

MEMORANDUM

DATE: 2 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: Applicants response to the NBLPP request for additional information

Dear Panel Members,

The purpose of this memo is to provide a review of the Applicant's response to the Panels request for further information.

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.

It is noted that the request for further information is generally consistent with the details contained in the deferred commencement condition. The information was requested prior to the determination of the application to allow greater certainty in the decision making.

On 22 March 2023, at the Applicant's request, the Chair agreed to a two (2) week extension for the submission of the additional information.

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, however no formal re-exhibition was requested or considered necessary. No further resident submissions have been received since the receipt of the additional information.

However, a written objection was received in response to a CDC for the demolition of the dwelling at 33 Consul Road, which is not directly related to the subject application.

The additional information was referred to Council's Transport Officer and Environmental Health Officer and the following responses were received:

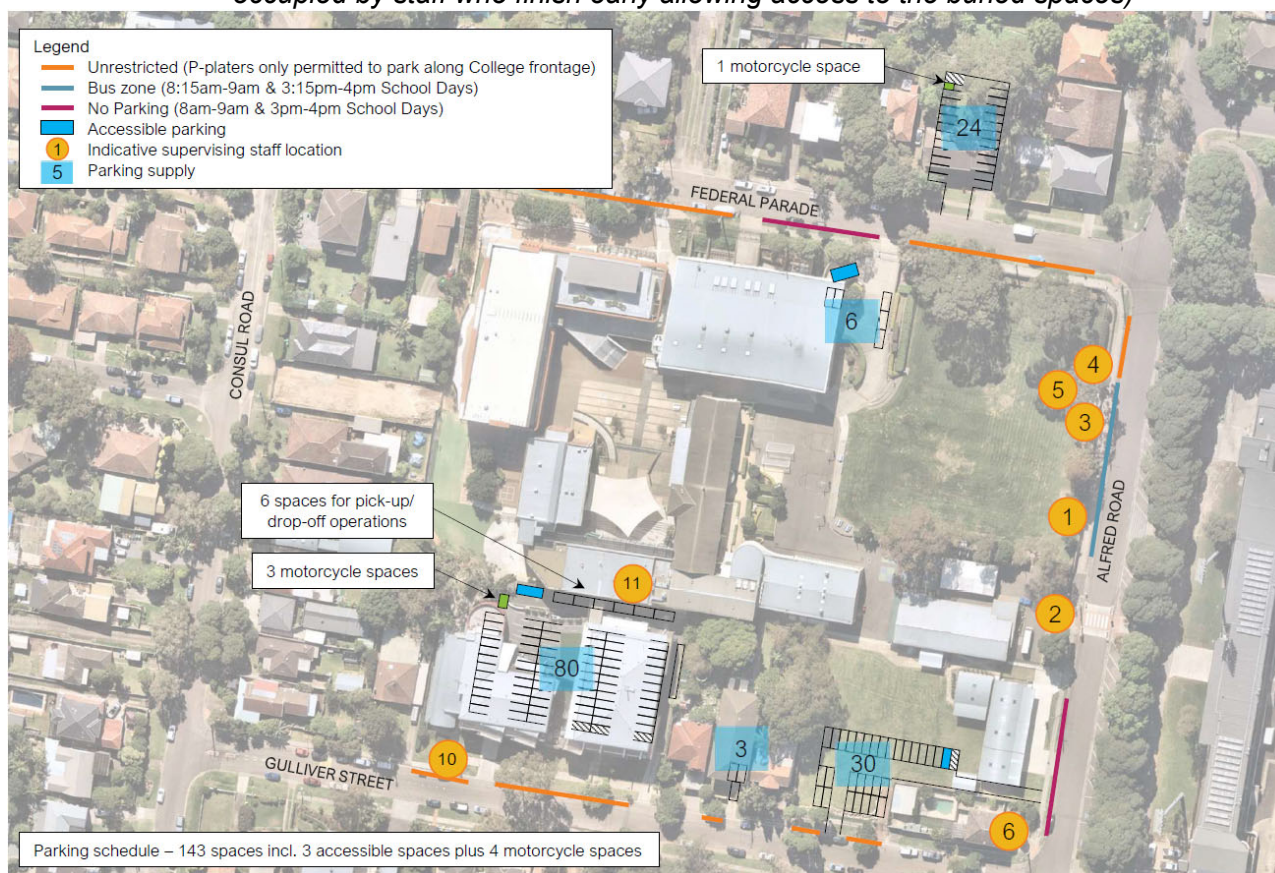
Transport Officer

Council's Transport Engineer has reviewed the amended transport and parking report and Operational Plan of Management and makes the following comments:

