
Sent: 18/02/2022 6:13:20 PM

Subject: Further Submission: DA2021/2567 - Notification of Development, and Survey Map issues.

Attachments: DA 2021-1514 - St Augustines College. Objection - 2 - JTruszewski.pdf;

Dear Planning team,

Please find attached, a further objection submission that I ask Council to consider. It contains additional matters of concern.

Regards,
John. Truszewski.

Re: DA2021/2567

Demolition works, construction of a car park and increase in student numbers at an education establishment

18 Feb 2020

From: J. Truszewski

76 Federal Parade, Brookvale NSW 2100

2nd Submission – Additional Comments regarding validity of Notification, and validity of Survey map.

Dear Planning team,

In addition to my earlier submission, I have several other objections:

1. Notification/Advertising of this DA is misleading - not in compliance with Council's policy, and potentially contravenes the EP&A act with regards to notices.

- A) The EP&A Regulation Division 5, 77 states that a description, including the address of the land must be included in the notice:

77 Notice of development applications

- (1) As soon as practicable after a development application is lodged with the consent authority, the consent authority must—
 - (a) publish notice of the application on the consent authority's website, and
 - (b) give notice of the application to—
 - (i) the public authorities (other than relevant concurrence authorities or approval bodies) that, in the opinion of the consent authority, may have an interest in the determination of the application, and
 - (ii) in the case of a development application other than designated development—the persons that, in the opinion of the consent authority, own or occupy the land adjoining the land to which the application relates (unless the notice is in respect of an application for public notification development).
- (2) The notice must contain the following information—
 - (a) a description (including the address) of the land on which the development is proposed to be carried out,
 - (b) the name of the applicant and the consent authority,
 - (c) a description of the proposed development,
 - (d) whether or not the development is designated development, nominated integrated development, threatened species development, Class 1 aquaculture development or State significant development,
 - (e) a statement that the development application and the documents accompanying the application, including any environmental impact statement, are publicly available on the consent authority's website for the period specified in Schedule 1 to the Act for that kind of development,
 - (f) a statement that any person, during the submission period specified in Schedule 1 to the Act for that kind of development, may make submissions to the consent authority concerning the development application and that the submissions must specify the grounds of objection (if any),
 - (g) if the proposed development is also integrated development—
 - (i) a statement that the development is integrated development, and
 - (ii) a statement of the approvals that are required and the relevant approval bodies for those approvals,
 - (h) in the case of State significant development—whether the Minister has directed that a public hearing should be held,
 - (i) in the case of designated development—a statement that, unless the Independent Planning Commission has conducted a public hearing, a person may appeal to the Land and Environment Court if the person makes a submission by way of objection and is dissatisfied with the determination of the consent authority to grant development consent,
 - (j) in the case of designated development—a statement that, if the Independent Planning Commission conducts a public hearing, the Commission's determination of the application is final and not subject to appeal.

The address listed for this DA – 60 Federal Parade Brookvale, is proposed for a teacher's car park – not where the increase of 400 students will be housed. Although lot numbers have been mentioned in several places, they cannot be treated the same as an address, particularly when the intent of the address is to notify the public of exactly where the development is to take place.

The oversight or misrepresentation of the address for this DA has had the effect of some of the impacted residents not being aware of the development, as mentioned in some of the submissions received.

Additional objections would have been received had the DA been advertised correctly – in compliance with the regulation.

☰ Menu

Application Number: DA2021/2567

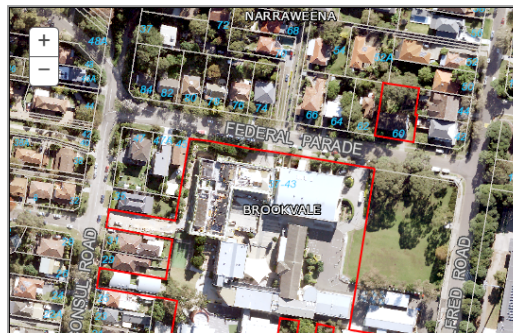
Description:	New - Demolition works, construction of a car park and increase in student numbers at an education establishment
Application Type:	Development Application
Status:	Under Assessment
Submitted:	11/01/2022
Notification Period:	19/01/2022 to 02/02/2022
Cost of Work:	\$ 671,000
Officer:	Daniel Milliken
Submissions:	➔ Make a submission

Location | People | Events | Documents | Show All

Location

60 Federal Parade BROOKVALE NSW 2100

Map



- The Increase of Student numbers by 400 students is not a trivial DA – As can be seen from the number of objections to date, in excess of 45.
- The public can't see the DA by searching for the School property on the Property Search on the Council website. The School address according to the Council Map, is 37-43 Federal Parade Brookvale, This is the address where the student numbers are proposed to be increased.

