



## Pre-lodgement Notes - Written Advice Only

**Application No:** PLM2023/0109  
**Date:** 23 August 2023  
**Property Address:** 1299 Pittwater Road NARRABEEN  
**Proposal:** Narrabeen Lakes Primary School Development  
Written Advice Pre-Lodgement Meeting  
**Applicant:** Utech Engineers  
**Responsible Officer:** Anne-Marie Young  
**Meeting Held:** 21 September 2023  
**Attendees from Council:** Anne-Marie Young, Principal Planner

### General Comments/Limitations of this Advice

These Written Only notes have been prepared by Council's Development Advisory Services Team on the basis of information provided by the applicant. Council provides this service for guidance purposes only. These notes are an account of the advice on the specific issues nominated by the Applicant.

***These notes are confined to planning advice only and are based on the information provided and only address the specific issue(s) nominated by the Applicant.***

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 concerns 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.

<b>Proposal</b>	
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Internal alterations to the existing school administration building.  
 Extension to existing staff room area with additional meeting room, storage space, outdoor covered area and BBQ area and tree removal.

Applicants Issue(s) and Planning Comment(s)	
Issue	Comments
<p><i>Confirming due to the existence of the heritage cottage a DA needs to be lodged for the proposed works even though it is on Crown Lands and the cottage is surrounded by newer building.</i></p>	<p>Under <i>Part 3.4 Schools of SEPP Transport and Infrastructure 2021</i> some work can be carried out either as exempt development, development without consent or complying development, subject to compliance the specific development controls. It is noted that sub-clause 3.37 (m) of Part 3 states:</p> <p><i>demolition of development that would be exempt development under this or any other environmental planning instrument if it were being constructed or installed, if it is not carried out on or in a State or local heritage item or in a heritage conservation area.</i></p> <p>It is the applicant's responsibility to ensure that the appropriate approval pathway is nominated.</p> <p>During the PLM meeting it was suggested that the applicant review the approval pathway for the upgrades to North Narrabeen Public School, reference PLM2022/0125 and DA2023/0127. This school contains a State Heritage Listed Building and the applicant nominated to obtain the relevant consents via a combination of both a CDC and DA.</p> <p>Council acknowledges that the applicant, to the subject PLM, would prefer to streamline the approval process with one application despite multiple pathways being available.</p>
<p><i>Lodgement documents requirements</i></p>	<p>Refer below.</p>

### Additional Advice to the Applicant

#### (a) Planning Controls

You are advised to familiarise yourself with the full suite of planning controls that apply to your proposal by viewing the relevant State Environmental Planning Policies, Local Environmental Plan and Development Control Plan as follows:

#### STATE ENVIRONMENTAL PLANNING POLICY

##### State Environmental Planning Policy (Resilience and Hazards) 2021

The site is mapped as Coastal Environment Area, any future development application shall include the submission of a SEE which provides an assessment against Chapter 2 Coastal management of SEPP (Resilience and Hazards).



## State Environmental Planning Policy (Transport and Infrastructure) 2021

### Clause 5.31 Heritage conservation

(2) *Requirement for consent Development consent is required for any of the following—*

- (a) *demolishing or moving a heritage item,*
- (b) *altering a heritage item that is a building by making structural changes to its interior,*
- (c) *erecting a building on land on which a heritage item is located.*

Response: The proposal includes alterations and additions to the heritage listed school. In accordance with clause 5.31(5) a heritage impact assessment is required, refer to comments from Council's Heritage Officer below.

### Division 17 Roads and traffic

The site fronts Pittwater Road, which is a classified road, any future development application requires the submission of a SEE which includes an assessment against *Clause 2.119 Development with frontage to classified road.*

### Chapter 3 Educational establishments and childcare facilities

Any future development application required the submission of a SEE which includes an assessment against *Part 3.4 School – specific development controls and Schedule 8 Design quality principles in schools—Chapter 3*

## **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>

The site is mapped as **R3 Medium Density Residential**. Educational establishments are permissible with consent.

As noted above, some can be carried out under '*Exempt Development*' and '*Development without consent*' or '*Complying development*' under SEPP (Transport and Infrastructure) 2021.

The site is also mapped as Landslip- Area A, Class 4 Acid Sulfate Soils and a 11m height limit applies to the site. The entire site is listed as a Local Heritage item including Memorial known as "SS Collaroy Memorial", the school administration building and main school building (items I98, I99 and I100 respectively).

The following LEP controls apply to the proposal:

### **4.3 Height of buildings**

The proposal does not exceed the 11m maximum height of building development standard. The proposed work sits below the 11m height limit.