- (i) **Existing car parking** - Appendix 1 details the location of 143 off-street parking spaces (see screen shot below). Council's Transport Engineer inspected the site on Monday 1 May 2023 and confirmed the following:

There are 80 existing parking spaces in the Gulliver St carpark comprised of:

- 3 x rows of 12 spaces,
- 3 x rows of 11 spaces,
- 1 x disabled parking space,
- 6 spaces for drop off and pick up which are occupied through the middle part of the day by early finishing staff and 4 spaces running perpendicular to one of the 11 space rows (also occupied by staff who finish early allowing access to the buried spaces)



Extract from TPMP showing 143 car parking spaces

The plans shown in Appendix A of the TPMP are essentially correct. The box shown alongside the exit aisle is for 4 x parallel parking spaces. These spaces are not however located alongside that aisle as the facilities manager confirmed it is too narrow for this to occur. The spaces are, instead, located alongside the next aisle to the west. See images on the attached document. This is however deemed acceptable if the spaces are vacated early to allow access to the spaces buried behind which, it was confirmed, is what occurs in practice and works from a school operational point of view.

(ii) there is no staff member allocated to manage the students use of the Federal Parade drop off and pick up zone and/or crossing Federal Parade. Other than the above, the details are considered satisfactory.

(iii) the arrangements outlined are acceptable.

(iv) There are no traffic engineering objections to the use of the off-street parking areas after hours until 10pm. The use of these carparks after hours for special events is supported as it will reduce the impact of school related parking on the surrounding streets.

(v) the staggering of start finish times for Year 5 & 6 students is noted and supported. It is noted that there are operational difficulties in staggering start/finish times for the senior school and it is also noted that after school activities does assist in spreading student load. As it would generally be the case that the highest proportion of students being dropped off and picked up would be junior school students the arrangements proposed are acceptable

(vi) the arrangements outlined in section 3.8 of the TPMP are welcomed and considered acceptable.

(vii) the arrangements outlined in section 3.8 and section 4 of the TPMP are considered acceptable.

(viii) the arrangements outlined in section 3.5 of the TPMP are acceptable.

(ix) as outlined above there are no traffic engineering objections to the use of the Alfred St and Federal Parade carparks during events or during weekend sporting activities. Such use is supported as it will reduce on-street parking activity in residential streets.

(x) the arrangements outlined in section 3.11 of the TPMP are acceptable

(xi) the arrangements outlined in section 3.8 and 4 of the TPMP are acceptable

(xii) the arrangements outlined in section 3.13 & 4.3 are acceptable

The changes made to the Operational Plan of Management are also noted and considered to have addressed the need for punitive actions relating to illegal and/or inappropriate driving/parking behaviours.

Planners Comments:

In summary, the updated TPMP and OPM address the transport and parking issues and inconsistencies between documents. Should the Panel be minded to grant approval to the application, the following additional condition is recommended to address point (ii) in respect of the management of students using the Federal Parade drop off and pick up zone.

Condition 57 – Management of Federal Parade drop off / pick up

A staff member shall be allocated to manage students use of the Federal Parade drop off and pick up zone and/or crossing Federal Parade.

Reason : To ensure effective traffic management

Environmental Health

Council's Environmental Health Officer has reviewed the acoustic report and OPM and makes the following comments:

The amended acoustic report has forecast legal and reasonable noise generation with specific reduction and management measures in respect of the following:

- *Use of the school for school day activities - increased student numbers*
- *PA systems and mechanical services and the like*
- *Cleaning and maintenance activities after normal hours*
- *Use of the school for activities after normal school hours*
- *Building construction noise and vibration*
- *Use of the carparks including gate motors and traffic movements*

Similarly, the Operational Plan of Management is generally accepted, subject to the following recommended condition:

Operational Plan of Management

Prior to an Occupation Certificate (OC) being issued, the Operational Plan of Management is to be upgraded to incorporate the conditions of this consent in relation to any noise generating activities/equipment and include the Name/Position from the Schools Management who is responsible and accountable for actions to be taken.