See steps below.

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Property Search

Council's Property Search can be used to view specific property details including zoning information, maps and land use permissibility information.

37-43

37-43 Federal Parade BROOKVALE NSW 2100

Property Search Instructions

Type the property address into the search field above (please ensure no spaces are between unit and house numbers, e.g. 14/21 Smith Street).

The relevant address will appear in bold directly under the search field, select this to proceed to the search results.

Disclaimer – Privacy and Copyright

The Government Information (Public Access) Act 2009 (GIPA Act) provides that anyone may inspect, free of charge, certain documents held by a Council, including (amongst others) survey plans. However a person who through this process obtains a copy of a survey or other plans subject to the GIPA Act may be liable to legal action if the use of the information is adverse to the interest of the holder of the copyright. If you do copy, reproduce, republish, upload to a third party, transmit or distribute in any way plans, building specifications or other documents subject to the GIPA Act you will be taken to have indemnified Northern Beaches Council against any claim or action in respect of breach of copyright.

The property appears, there are no details.

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Menu

Address:

Property Status:

Council Ward:

Title(s):

Map

Location	Rating	Applications	Documents	Planning	Show All
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Aerials Warringah Zoning Pittwater Zoning Manly Zoning

Click through to Applications and DA . Only 2 DAs appear – these do not include the subject DA DA2021/2567 , and many other other historical DAs and CDCs are also missing.

https://eservices.northernbeaches.nsw.gov.au/ePlanning/live/Public/XC.Track/SearchProperty.aspx?id=473721

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Applications

- Find an Application
- Applications by Map
- Received this Week
- Received this Month
- Determined this Month

Properties

- Property Search
- Search By Map

Planning and Maps

- Planning Maps
- Manly LEP 2013
- Manly DCP
- Pittwater LEP 2014
- Pittwater DCP

Menu

Address: _____ Property Status: _____
Council Ward: _____

Title(s): _____

Applications

Location	Rating	Applications	Documents	Planning	Show All
Development Application DA2020/1514					
Alterations and additions to an existing educational establishment to accommodate an increase of student number					
Development Application DA2020/0645					
Alterations and additions to a school to provide Solar Panels (Submitted: 16/06/2020)					

Navigating from the Property Search, arrives at the same results. DA2021/2567 cannot be seen.

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Applications

- Find an Application
- Applications by Map
- Received this Week
- Received this Month
- Determined this Month

Properties

- Property Search
- Search By Map

Planning and Maps

- Planning Maps
- Manly LEP 2013
- Manly DCP
- Pittwater LEP 2014
- Pittwater DCP
- Warringah LEP 2000
- Warringah LEP 2011
- Warringah DCP

Planning Enquiry

Menu

37-43 Federal Parade BROOKVALE NSW 2100

Show Property
Show Applications

Planning Controls

- DCP - Landscaped Open Space and Bushland Setting 40% of site
- Warringah LEP2011 - Land Slip Risk Map-Area A
- Warringah LEP2011 - Land zoned R2 Low Density Residential

Map tips:

- To zoom use the buttons located in the top left corner of the map or the scroll wheel on the mouse.
- To zoom by selection use the shift key and select an area with the mouse.
- To pan the map click and drag the mouse.

