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**Sent:** 6/02/2020 7:28:16 PM  
**Subject:** submission DA2019/1420 John Colet School  
**Attachments:** John Colet School DA2019 1420 submission (003).docx;

Attention:  
Planning Officer  
Mr Nick England.  
Please find attached our Submission for DA2019/1420 John Colet School  
6-8 Wyatt Ave Belrose

Ron and Cynthia Patton  
 pattonrc@hotmail.com  
 3<sup>rd</sup> February 2020

Northern Beaches Council  
 Attention:  
 Planning Officer  
 Mr Nick England.

Dear Sir,

**DA2019/1420**  
**John Colet School**  
**6-8 Wyatt Ave Belrose NSW 2085**

We thank you for this opportunity to provide a submission on this development application.

We submit our objections to this inappropriate development application.

**The development application is incomplete**

Clause 12 in the Warringah Environmental Plan 2000 (WLEP2000) Specifically:

Clause 12 of the WLEP2000 “the consent authority must be satisfied that the development is consistent with:

(1)(a) Any relevant principles of development control in Part 4

(3)(b) The Desired Future Character Statement for Locality C8 Belrose North as defined in

Appendix C to the WLEP2000.

The Application does not have all the details required under Clause 12.

Therefore, the Application should be rejected and refused.

The application refers to the consent for DA2015/0558 which contained staged development proposals for this school. This approval contains consent Condition 5 where it states that development Applications are to be lodged for the construction of (future) stages F to Q as approved on Plan JC/IN DA/DWG 1000 REV D Dated 14/12/15.

The application does not comply with this consent condition.

The documents for this current application do not contain a full Development Application for this stage.

In addition this application is subject to the approval of MOD2019/0627.

As the application is incomplete and it is subject to a Modification it is inappropriate for Council to accept and assess this development Application. Therefore, the Application should be rejected and refused.

This current DA2019/1420 is incomplete as it only deals with the modifications contained in MOD2019/0627.

The Development Application should deal with the whole of stage F and be assessed against all the requirements in WLEP2000 for Locality C8 and the General Principles of Development.

Further, Primary Schools are Category 3 developments and require a more rigorous assessment to ensure that the development is consistent with the Desired Future Character statement and other requirements.

The Consent Conditions for DA2015/0558 include Consent Condition 5 Staged Development Consent – Future stages: Development Applications are to be lodged for the construction of stages F to Q as approved on Plan JC/IN DA/DWG 1000 REV D dated 14/12/15 and consistent with the concept plans for these stages.

The development application does not comply with this consent condition.

**Traffic and Parking**

The Consent conditions for DA2015/0558 include consent Condition 6 Parking Spaces and Consent Condition 7 Student and staff numbers.

The application does not contain any details as required in these Consent Conditions.

We and other residents in Wyatt Ave are still being adversely impacted by the current numbers of students and staff at the school.

- The drop off and pick up periods in the mornings and afternoons cause traffic chaos along the section of Wyatt Ave between Cotentin Road and Charleroi Road. There are often traffic jams at the intersection of Wyatt Ave and Cotentin Road where safety issues are a very serious concern. Queuing of vehicles often extends west along Wyatt Ave to our property due to the cars queuing at all angles on the road. U turns are constantly made in an unsafe manner to join the queue.
- The School has started in the last 18 months to have extra activities at the School in the evenings and the weekends. Wyatt Ave and the immediate surrounding areas are family residential properties, not business or industrial areas.
- Each day many of the staff and teachers park in the parking spaces for Wyatt Reserve. This shows that there are sufficient onsite parking spaces. However there are no further areas available to provide further onsite parking spaces. This again shows that the site is already overdeveloped and there should be no further developments.

These current and additional impacts are unacceptable in this quiet residential area.  
This application should be refused.

#### **Insufficient useable open space in the school grounds**

The school uses Wyatt Reserve each school day for daily school activities. This shows that there is insufficient open space of the school site for these daily school activities. This application will result in the use of Wyatt Reserve being used all day every day, as it has been shown that the school does not have space to conduct the everyday school activities on its own land.

This shows that the site is already overdeveloped and no further development should be permitted.

This is unacceptable to continue using Public Land for the school's daily classes; the application should be refused.

#### **Bushland Setting**

The application makes no reference to the amount of Bushland and landscaping required for Locality C8. Under the heading 'Bushland Setting' A minimum of 50% of the site area is to be kept as natural bushland or landscaped with local species.'

We note that the previous approved plans showed these areas are mainly at the rear of the site. However we find that these areas are being encroached on by car parking, removal of vegetation and used for school activities.

The Consent for DA2015/0558 includes Consent Condition 13 Bushland Management – Existing Positive Covenant. We understand that this is only over part of the area of the 50% Bushland/Landscape areas as required in Locality C8. It is essential that all of the 50% for Bushland/Landscaped areas be identified and a management Plan be approved. These areas should not include any covered outdoor areas or any hard surfaces.

These issues have not been addressed so the application should be refused.

The **conservation areas with threatened species** are being destroyed and used as stockpile areas. Mature trees have already been removed before the application or the modification was submitted

#### **Desired Future Character Statement.**

The C8 Desired Future Character Statement is exactly that "**Desired Future Character.**"

This Development Application

Does not meet any of the C8 statement and should be refused.