Reason : To ensure the OPM is upgraded and complete for effective implementation.

Planners Response:

Condition 44 (Acoustic and Operational Management Compliance) has been updated to include reference to the amended acoustic report and operational plan of management.

Council's Environmental Health Unit remain concerned with noise associated from the car parks which are in a residential area where intense use in the evening and night is likely to impact adversely on the residential amenity, when combined with the other noise implications from the development. In particular "offensive noise" which the acoustic report cannot forecast such and yelling or noisy vehicles cannot be controlled ongoing.

This is critical and neighbouring residential receivers would reasonably expect early morning and evening use to be restricted or prevented in this location, not being an industrial area where one may expect noise disturbance.

Exemptions for special events each term, with varying dates and times, would only lead to residential receivers' frustration to unexpected disturbance. Clear hours need to be stated for all.

Accordingly, we support the proposal with conditions and in particular the carparks (Gulliver Street and Federal Parade) not being used at all after 6pm and before 6.30am any day.

This would support normal College hours of operation, from 6.30am and be 30 minutes earlier than stated in the acoustic assessment and therefore avoid shuffling cars around post 7am.

This limitation would require for evening events parking to be on the college oval (an area which was proposed for overflow anyway)

Suggested conditions from Environmental Health are as follows

Construction noise during works

All recommendations contained within the acoustic report by E-LAB Consulting - 5 April 2023 regarding minimising construction noise shall be implemented during works.

Reason: To minimise noise to adjacent receivers.

Planner Response:

Condition 36 (Construction Noise) has been updated to reference the amended acoustic report.

Dust During Works

Dust transmission to neighbouring residents and businesses is to be managed to ensure any airborne substance is kept within the boundaries of the site.

Measures may include but not be limited to:

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

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

Planner Comment:

This condition has already been imposed, reference condition 37 (Dust during works)

Acoustic compliance -prior to an OC being issued

Prior to the issues of an Occupation Certificate the acoustic recommendations contained the acoustic report by E-LAB Consulting 5 April 2023 shall be implemented.

This includes noise generated by automatic (electric motor driven) gates or barriers shall be assessed by the acoustic consultant to ensure a nuisance to neighbours is avoided.

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

Planner Response:

As discussed above, Condition 44 (Acoustic and Operational Management Compliance) has been updated to include reference to the amended acoustic report and operational plan of management.

Noise-ongoing

The recommendations contained within the acoustic report by E-LAB Consulting -5 April 2023 with regard ongoing use of the site and especially carparking areas shall be maintained ongoing.

Reason: To avoid future noise nuisances to residential receivers.

Planner Response:

As discussed above, Condition 44 has been updated to reference the amended acoustic report.

Carpark Hours ongoing

Gulliver Street and Federal Parade car parks not being used at all after 6pm and before 6.30am any day.

Planner Response

The Panel is reminded that the Assessment Report provided some discussion on the issue of use of the car parks in the evening. Draft Condition 50 (Hours of use of car parks) included the following restriction in the hours of use of the proposed two new car parks, as follows, to address the concerns raised by Councils Environmental Health Officer:

Condition 50 Hours of use of car parks

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

- (a) 7:00am and 6:00pm Monday to Friday*
- (b) the use of the car parks is prohibited for use associated with events, including the events specified in the final approved Operational Plan of Management.*

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

In addition - Condition 49 -Noise – car parks included the following requirements:

Condition 49 Noise -carparks

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

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

Reason: To avoid future noise nuisances to residential receivers.

It is acknowledged that during the consideration of the application at the LPP meeting on 15 February 2023, the Panel were open to the potential use of the proposed car park for special events in the evening. The Applicant in response to the request or additional information are seeking approval for the occasional use of the car parks until 10.00pm. The acoustic report has not been updated in accordance with the requirements of Condition 49.

