



## Pre-lodgement Meeting Notes

**Application No:** PLM2023/0115  
**Meeting Date:** 19 September 2023  
**Property Address:** 35 Consul Road BROOKVALE  
**Proposal:** Proposed change of use to educational establishment  
**Attendees for Council:** Anne-Marie Young, Principal Planner  
Rosemary Roche, EHO  
Patrick Stuart, Flooding Engineer

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### General Comments/Limitations of these Notes

These notes have been prepared by Council's Development Advisory Services Team on the basis of information provided by the applicant and a consultation meeting with Council staff. Council provides this service for guidance purposes only.

These notes are an account of the advice on the specific issues nominated by the Applicant and the discussions and conclusions reached at the meeting.

These notes are not a complete set of planning and related comments for the proposed development. Matters discussed and comments offered by Council will in no way fetter Council's discretion as the Consent Authority.

A determination can only be made following the lodgement and full assessment of the application.

In addition to the comments made within these Notes, it is a requirement of the applicant to address the relevant areas of legislation, including (but not limited to) any State Environmental Planning Policy (SEPP) and any applicable sections of the **Warringah Local Environmental Plan 2011 and Warringah Development Control Plan 2011**, within the supporting documentation including a Statement of Environmental Effects, Modification Report or Review of Determination Report.

You are advised to carefully review these notes and if specific concern have been raised or non-compliances that cannot be supported, you are strongly advised to review your proposal and consider amendments to the design of your development prior to the lodgement of any development application.



## PROPOSAL

The DFP Planning report describes the proposal as:

*The College is proposing to use the site for the purposes of administration offices ancillary to an existing educational establishment (St Augustine's College). This entails the use of the existing building (currently used as residential accommodation) as staff offices with associated amenities and storage.*

*The building is proposed to be occupied by seven existing staff members from the School's "non-essential" student related services such as finance and marketing. The hours of operation/use will be 8am to 5pm Monday to Friday.*

A DA for this proposed change of use was uploaded to the NSW Planning Portal on 7 July 2023 supported with the following material:

- Survey;
- Architectural Plans; and
- Statement of Environmental Effects

The application was returned on 12 July 2023 and identified that the following information was also required to be submitted:

- Boundary Identification Survey – Revisions required
- Architectural Drawings – Revised required
- Statement of Environmental Effects – Revised required
- Waste Management Report
- Access Report
- Building Code of Australia (BCA) Report
- Plan of Management

The applicant commissioned a preliminary BCA and fire safety report which has identified that upgrades are required to ensure the existing dwelling is compliant.

The applicant is seeking confirmation that the above is a current and comprehensive list of all documentation that is required by Council to accompany the proposed DA.

## BACKGROUND

On 12 May 2023, DA2021/2567 approved demolition works, construction of two (2) carparks and an increase in student numbers at St Augustine's College (DA2021/2567). That approval included the demolition of the building used as administration staff offices at 60 Federal Parade (Lot 13 DP 568333) (approved under DA2020/1406) to accommodate staff car parking. The staff who occupied these administration offices now require an alternative office accommodation.

The following conditions of DA2021/2567 are of relevance to the subject proposal:

### **Condition 5 Implementation of Traffic and Parking Management Plan**



*Traffic and Parking is to be managed in accordance with the approved final Traffic and Parking Management Plan (TPMP). All controls in the TPMP must be maintained at all times during school operational hours. Should the implementation or effectiveness of the TPMP be impacted by unforeseen changes in school operations or as a result of surrounding major development, approval. A copy of the approved TPMP 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.*

#### **Condition 5A 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. Any person making a complaint shall be advised within 7 days of the action taken by the school to address the complaint.*

***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. (Emphasis added by Assessing Planner)***

**Response:** Any future development application shall demonstrate that condition 5 and 5A is addressed. In this regard it is recommended that the applicant review the measures of control within their existing approved Traffic and Parking management Plan and Operational Plan of Management to ensure the operation and activities proposed for 35 Consul Road are included in an amended version of these documents.

#### **State Environmental Planning Policies (SEPPs) and State Regional Environmental Plans**

##### **SEPP (Transport and Infrastructure) 2021**

##### **Part 3.4 - SCHOOLS**

Part 3.4, Section 3.36 states that (1) "Development for the purpose of a school may be carried out by any person with development consent on land in a prescribed zone". The zone R1 General Residential is a 'prescribed zone' under the SEPP (T & I) 2022 and therefore development for the purpose of a school is permitted in the zone.