☰ Menu

Address:

Property Status:

Council Ward:

Title(s):

Location Rating Applications Documents Planning Show All

Map



☰ Menu

Address:

Property Status:

Council Ward:

Title(s):

Location Rating Applications Documents Planning Show All

Applications

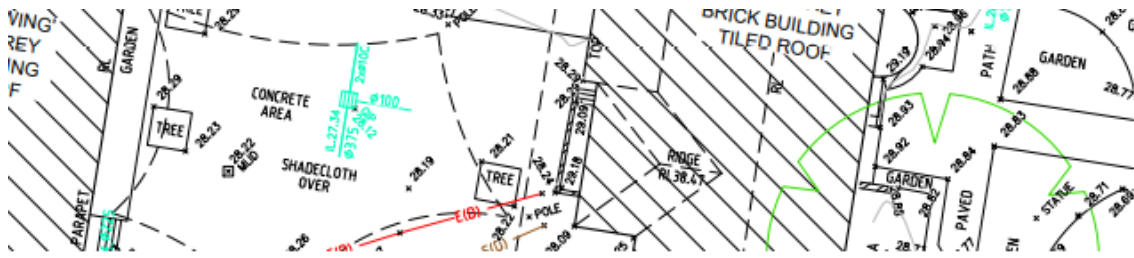
[Development Application DA2020/1514](#)


Alterations and additions to an existing educational establishment to accommodate an increase of student numbers (Submitted: 27/11/2020)

[Development Application DA2020/0645](#)

Alterations and additions to a school to provide Solar Panels (Submitted: 16/06/2020)

2) The Survey submitted by the applicant for this DA is in excess of 9 years old. The date of the survey is 4 December 2012.



 <p> Suite 1, Level 1 810 Pacific Highway Gordon NSW 2072 Locked Bag 5 Gordon NSW 2072 P 1300 587 000 F 02 9499 7760 nsw.surveyors.nsw ltl.com.au </p>	Client ST AUGUSTINE'S COLLEGE	datum AHD	reference number 35381DT 003
	Drawing title PLAN OF DETAIL AND LEVELS OVER LOT 1 DP 1220407 LOT B DP 395193 & LOT 51 DP839828 AT ST AUGUSTINE'S COLLEGE FEDERAL PARADE, BROOKVALE	site Area 2.58ha	scale 1:200 @A1
		LGA NORTHERN BEACHES	SHEET OF 14 2

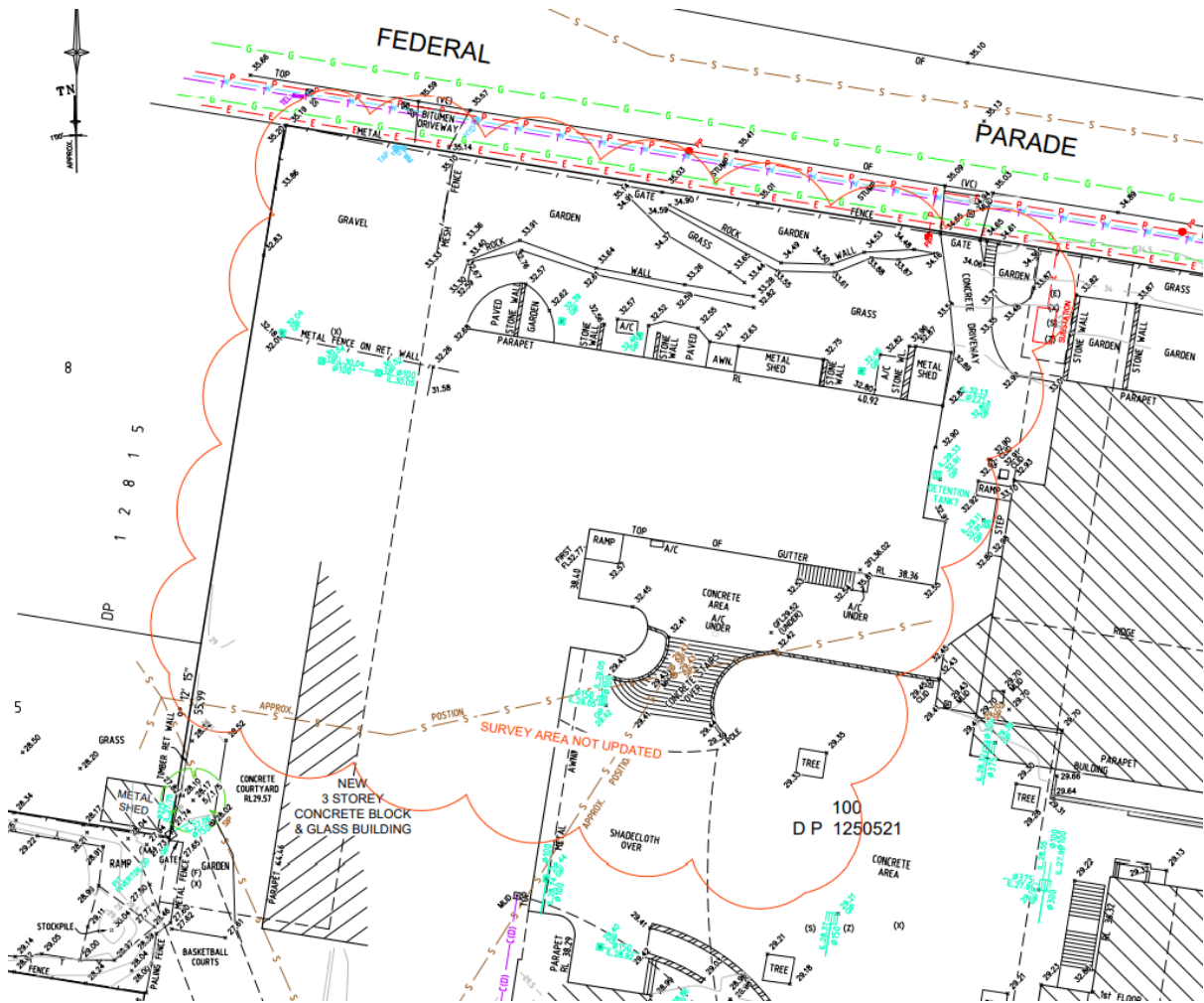
Council requires a survey less than 12 months old:

[2060-da-checklist-jun2020.pdf \(nsw.gov.au\)](http://2060-da-checklist-jun2020.pdf)

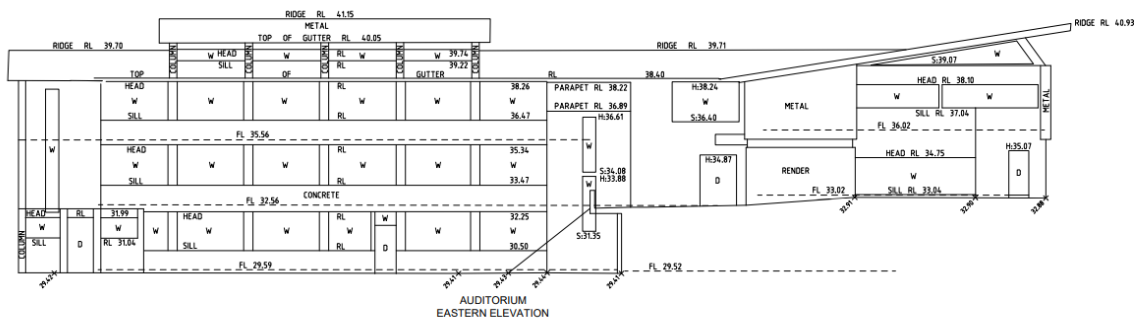
Boundary Identification Survey	<p>A Boundary Identification Survey (less than 12 months old) is required to be submitted with all applications, except:</p> <ul style="list-style-type: none"> • Where a change of use is proposed with no external works • Where the application relates to an internal fit-out • Where the application relates to signage mounted on an existing structure <p>The survey must be prepared and signed by a registered surveyor and show their name and Registration Number. Any offsets should be annotated clearly, showing the position of fences and walls in relation to boundaries.</p> <p>The boundary survey must include the following:</p> <ul style="list-style-type: none"> • true north point, or relationship to true north • Scale, generally 1:100 or 1:200 • Position of all existing structures, with floor level & ridge height of main building • Position of existing structures on adjoining land within 3 metres of the boundary, including description, street number, floor level, ridge height, and window levels & locations in the walls closest to the side boundaries • Levels - spot levels & existing contours related to Australian Height Datum (AHO) with bench mark details & origin of levels shown • Trees- exact position, trunk diameter (if greater than 200mm), height, spread, & species (if known) both on the subject site, and on adjoining land within 3 metres of the site boundaries • All visible services within the site & council footway area, including stormwater pits & invert levels, hydrants, sewer manholes, Telstra pits etc. • Concrete paths, vehicle crossings, kerb position with top of kerb levels, and kerb outlets • Title boundaries with dimensions • Location & type of all existing easements and rights of way including party walls and common walls • Current documentary evidence (Section 888 instrument or dealings) relating to any easements or rights of carriageway which are to be relied upon
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In addition, the survey that has been submitted has not included the Position of all Existing Structures, with Floor level and ridge height of main building.