Should the Panel be minded to grant approval, it is at the discretion of the Panel to determine whether draft Condition 50 hours of use of the car park should be imposed. An option may be to consider the evening occasional use of the new car parks for a 6 or 12 month trial period.

Lawns and site maintenance

Lawn mowers and leaf blowers and the like only being used between 7am and 6pm weekdays or as permitted by EPA requirements

Planner Comment

Section 6 of the amended acoustic report includes a mitigation measure requiring cleaning / leaf blowing only to occur between the hours of 7am and 6pm on weekdays.

Lighting

All outdoor lighting is to be designed and positioned to minimise any detrimental impact upon the amenity of other premises and adjacent dwellings and the outdoor lighting is to comply with the relevant provisions of Australian Standard 1158.3:2020 Pedestrian area (Category P) lighting – Performance and design requirements and Australian Standard 4282:2019 Control of the obtrusive effects of outdoor lighting.

Planner Response

Condition 55 – Lighting, has been updated to include reference to the Australian Standards.

The Panel is also reminded that there was some discussion during the Panel meeting on the wording of Condition 3 (Carparks to be constructed before any increase in school enrolments). The Panel also expressed a preference for an annual review of all management plans. The suggested amended wording to Condition 3 and a new Condition 57 are provided below to address these concerns.

SUMMARY AND RECOMMENDATION

The additional information generally addresses the omissions and inconsistencies with the TPMP, acoustic report and OPM, subject to an additional condition to address the management of pick up / drop off at Federal Parade.

Should the Panel be minded to grant consent to the Development Application, it is recommended that the following conditions be modified or added (with the strike through text removed):

Condition 2 Approved Plans and Supporting Documentation

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

a) Approved Plans

Engineering Plans - Endorsed with Council's stamp		
Drawing No.	Dated	Prepared By
C100 Rev 4 Demolition and Site Management Plan 60 Federal Parade	06.12.2021	Core Project Consulting
C101 Rev 4 Demolition and Site Management Plan Alfred Road	06.12.2021	Core Project Consulting
C200 Rev 4 Sediment and Erosion (SED) Control Plan and Details 60 Federal Parade	06.12.2021	Core Project Consulting
C201 Rev 4 Sediment and Erosion (SED) Control Plan and Details Alfred Road	06.12.2021	Core Project Consulting
C002 Rev 4 Area Analysis and SED Details	06.12.2021	Core Project Consulting
C300 Rev 4 Stormwater Management Plan 60 Federal Parade	06.12.2021	Core Project Consulting
C301 Rev 4 Stormwater Management Plan Alfred Road	06.12.2021	Core Project Consulting
C302 Rev 4 OSD Details 60 Federal Parade	06.12.2021	Core Project Consulting
C303 Rev 4 OSD Details Alfred Road	06.12.2021	Core Project Consulting
C304 Rev 4 Footpath and SW Pit Detail	06.12.2021	Core Project Consulting
C401 Rev 04 Car Park Layout Alfred Road	06.12.2021	Core Project Consulting
C402 Rev 4 Standard Detail Car Park	06.12.2021	Core Project Consulting
C501 Rev 4 Delineation and Line Marking Alfred Road	06.12.2021	Core Project Consulting

Reports / Documentation – All recommendations and requirements contained within:		
Report No. / Page No. / Section No.	Dated	Prepared By
*Noise and Vibration Impact Assessment Project P00054 Rev 0056	13.12.2021 05.04.2023	E-LAB Consulting
Preliminary Arboricultural Impact Assessment Report Ref No 11121	14.07.2021	Rain Tree Consulting
Transport Impact Assessment Ref N19000 Issue C	12.12.2021	Stantec
*Traffic and Parking Management Plan Ref N190000 Issue F G	29.07.2022 06.04.2023	Stantec
Flood Impact Assessment Rev 1	28.07.2022	Core Project Consultants
*Operational Plan of Management	01.12.2022 11.04.2023	St Augustine's College

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

- a) ~~Any plans and / or documentation submitted to satisfy the Deferred Commencement Conditions of this consent as approved in writing by Council.~~
- b) Any plans and / or documentation submitted to satisfy the Conditions of this consent.
- c) The development is to be undertaken generally in accordance with the following:

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



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In the event of any inconsistency between conditions of this consent and the drawings/documents referred to above, the conditions of this consent will prevail.