Part 3.4, Section 3.36 of Chapter 3 stipulates that:

*(6) Before determining a development application for development of a kind referred to in subclause*

*(1), (3) or (5), the consent authority must take into consideration—*

*(a) the design quality of the development when evaluated in accordance with the design quality principles set out in Schedule 8, and*

*(b) whether the development enables the use of school facilities (including recreational facilities) to be shared with the community.*

**Response:** Any future development application shall be supported with an analysis of the design principles within the statement of environmental effects.



## WARRINGAH LOCAL ENVIRONMENTAL PLAN 2011 (WLEP 2011)

WLEP 2011 can be viewed at <https://www.legislation.nsw.gov.au/view/html/inforce/current/epi-2011-0649>

Part 2 - Zoning and Permissibility	
<b>Definition of proposed development:</b> (ref. WLEP 2011 Dictionary)	<p>Educational Establishment <i>means a building or place used for education (including teaching), being:</i></p> <p>(a) a school, or</p> <p>(b) a tertiary institution, including a university or a TAFE establishment, that provides formal education and is constituted by or under an Act.</p>
<b>Zone:</b>	<p>R2 Low Density Residential</p> <p>1 Objectives of zone</p> <ul style="list-style-type: none"> <li>• To provide for the housing needs of the community within a low-density residential environment.</li> <li>• To enable other land uses that provide facilities or services to meet the day to day needs of residents.</li> <li>• To ensure that low density residential environments are characterised by landscaped settings that are in harmony with the natural environment of Warringah.</li> </ul>
<b>Permitted with Consent or Prohibited:</b>	Permissible with consent
<p><b>Response:</b> The use of the site as educational is permissible with consent. It is noted that the application refers to the use of the existing building as an ancillary administration building to the college.</p> <p>At the PLM meeting clarification was sought on the long-term use of the site noting that the existing building can be demolished, and the site redeveloped with the adjoining site at 33 Consul Road under <i>Schedule 6 Complying development in schools—Chapter, State Environmental Planning Policy (Transport and Infrastructure) 2021</i>. This is of relevance given the public interest in the site and the challenges in obtaining approval under DA2021/2567.</p> <p>It is therefore recommended that indicative details are provided as part of any future DA on the medium to long-term use / development of the site.</p>	

### 5.21 Flood planning

(1) *The objectives of this clause are as follows—*

- (a) *to minimise the flood risk to life and property associated with the use of land,*
- (b) *to allow development on land that is compatible with the flood function and behaviour on the land, taking into account projected changes as a result of climate change,*
- (c) *to avoid adverse or cumulative impacts on flood behaviour and the environment,*



*(d) to enable the safe occupation and efficient evacuation of people in the event of a flood.*

*(2) Development consent must not be granted to development on land the consent authority considers to be within the flood planning area unless the consent authority is satisfied the development—*

*(a) is compatible with the flood function and behaviour on the land, and*

*(b) will not adversely affect flood behaviour in a way that results in detrimental increases in the potential flood affectation of other development or properties, and*

*(c) will not adversely affect the safe occupation and efficient evacuation of people or exceed the capacity of existing evacuation routes for the surrounding area in the event of a flood, and*

*(d) incorporates appropriate measures to manage risk to life in the event of a flood, and*

*(e) will not adversely affect the environment or cause avoidable erosion, siltation, destruction of riparian vegetation or a reduction in the stability of river banks or watercourses.*

*(3) In deciding whether to grant development consent on land to which this clause applies, the consent authority must consider the following matters—*

*(a) the impact of the development on projected changes to flood behaviour as a result of climate change,*

*(b) the intended design and scale of buildings resulting from the development,*

*(c) whether the development incorporates measures to minimise the risk to life and ensure the safe evacuation of people in the event of a flood,*

*(d) the potential to modify, relocate or remove buildings resulting from development if the surrounding area is impacted by flooding or coastal erosion.*

*(4) A word or expression used in this clause has the same meaning as it has in the Considering Flooding in Land Use Planning Guideline unless it is otherwise defined in this clause.*

