongoing use of the site for increased school enrolments. The residential amenity of our client's property has not been considered in the application as currently before Council.***

**Planners Response:**

The application does not include any work to No. 33 Consul Road, as such a landscape plan is not required for this portion of the school campus site. The play area calculation has been submitted as background information to assess the open space calculations in accordance with CI D1 of the WDCP and respond to earlier submissions. This area calculation plan is not included in the draft stamped approved drawings.



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DA2018/1804 approved the change of use of 33 Consul Road from residential to Educational (Ancillary Administration).

Draft Condition 6 requires the TPMP to be *update should 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.*

Should the Panel be minded to grant consent to the development application, Condition 6 could be modified to include a requirement for the same revision to the acoustic report and OPM should there be changes to the operation of the school, including the future use of No. 33 Consul Road.

In addition, for clarity, the Panel could impose an additional condition could be imposed to state that No approval is given for the use of 33 Consul Road as a playground under the subject DA.

#### **c) Flood / drainage impacts**

***33 Consul Road and the land adjoining the Council easement and existing drainage infrastructure is flood affected and no indication of the nature of the use of 33 Consul Road or landscaping is proposed.***

***Approval of the DA would enable use of the site in a manner for which no adequate or appropriate assessment of the risks and likely impacts has been undertaken. Flood impacts upon the open play areas have not been assessed. Noting that the building works since the 1200 student enrolment cap was imposed have altered the flow of flood waters in an around the site.***

#### **Planners Response**

The application is supported with a Flood Impact Assessment Report. Council's Development Engineer confirms that there are no stormwater or flooding issues associated with the development application, subject to conditions.

#### **d) Acoustic Report**

***The Acoustic Report continues to rely on Noise Monitoring from 2013 and 2018 (See Section 3.1). The report states that***

***“Given the nature of restrictions and lockdowns during the COVID-19 pandemic, additional measurements and monitoring was not conducted by E-LAB. Further, lockdowns have resulted ever-changing traffic volumes and unpredictable background noise environments, and as such, the noise monitoring conducted by Resonate and Acoustic Logic have been used for this assessment”.***

***The consideration of the DA by the panel was under in 2023, the lockdowns in metropolitan Sydney were lifted on October 2021 through to December 2021 prior to the submission of the***



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**DA. The Acoustic Report (Version 6) does not include an updated Table of Contents to reflect the additional information.**

### **Environmental Health Response**

It is expected that current background noise will be greater than assessed in 2013 and 2018. Assumptions and calculations in regard to proposed new works/changes would be still relevant. Council's interpretation is that this current higher background level would potentially mask school related noise, although accepting that overall background will also increase over time.

Should the Panel be minded to grant approval a condition (below) can be added requiring a real time assessment during normal operations and any necessary adjustments to operations being made. These adjustment for example may include acoustic barriers, use of certain areas and time of activities.

#### **Sample Condition:**

*Within 60 days of the school being operated to maximum student capacity (1600 students), an acoustic review being carried out to determine whether findings, assumptions and recommendations contained within the Acoustic Assessment P00054 5 April 2023 by E-LAB Consulting are still accurate. Any necessary actions taken to comply with original findings, and avoid any public nuisance to residential receivers as a result of the review, shall be implemented within a further 30 days and assessments reported to Council.*

*The acoustic review shall include but not be limited to:*

- *Morning oval use and training*
- *PA system – (position, volume, frequency of use)*
- *Band practice*
- *Carpark noise including boom gates*
- *Open areas student noise*

#### **e) Noise Modelling**

***The detailed noise emission modelling was undertaken on noise monitoring that does not reflect the built form of the school in an around our client's property. Notably, the built form and access around the location of the Goold Building has changed since the noise monitoring was undertaken in 2013 and 2018 to the current use of the site.***

### **Environmental Health Response**

Noted, however this is not considered to be a significant issue requiring an amended report, however the acoustic review following commencement of operations (see above) can resolve this matter.