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

Condition 3 Carparks to be constructed ~~construction~~ before any increase in student enrolments

Both the Federal Parade and Alfred Road carparks shall be fully constructed and **traffic safety measures to be provided for increased student numbers** ~~operational within 6 months of the date of the operational consent.~~

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

- (a) The construction of the Federal Parade and Alfred Road carparks are to be commenced within 90 days from the date the consent is granted.**
- (b) Both carparks are to be fully constructed and operational within 180 days from the date of the commencement of construction.**
- (c) During the period from the date of the consent to the date of completion of the carparks, the traffic safety measures contained in the approved Traffic and Parking Management Plan are to be fully implemented.**
- (d) The maximum number of students enrolled at the college is to be capped at 1,560 students until such time as the carparks are completed and operational, then the maximum approved number of students can be increased to 1,600 students.**

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

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

Condition 36 Construction Noise

All recommendations contained within the ~~acoustic report~~ **Noise and Vibration Impact Assessment Project P00054 Rev 006** prepared by E-LAB Consulting, **dated 5 April 2023-13.12.21** in regard to minimising construction noise shall be implemented during works.

Reason: To minimise noise to adjacent receivers.

Condition 43 Environmental Reports Certification

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



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- (a) ~~The final approved~~ Noise and Vibration Impact Assessment Project **Reference P00054 Rev 0056, dated 05 April 2023, prepared by E-LAB Consulting. which has been submitted to address the requirements of the deferred commencement condition.**
- (b) ~~The final approved~~ Operational Plan of Management **dated 11 April 2023, prepared by St Augustine's College. which has been submitted to address the requirements of the deferred commencement condition.**
- (c) ~~The final approved~~ Traffic and Parking Management Plan **Ref N190000 Issue G dated 6 April 2023, prepared by Stantec. which as been submitted to address the requirements of the deferred commencement condition.**
- (d) Preliminary Arboricultural Impact Assessment Report, Ref No 11121, dated 14.07.2021, prepared by Rain Tree Consulting.
- (e) Transport Impact Assessment, Ref N19000 Issue C, dated 12.12.2021, prepared by Stantec.
- (f) Flood Impact Assessment Rev 1, dated 28.07.2022, prepared by Core Project Consultants

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

Reason: To ensure compliance with standards.

Condition 44. Acoustic and Operational Management compliance –~~school operations~~

Prior to the issues of an Occupation Certificate the acoustic and operational management compliance recommendations contained the ~~acoustic report by E-LAB Consulting 13.12.21~~ **Noise and Vibration Impact Assessment Project Reference P00054 Rev 0056, dated 05 April 2023, prepared by E-LAB Consulting and the Operational Plan of Management, dated 11 April 2023 prepared by St Augustine's College** shall be implemented.

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

Reason: To achieve acoustic compliance **and appropriate management measures** to reduce nuisance to residential receivers.

Condition 55 – Lighting

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

- (a) All bollard lighting is to be non-glaring and filtered to direct light directed downwards to comply with Warringah DCP Part D12.
- (b) Lighting on the main campus is to be sensor lighting on timers and operate from 5.00pm – 10.00pm.
- (c) **All outdoor lighting is to be designed and positioned to minimise any detrimental impact upon the amenity of other premises and adjacent dwellings and the outdoor lighting is to comply with the relevant provisions of Australian Standard 1158.3:2020 Pedestrian area**



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(Category P) lighting – Performance and design requirements and Australian Standard 4282:2019 Control of the obtrusive effects of outdoor lighting.

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

New Condition - Condition 57 – Management of Federal Parade drop off / pick

A staff member shall be allocated to manage students using of the Federal Parade drop off and pick up zone and/or crossing Federal Parade

New Condition - Condition 58 Annual Review of Management Plans

An annual review of the OPM and associated TPMP shall be carried out simultaneously and submitted annually. The traffic review and acoustic review shall inform any changes to the OPM. The annual review of the OPM shall be submitted to Council with an overview report prepared, for Council's review and records.

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