**Response:** The site is mapped as high, medium and low flood risk. A food risk assessment will be required to be lodged with any future DA. Refer to comments form Flooding Engineer below. (Refer also to *Clause E11 Flood Prone Land WDCP*)

#### **6.4 Development on sloping land**

*(1) The objectives of this clause are as follows:*

*(a) to avoid significant adverse impacts on development and on properties in the vicinity of development sites resulting from landslides originating either on or near sloping land,*

*(b) to ensure the impacts of storm water runoff from development on or near sloping land are minimised so as to not adversely affect the stability of the subject and surrounding land,*

*(c) to ensure subsurface flows are not adversely affected by development so as to not impact on the stability of existing or adjoining land.*



(2) This clause applies to land shown as Area A, Area B, Area C, Area D and Area E on the LandslipRisk Map.

(3) Development consent must not be granted to development on land to which this clause applies unless the consent authority is satisfied that:

(a) the application for development has been assessed for the risk associated with landslides in relation to both property and life, and

(b) the development will not cause significant detrimental impacts because of stormwater discharge from the development site, and

(c) the development will not impact on or affect the existing subsurface flow conditions.

**Response:** The site is mapped as Landslip Area A. The SEE shall include a discussion of Clause 6.4.

### WARRINGAH DEVELOPMENT CONTROL PLAN 2011 (WDCP 2011)

WDCP 2011 can be viewed at

<https://eservices.northernbeaches.nsw.gov.au/ePlanning/live/pages/plan/book.aspx?exhibit=DCP>

The following notes the identified non-compliant areas of the proposal only.

Control	Permitted	Proposed
<b>C2 Traffic, Access and Safety</b>	<p>1. Applicants shall demonstrate that the location of vehicular and pedestrian access meets the objectives.</p> <p>6. Facilities for the loading and unloading of service, delivery and emergency vehicles are to be:</p> <p>appropriate to the size and nature of the development;</p> <p>screened from public view; and</p> <p>designed so that vehicles may enter and leave in a forward direction.</p>	No change to the existing driveway.
<b>Response:</b> Refer to comments from Council's Transport Engineer.		
<b>C3 Parking Facilities</b>	<p>2. Off street parking is to be provided within the property demonstrating that the following matters have been taken into account:</p> <ul style="list-style-type: none"> <li>the land use;</li> </ul>	The applicant notes that the seven staff proposed to occupy the building are existing staff members who will continue to park in the main St Augustine's car park.



	<ul style="list-style-type: none"> <li>• <i>the hours of operation;</i></li> <li>• <i>the availability of public transport;</i></li> <li>• <i>the availability of alternative car parking; and</i></li> <li>• <i>the need for parking facilities for courier vehicles, delivery / service vehicles and bicycles.</i></li> </ul> <p>3. <i>Carparking, other than for individual dwellings, shall :</i></p> <ul style="list-style-type: none"> <li>• <i>Avoid the use of mechanical car stacking spaces;</i></li> <li>• <i>Not be readily apparent from public spaces;</i></li> <li>• <i>Provide safe and convenient pedestrian and traffic movement;</i></li> <li>• <i>Include adequate provision for manoeuvring and convenient access to individual spaces;</i></li> <li>• <i>Enable vehicles to enter and leave the site in a forward direction;</i></li> <li>• <i>Incorporate unobstructed access to visitor parking spaces;</i></li> <li>• <i>Be landscaped to shade parked vehicles, screen them from public view, assist in micro-climate management and create attractive and pleasant places;</i></li> <li>• <i>Provide on site detention of stormwater, where appropriate; and</i></li> <li>• <i>Minimum car parking dimensions are to be in accordance with AS/NZS 2890.1.</i></li> </ul> <p>4. <i>Carparking is to be provided in accordance with Appendix 1 which details the rate of car parking for various land uses. Where the carparking</i></p>	<p>The applicant also noted that there is an existing hardstand on the site which can accommodate up to 2 staff vehicles in a stacked arrangement if required.</p>
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	<p>rate is not specified in Appendix 1 or the WLEP, carparking must be adequate for the development having regard to the objectives and requirements of this clause. The rates specified in the Roads and Traffic Authority's Guide to Traffic Generating Development should be used as a guide where relevant.</p> <p>5. Adequate provision for staff, customer and courier parking, and parking and turning of vehicles with trailers must be provided if appropriate to the land use.</p>	
<p><b>Response:</b> Refer to the comments from Council's Transport Engineer. In addition, it is recommended that condition 5 is addressed which will require a review of the approved Transport and Parking Report.</p>		
<b>C4 Stormwater</b>	<p>Stormwater runoff must not cause downstream flooding and must have minimal environmental impact on any receiving stormwater infrastructure, watercourse, stream, lagoon, lake and waterway or the like.</p> <p>The stormwater drainage systems for all developments are to be designed, installed and maintained in accordance with Council's Water Management for Development Policy.</p>	
<p><b>Response:</b> A Council stormwater pipeline traverses the site. To demonstrate compliance with Council's Water Management for Development policy, it is recommended that a survey is submitted which accurately locate, confirm dimensions including depth and plot to scale Council's public drainage system and associated infrastructure on the DA site plans that outline the proposal. Refer to comments from Council's Development Engineer below.</p>		
<b>C8 Demolition and Construction</b> <b>C9 Waste Management</b>	<p>1. All development that is, or includes, demolition and/or construction, must comply with the appropriate sections of the Waste Management Guidelines and all relevant Development Applications</p>	See below