In fact, the Main Building, a 4 storey building completed in 2020, is located in an area in the survey map which "has not been updated". Additionally, the College has acquired additional properties, which in itself does warrant an up to date survey.



In fact, Pages 9,9,10 show survey details a building that no longer exists in its current form.



Revision	Date	Description	Reference
J	18/02/20	DETAIL & LEVELS ADDED	000
I	18/08/20	DETAIL & LEVELS OF NO. 33 COMUSL ROAD ADDED	000
H	29/10/18	DETAIL & LEVELS OF NO. 25, 18 & 2A ADDED	35381 003
G	09/07/18	FLOOR PLANS AND ELEVATIONS ADDED (SHEETS 7113). SITE AREA AMENDED	35381 004
F	25/04/18	EXTRA LEVELS (OVERLAND FLOW) ADDED BEHIND CHICKEN NET AREA	35381 004

THIS IS THE PLAN REFERRED TO IN MY LETTER DATED: _____
 Registered Surveyor NSW



Suite 1, Level 1
 810 Pacific Highway
 Gordon NSW 2072
 Locked Bag 5
 Gordon NSW 2072
 P 1300 587 000
 F 601 9499 7740

Client: ST AUGUSTINE'S COLLEGE
 Drawing title: PLAN OF DETAIL AND LEVELS OVER LOT 1 DP 1220407 LOT B DP 395193 & LOT 51 DP839528 AT ST AUGUSTINE'S COLLEGE FEDERAL PARADE BIRROUNDALE

datum: AHD
 AHD: 2.58ha
 scale: 1:100 @A1
 reference number: 35381DT 003
 date of survey: 04/12/12
 SHEET 8

This is a photo of the building – before the demolish/build



Here is a photo of this building taken after demolish/construction had commenced in 2019. (UNDER A CDC).



And here is the new building that is “not updated” in the survey.