#### **f) PA System**

***It is detailed that there is no change to the PA System and so no acoustic assessment is undertaken. The PA system was updated post the noise monitoring and the increase in student number presumably results in greater use of the system for 1600 students than 1200.***



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### **Environmental Health Response**

PA Noise uncontrolled is considered to be a significant potential issue. Although an increase in student numbers does not necessarily mean substantial additional use or volume. (See condition above which would resolve this issue)

In addition, a Condition should be considered (and the OPM amended) in regard to its use, as its site wide impact, is likely to cause a nuisance to adjacent receivers. It is conceded that its use in an emergency is necessary.

#### **Sample Condition:**

*The use of the PA system, where audible to adjoining residential receivers, is to be restricted to "emergency type" use as general broadcasts are likely to impact adversely on neighbouring residential receivers.*

#### **g) Band Rehearsals**

*Band rehearsals are not considered in the Acoustic Assessment, presumably a larger school population feeds a larger school band participation and so greater noise generated.*

### **Environmental Health Response**

Noted, but not considered to be a significant issue requiring an amended report provided rehearsals are indoors where windows and doors can be closed if necessary. (See condition above).

#### **h) School activities**

*Increased noise from school activities such as training commencing at 6:45am is not considered. Again, a larger school population feeds a larger school sport participation and so greater noise generated.*

### **Environmental Health Response**

Noted, however it is not considered to be a significant issue requiring an amended report especially for gymnasium use however 200 students plus teachers on the oval before 7am is potentially an issue with yelling and shouting. A condition can be added to conditions requiring oval activities not to commence before 7am. Noise from any activities audible from neighbouring residences before 7am is considered to be a potential nuisance.

#### **i) Plans in TPMP**

*The plans shown in Appendix A of the Traffic and Parking Management Plan are not accurate or operational.*



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**Planner Response:** Council Transport Engineer has reviewed the plans and inspected the site to confirm the plans are acceptable. Please refer to supplementary memo dated 2 May 2023.

## SUMMARY AND RECOMMENDATION

The issues raised in the submission have been considered in the assessment report and by the Panel on 15 February 2023 and resolved with the submission of additional information.

Should the Panel be minded to grant consent to the Development Application, it is recommended that the following conditions be modified or added.

### **Amend Condition 6 to include Part A as follows:**

#### ***Part A - Implementation of Acoustic Report and Operational Plan of Management***

*Acoustic and operational issues are to be managed in accordance with the approved final Acoustic Report and Operational Plan of Management. All recommendations / controls in the Acoustic Report and Operational Plan of Management must be maintained at all times during school operational hours.*

*Should the implementation or effectiveness of the Acoustic Report and Operational Plan of Management be impacted by unforeseen changes in school operations, including the use of newly acquired sites, such as 33 Consul Road, or as a result of surrounding major development, the measures and controls are to be revised accordingly and submitted to Council for approval. 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 ensure compliance and Council's ability to modify the approved Acoustic Report and Operational Plan of Management where it is deemed unsuitable.*

#### ***New condition 59 Acoustic Review***

*Within 60 days of the school being operated to maximum student capacity (1600 students) an acoustic review being carried out to determine whether findings, assumptions and recommendations contained within the Acoustic Assessment P00054 5 April 2023 by E-LAB Consulting are still accurate. Any necessary actions taken to comply with original findings, and avoid any public nuisance to residential receivers as a result of the review, shall be implemented within a further 30 days and assessments reported to Council.*

*The acoustic review shall include but not be limited to:*

- (a) Morning oval use and training*
- (b) PA system – (position, volume, frequency of use)*
- (c) Band practice*
- (d) Carpark noise including boom gates, and*



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*(e) Open areas student noise*

*Reason: To protect neighbouring amenity.*

***New condition 60 – PA System***

*The use of the PA system, where audible to adjoining residential receivers, is to be restricted to “emergency type” use as general broadcasts are likely to impact adversely on neighbouring residential receivers.*

*Reason: To protect neighbouring amenity.*

***New condition 61 Use of 33 Consul Road***

*No approval is given for the use of 33 Consul Road as a playground.*

*Reason: To protect neighbouring amenity*