	<p><i>must be accompanied by a Waste Management Plan.</i></p> <p><i>Link: Northern Beaches Council's Waste Management Guidelines</i></p>	
<p><b>Response:</b> A waste management plan, both construction and operational, shall be submitted with any future DA.</p>		
<b>D1 Landscaped Open Space and Bushland Setting</b>	<p><i>1. 40% minimum area of landscaped open space (LOS) is shown on DCP Map Landscaped Open Space and Bushland Setting.</i></p>	See below
<p><b>Response:</b> An assessment of LOS shall be included in any future DA. In addition, the application shall include an assessment of the design principles in chapter 3 of SEPP (Transport and Infrastructure) 2021</p>		
<p><b>D3 Noise</b></p> <p><b>Refer also to D8 Privacy</b></p>	<p><i>1. Noise from combined operation of all mechanical plant and equipment must not generate noise levels that exceed the ambient background noise by more than 5dB(A) when measured in accordance with the NSW Industrial Noise Policy at the receiving boundary of residential and other noise sensitive land uses.</i></p> <p><i>See also NSW Industrial Noise Policy Appendices</i></p> <p><i>3. Waste collection and delivery vehicles are not to operate in the vicinity of residential uses between 10pm and 6am.</i></p> <p><i>5. Where possible, locate noise sources away from the bedroom areas of adjoining dwellings/properties to minimise impact.</i></p>	See below
<p><b>Response:</b> Any future development application shall demonstrate that condition 5A is addressed. In this regard the applicant shall review the measures of control within their existing approved Operational Plan of Management in respect of acoustic impact to ensure the operation and activities proposed for 35 Consul Road are included in an amended version of the POM. Refer comments from Council's Health Officer below.</p>		
<b>D20 Safety and Security</b>	<p><i>1. Buildings are to overlook streets as well as public and communal places to allow casual surveillance.</i></p>	See below



**Response:** Any future development application shall demonstrate that condition 5A is addressed. In this regard it is recommended that the applicant review the measures of control within their existing approved Operational Plan of Management in respect of security to ensure the operation and activities proposed for 35 Consul Road are included in an amended version of these documents

Refer to the additional Planning controls referenced by Council's referral Officers below.

#### **Specialist Advice**

##### **Environmental Health Officer**

###### Industrial

I have reviewed the PLM SEE, the acoustic report and POM for DA2021/2567.

Within the Notice of Determination for DA2021/2567, the following is stated:

*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 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.*

The applicant is advised to review the measures of control within their existing Plan of Management to include the use of 35 Consul Road and also to ensure the operation and activities proposed for 35 Consul Road are included in the plan of management.

The PLM SEE for this proposal has stated the building is to be used by staff (seven in total) with associated amenities and storage. Hours of operation 8am-5pm.

It is anticipated that staff accommodated in the building on 35 Consul Road will continue to park on the main St Augustine's Campus. Notwithstanding, there is an existing hardstand (driveway) area on the site which can accommodate up to two staff vehicles in a stacked arrangement should the need arise.