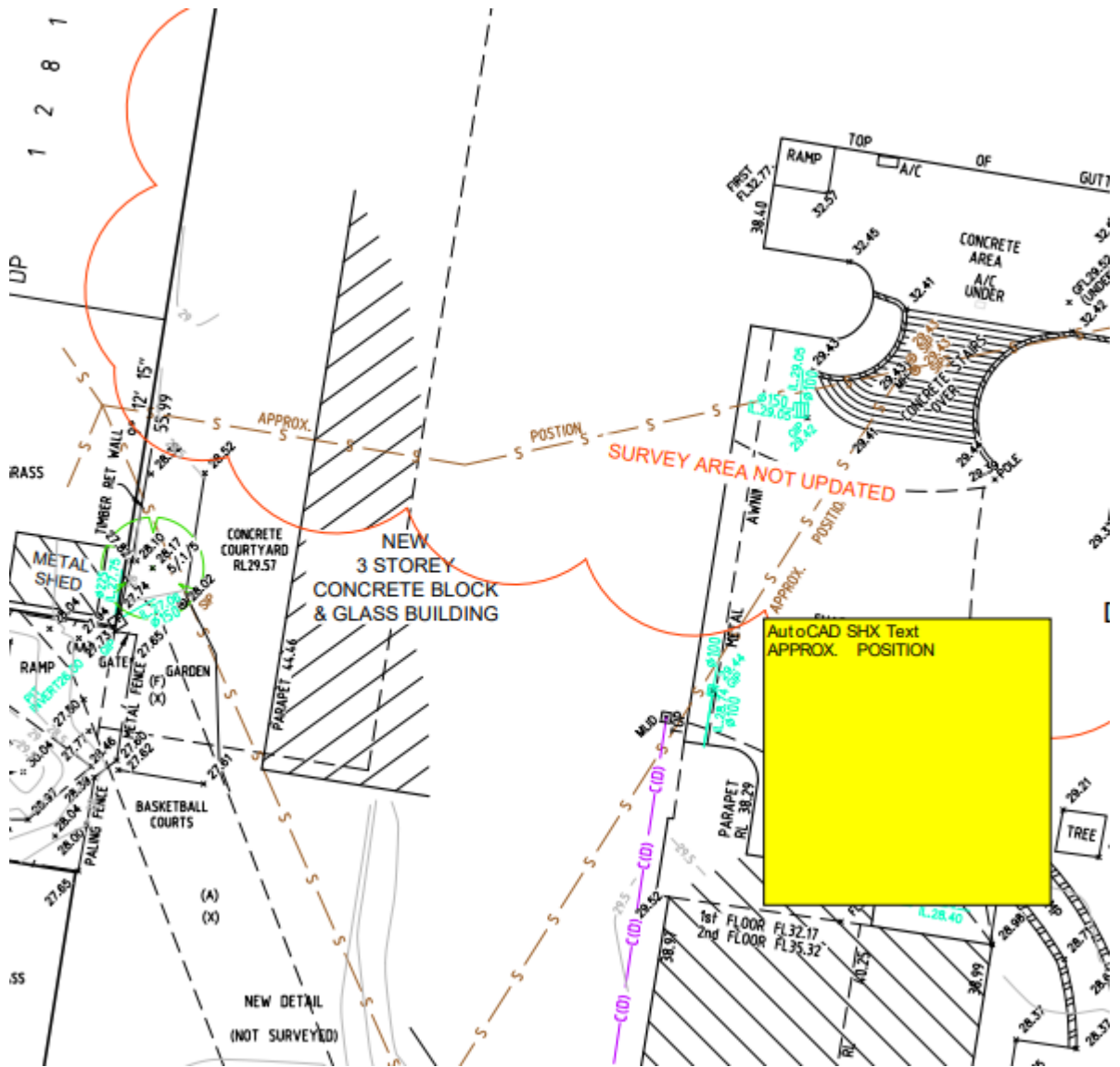


The school is clearly not the same development as the survey depicts.

The Council should reject this DA solely on the basis of a Survey which is outside of the 12 month acceptable date criteria. This survey neglects to include the largest, building, including heights/setbacks and does not show the newly built Rooftop terrace, which generates noise beyond what is acceptable. Every school day I am exposed to excessive noise, which didn't exist prior to this building being built.

The Noise Survey that is based on data collected prior to this building being built can't be relied upon because the school is now substantially different from the one where the noise survey was undertaken.

The new building is 4 storeys but the Survey shows it a new 3 storey



This new building, which is not included in the survey is described in the St Augustines Annual Report as “Our most recent project, **the four storey** Goold Building”.

The College began when the Provincial of the Augustinians, Fr Tom Hunt OSA, accepted the challenge to build a school on a vacant block of land in Brookvale, on the Northern Beaches of Sydney. On 7 February 1956, the College opened its doors to its first 65 students.

Since then, our facilities have dramatically improved, our academic achievement continues to rise, and our student body has grown to approximately 1,200. We now have over 120 highly qualified teachers, who are experts in their field with a dedication to boys' education. Over the past decade, we have developed a culture of achievement and continue to set high academic expectations. We value strong pastoral care alongside our academic program, and relationships sit at the heart of all learning.

programs. The College has completed five major building projects in the past 14 years, supported by fundraising appeals delivered by the College Foundation. We are grateful for the generosity of current and past parents who have financially supported the College's building appeals.

Our most recent project, the four storey Goold Building, was awarded the Master Builders Association of NSW 2020 Excellence in Construction Award. The library is a key part of building, spanning three levels and intentionally blurring the lines between library, transit areas and 21 general learning classrooms. The building also includes a creative hub of specialist art studios, music rooms, a recording studio, amphitheatre, and a multi-purpose auditorium with retractable seating. The top floor provides an outdoor terrace for College events, with two large built-in undercover BBQs and benchtops, along with a breakout dining area and kitchen in the adjoining space.

The Goold Building was opened on the first day of the school year in 2020 and is a result of the College's ongoing commitment to providing a lively, stimulating, happy and future focused environment for its learners.