In considering the details submitted in the application we find that the application is attempting to justify the many matters that do not comply with the planning requirements for Locality C8.

The proposal is providing for larger classrooms. The Application states that the financial viability of this project relies on larger number of students in each class. The school previously promoted the benefits of smaller classes.

Notwithstanding the financial issues, these issues cannot be used to justify the proposed major variations to the standards in WLEP2000 Locality C8.

As a category 3 development, there is a requirement to show how the proposed development is consistent with the planning requirements in locality C8.

The Desired Future Character (DFC) Statement for Locality C8 includes in part, “The present character of the Belrose North Locality will remain unchanged ...”

The present character refers to the date of the WLEP, which is the year 2000.

The proposal is certainly inconsistent with the present character in 2000.

The DFC Statement continues, ‘The natural landscape including landforms and vegetation will be protected and where possible enhanced.’

The current application includes further changes to the landform with a maximum cut of 1.3 metres and a maximum fill of 1.6 metres. Further there is no protection of vegetation.

The application is not consistent with this requirement in the DFC..

The DFC Statement continues,”....buildings which are designed to blend with the colours and textures of the landscape will be strongly encouraged.”

This is certainly in not the case in regard to the existing buildings or the proposed development.

The DFC Statement continues, “developments will be limited to new detached style housing conforming to the housing density standards set out below and low intensity, low impact uses.”

The existing developments are certainly not low intensity as shown with the traffic impacts described above. Further the impact of the buildings is not low impact and the proposed further large development along the frontage will severely increase this impact.

Intensity and Impact of use are defined at [17] *Vigor Master Pty Ltd v Warringah Shire council* [2008] NSWLEC1128.

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

Impact (in part) “low impact would constitute a magnitude of impacts such that was minimal, minor or negligible level and unlikely to significantly change the amenity of the locality.

The proposed development does not meet either of these definitions for Low impact and low intensity which is essential for the proposed development to be consistent with the Desired Future Character Statement. Therefore the proposed Development should be refused.

### **Front Setback, Side Setback and Building Height**

In considering the side setback the proposal of 5 metres is 50% lower than the minimum rear and side building setbacks.

Locality C8 states, “Development is to maintain minimum rear and side building setbacks”. This lead-in statement makes it very clear regarding the setback requirement.

The statement continues,” The minimum rear and side setback is 10 metres.” The proposal is only 5 metres. Further the Statement continues,” The rear and side setback areas are to be landscaped and free of any structures, carparking or site facilities other than driveway and fences.”

It is very clear that the proposed development involves a structure within the 10 metre setback area and does not comply with the standard requirement in Locality C8.

With regard to the proposed build height of 11 metres; the requirement is a maximum of 8.5 metres, which proposes another major variation to the standard requirement in locality C8.

The proposal will be a very large bulky building that will significantly add to the impact of the existing bulky buildings on the site. This will be an extremely high impact development and therefore it is not consistent with the Desired Future character Statement for Locality C8

In considering the front set back, Locality C8 requires “The minimum setback to all roads is 20 metres.” While the argument by the applicant to reduce the setback to 17.2 metres to line up the building with the existing buildings may be acceptable by the applicant, the setback requirement continues, “The minimum front building setback area is to be densely landscaped using locally occurring species of canopy trees and shrubs and to be free of any structures, car parking or site facilities other than driveways, letter boxes and fences.” The existing front set back along the whole frontage of the site does not comply with this requirement and the proposal does not comply as it does not include densely planted local species as most of the area is proposed for school activities.

The proposal does comply and is inconsistent with the Desired Future Character Statement for Locality C8, therefore, the application should be refused.

### **Student and staff numbers**

The application does not state the maximum number of students and staff for this stage or for the whole school.

The approval for DA2015/0558 includes Consent Condition 7 states in part, “Consent for an increase in students from 285 to 350 and staff from 28 to 30 is subject to the approval of a future stage DA(s) for the construction of future stages.”

To address this condition, it is essential that the maximum number of students and staff are included in the application for assessment.

There are no details about the existing student and staff numbers, however it is evident that as mentioned above, there are not sufficient onsite parking, as many cars park in the spaces for Wyatt Reserve, Tennis Court parking and in the Local Streets.

Further to provide for the existing developments including the requirement for 50% bushland and/or landscaping there are no further areas available for any more parking and access roads.

WLEP2000 requires that all staff parking be provided on site.

This again shows that the site is already overdeveloped and any further development including this application should be refused.

### **Glare and Reflection**

There is NO mention of lighting for the proposed New Building. On the existing buildings there are many lights and some are extremely Large Spot Lights. This is inappropriate to have such a large number of lights along with the extremely large spot lights in a residential area. The Glare and Reflection is unacceptable. Therefore, a plan for lighting must be submitted with the Development Application.

The General Principles State: -

Development is not to result in overspill or glare from artificial illumination, or sun reflection, which would unreasonably diminish the amenity of the locality.

### **Conclusion**

In conclusion, the application is not consistent with the requirements of WLEP2000 Locality C8, the application is incomplete and it is reliant on an approval of a Modification Application which was made at the same time as this development application.

For these reasons and the details submitted above we request that this application be refused.

Yours Sincerely  
Ron and Cynthia Patton