Given the above, Environmental Health do not have concerns in relation to noise from vehicle use. Environmental Health are of the opinion that the proposed use of the dwelling (administrative work) is unlikely to increase the noise in the area. The existing acoustic report does not need to be reviewed or updated based on this proposal information at this time. Should further information come to hand through the DA (if submitted) that may impact noise amenity, then Env. Health may require the Acoustic report to be updated.

Appropriate conditions can be applied to the DA.

###### Contaminated Land

No assessment of contaminated land is required based on info provided for the proposal.

##### **Flooding Engineer**



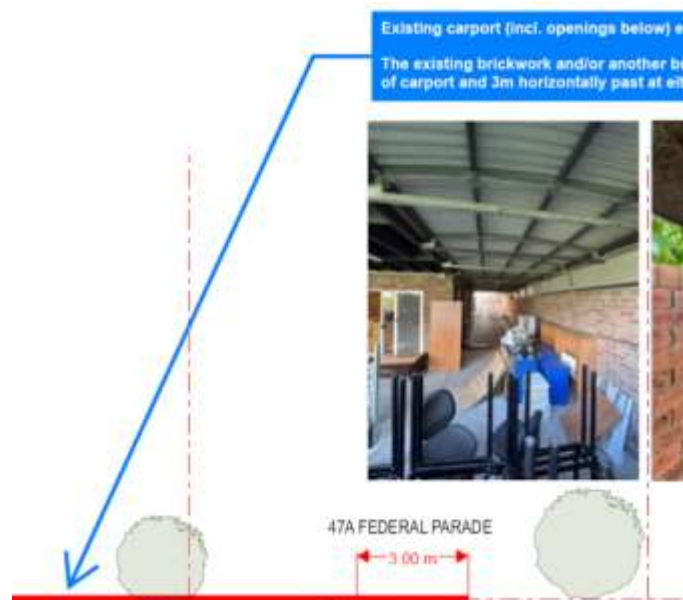
### Specialist Advice

The Greendale Cr Flood Study was adopted in August 2023. Council's Flood Information can be request by the Flood Information Report (Comprehensive) form available at Council's website. The site is affected by the high flood risk precinct. Educational establishments are considered vulnerable to flooding.

A Flood Management Report (FMR) is required to be completed by an appropriately qualified professional. Appropriate measures to manage risk to life in the event of a flood must be proposed. Any physical changes in the overland flow path is required to be modelled. As the change of use is potentially increasing the vulnerability of the site, the ability of the structure to withstand the forces of a Probable Maximum flood is required to be investigated. The FMR must address all requirements of *E11 of WDCP* and *5.21 of the WLEP*.

### Landscape Officer

If the extension of this wall (image below) is to be masonry construction with a continuous footing, arboricultural comment will be required to identify the impact to the neighbouring trees/vegetation. No further concerns are raised as majority of the works are contained within the existing dwelling.



### E1 Preservation of Trees or Bushland Vegetation

The SoEE shall include discussion on the trees and vegetation within the site and within adjoining properties. Should all trees and vegetation be 5 metres or less in height ie. Exempt Species, no Arboricultural Impact Assessment is required, and this is to be reported in the SoEE.

For prescribed (protected) trees under the DCP, ie. 5 metres and over, excluding Exempt Species, An Arboricultural Impact Assessment is required to provide clarification on which trees are to be retained, including tree protection measures, and which trees are to be removed. Regardless, should a report be prepared exempt species should be identified as a matter of course to assist Council in determining a development application and the landscape outcome in terms of retention or removal.



### **Specialist Advice**

The Arboricultural Impact Assessment report shall indicate the impact of development upon the existing trees within the site, and for any existing tree on adjoining properties located 5 metres from the site (building and associated excavation or fill zones).

The report shall be prepared by a qualified Arborist AQF Level 5 and shall cover assessment of excavation and construction impacts upon the SRZ and TPZ, tree protection requirements, and recommendations. Recommendations shall include the setback distance from each tree where no construction impact is to occur to ensure the long term retention of the tree.

Any development impact shall be outside of the structural root zone, and impact to the tree protection zone, for trees retained, shall be limited to satisfy AS4970-2009.

Existing trees and vegetation within adjoining property and within the road verge is not permitted to be impacted upon. Council does not support the removal of street trees unless the street tree is proven to present an arboricultural risk.