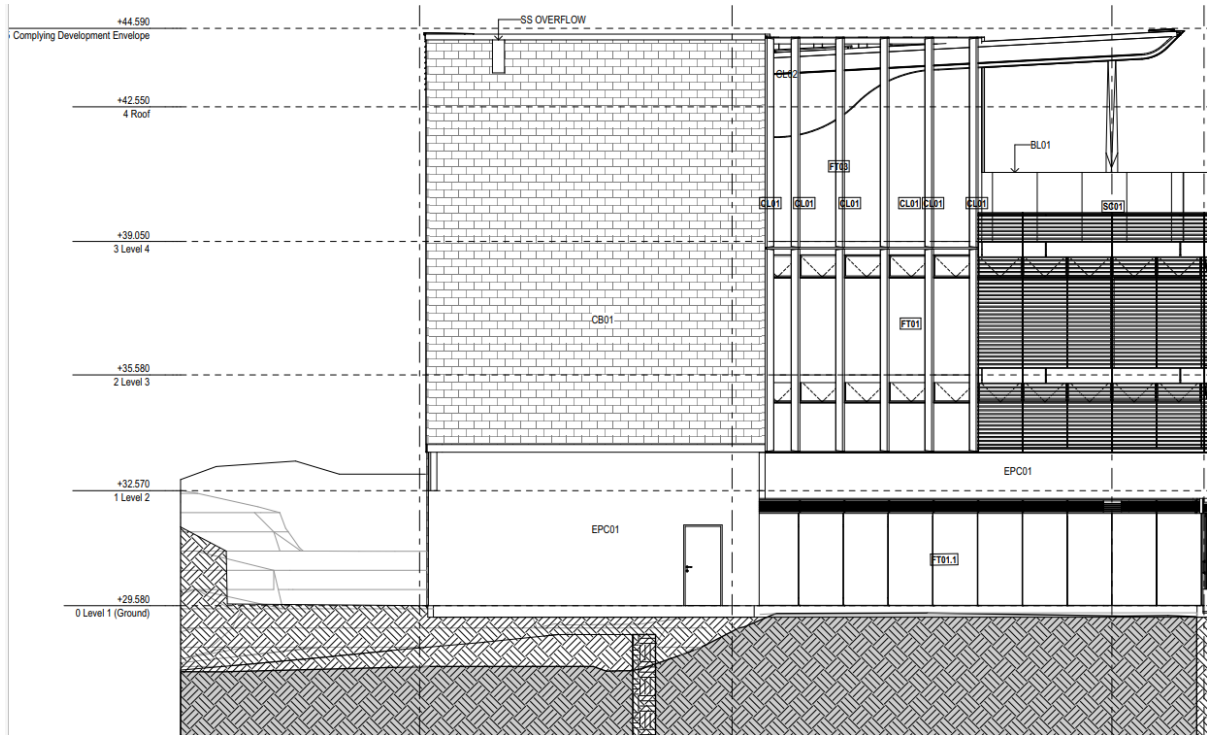
2020 Annual Report | St Augustine's College – Sydney | Page 7 of 33

[2020-Annual-Report.pdf \(digistormhosting.com.au\)](https://digistormhosting.com.au/2020-Annual-Report.pdf)

This building was built under a CDC approval, which did not permit an increase in student numbers.

A plan (But not a Survey) of this new building is available here:

<https://eservices.northernbeaches.nsw.gov.au/ePlanning/live/Common/Output/LoadAppPropDoc.aspx?id=FFA8u0hwUx8V0A60ki4OEg%253d%253d>



As can be seen, the building height is claimed to sit only marginally within the Complying building height. No recent survey is provided which shows the actual building height.

Council should question why an up-to-date survey including the most recent 4 storey build hasn't been included in the survey plans. Could it be possible that an up to date survey could reveal that this new building is not height compliant, therefore jeopardise the validity of the CDC?

I can't comprehend how Council could allow this application to pass the submission document test, without a recent valid survey, when it requires much smaller residential applications to be submitted with a recent survey.

In addition to my earlier objections, please reject this DA as the survey out of date and is not compliant, the noise studies based on old measurements are no longer relevant, and the School has built a 4 storey building without undertaking a DA process to the development, and is relying on a "car park" application to retrospectively approve an increase in student numbers.

Traffic, Noise, Privacy and amenity of residents aren't taken into consideration with this DA.

Regards,
John Truszewski.