No impact to existing trees and vegetation within adjoining properties is acceptable, regardless of species type.

As a general principle, the site planning layout shall be determined following arboricultural investigations and recommendations. Any proposal to remove existing trees of moderate to high retention value will not be supported by Council if an alternative design arrangement is available, as assessed by Council.

### **Transport Engineer**

The proposed change of use of 35 Consul Road will not be accompanied by any increase in staff or student numbers with the site be used as office space to replace office space lost from 60 Federal Parade which will now be used as carpark. It is noted that seven staff to be housed at the office premises at 35 Consul Parade will park offstreet on the main St. Augustine's campus. It is also noted the existing driveway and hardstand area at 35 Consul Road will remain and can accommodate 2 tandem parking spaces. On the above basis, at this time, there are no traffic engineering concerns associated with the proposal.

### **Development Engineer**

Council's records indicate that the properties at 35 Consul Road BROOKVALE is burdened by a Council's stormwater pipeline traversing the site. This is shown on Council's stormwater map which is available on the webpage <https://services.northernbeaches.nsw.gov.au/icongis/index.html>

To demonstrate compliance with Council's Water Management for Development policy, it is recommended that the following details are submitted with any application:

- Accurately locate, confirm dimensions including depth and plot to scale Council's public drainage system and associated infrastructure on the DA site plans that outline the proposal. This should be carried out by a service locating contractor and registered surveyor. (Evidence of methodology used for locating stormwater system should be provided);

### **Documentation to accompany the Development Application**

- Lodge Application via NSW Planning Portal
- Statement of Environmental Effects
- Scaled and dimensioned plans:



<ul style="list-style-type: none"><li>○ Site Plan;</li><li>○ Floor Plans;</li><li>○ Elevations; and</li><li>○ Sections.</li></ul> <ul style="list-style-type: none"><li>• Certified Shadow Diagrams (depicting shadows cast at 9am, Noon and 3pm on 21 June).</li><li>• Cost of works estimate/ Quote</li><li>• Survey Plan (Boundary Identification Survey)</li><li>• Survey Plan that provided details of Council's public drainage system and associated infrastructure</li><li>• Site Analysis Plan</li><li>• Demolition Plan</li><li>• Waste Management Plan (Construction &amp; Demolition)</li><li>• Erosion and Sediment Control Plan / Soil and Water Management Plan</li><li>• Stormwater Management Plan / Stormwater Plans and On-site Stormwater Detention (OSD) Checklist</li><li>• BCA report</li><li>• Access Report</li><li>• Fire Safety Schedule</li><li>• Arboricultural report</li><li>• Flood Management Report</li><li>• Review of approved Operational Management Plan and Traffic and Parking Management Plan</li><li>• Indicative details of medium to long term plan for the site</li></ul> <p><b>IMPORTANT NOTE FOR DA LODGEMENT</b></p> <p>Please refer to the Development Application Lodgement Requirements on Council's website (link details below) for further detail on the above list of plans, reports, survey and certificates.</p> <p><a href="https://files.northernbeaches.nsw.gov.au/sites/default/files/documents/pdf-forms/development-application-da-modification-or-review-determination/2060-da-modification-lodgement-requirements-mar21.pdf">https://files.northernbeaches.nsw.gov.au/sites/default/files/documents/pdf-forms/development-application-da-modification-or-review-determination/2060-da-modification-lodgement-requirements-mar21.pdf</a></p> <p>The lodgement requirements will be used by Council in the review of the application after it is lodged through the NSW Planning Portal to verify that all requirements have been met for the type of application/development.</p>
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Concluding Comments
<p>These notes are in response to a pre-lodgement meeting held on 19 September 2023 to discuss the change of use from residential to educational at 35 Consul Road, Brookvale. The notes reference the plans prepared by fjmt studio dated 4 July 2023.</p> <p>In response to the matters raised by the applicant in this PLM it is recommended that any future application shall be supported with the information requested in these notes and a response to the matters raised by Council's Referral Officers. The information required shall include review of the Plan of Managements approved under DA2021/2567 and details of the medium to long term future indicative use of the site.</p>
Question on these Notes?
<p>Should you have any questions or wish to seek clarification of any matters raised in these Notes, please contact the member of the Development Advisory Services Team at Council referred to on the front page of these Notes.</p>