### **5.10 Heritage conservation**

(4) *Effect of proposed development on heritage significance*

*The consent authority must, before granting consent under this clause in respect of a heritage item or heritage conservation area, consider the effect of the proposed*



*development on the heritage significance of the item or area concerned. This subclause applies regardless of whether a heritage management document is prepared under subclause (5) or a heritage conservation management plan is submitted under subclause (6).*

*(5) Heritage assessment*

*The consent authority may, before granting consent to any development:*

- (a) on land on which a heritage item is located, or*
- (b) on land that is within a heritage conservation area, or*
- (c) on land that is within the vicinity of land referred to in paragraph (a) or (b),*

*require a heritage management document to be prepared that assesses the extent to which the carrying out of the proposed development would affect the heritage significance of the heritage item or heritage conservation area concerned.*

**Response:** As confirmed by Council's Heritage Officer a Heritage Impact Statement is required for any future development application.

**6.1 Acid sulfate soils** – The site is mapped as class 4 any works more than 2 metres below the natural ground surface may require an acid sulfate soils management plan. Based on the information submitted with the PLM it does not appear that the work would trigger the requirement for an acid sulfate soils management report.

**6.4 Development on sloping land**

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

**Response:** A preliminary geotechnical report will be required to be submitted with any future development application.

**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 controls are of relevance:

Part B Built Form Control  
B3 Side Boundary Envelope 4m  
B5 Side Boundary Setbacks 4.5m  
B7 Front Boundary Setbacks 6.5m and 3.5m to secondary frontage



**Response:** The boundaries have not been defined on the plans submitted. Despite this, the work is contained in Block A as such there are no issues with respect to compliance with the above built form controls.

The SEE shall include an assessment of the following controls:

Part D Design

- D3 Noise
- D6 Access to Sunlight
- D9 Building Buk
- D10 Building Colours and Materials
- D11 Roofs
- D18 Accessibility
- D20 Safety and Security

Part E Natural Environment

- E1 Preservation of Trees or Bushland Vegetation
- E10 Landslip Risk

**REFFERALS**

**Heritage Officer**

Heritage Listings

Narrabeen Lakes Primary School contains a number of local heritage items, being:

- Item I98 – Memorial known as “SS Collaroy Memorial”
- Item I99 – School administration building
- Item I100 – Main school building
- Item I101 – Sandstone memorial

The heritage item closest to the proposed works is the school administration building which was built in 1889:

Statement of Significance

A rare surviving example of a headmaster's residence associated with one of the earliest schools in the area. It retains significant components of its original fabric & embodies strong associational significance with the provision of school facilities.

Heritage Comments

The proposed works involve alterations to the school administration area and the existing staff room, as well as an extension of the staff room building behind the administration area for an additional meeting room, storage space and a covered outdoor area. All these works are located behind the heritage listed building which fronts Pittwater Road. It is stated that there will be no changes to the heritage listed cottage. It is not known the date or nature of the building behind the heritage cottage or whether there is any significant fabric involved. This should be documented in any DA.

The existing administration area is a later building which already exists and is attached behind the 1889 original cottage. Alterations to the administration area do not involve any changes to original heritage fabric associated with the 1889 cottage. The new addition is further behind this, as a separate building being an extension of the existing staff room. This extension is single storey and will largely not be visible from Pittwater Road. A number of trees will need to be removed to accommodate this extension.



Given the location and low scale nature of these additions, and the fact the no changes are proposed to the heritage listed 1889 cottage, it is considered that the proposed works should have an acceptable impact upon the heritage significance of the 1889 heritage listed cottage. Similarly, the proposed works will not have an adverse visual impact on the heritage significance of the other heritage items on the site, namely the main school building and the two memorials. The iconic Norfolk Island Pine tree does not appear to be affected by the proposed works.

Therefore, it would appear that the proposal is acceptable on heritage grounds, however, any DA will need to be accompanied by a Heritage Impact Statement (HIS) which assesses the impact of these works on the heritage significance of the 1889 heritage cottage (Item I98 - School administration building), along with the impact of works on the other heritage items located on-site. This HIS should also document the fabric of the rear administration area and the staff room area, which are proposed to be altered, identifying the date of construction and whether any historical school fabric is involved.

### **Landscape Officer**

The Applicant requests amendments to the information to be provided with the DA lodgement including the following Landscape Referral related items:

- > Arborist Report
- > Landscape Plan

#### Arborist Report

An Arboricultural Impact Assessment shall be submitted as listed under the DA Lodgement Requirements. It is the role of the applicant to provide the information to warrant any tree removal of prescribed trees (ie protected under the Warringah DCP), except where trees can be removed without approval under the DCP ie. exempt species provisions.

What you can do without a Council permit

You can remove trees without a permit in the following circumstances. The tree is:

- Under 5 metres in height
- On the Exempt Tree Species List (Opens in a new window)
- In an area in which the Council has authorised their removal as part of a hazard reduction program, where that removal is necessary in order to manage risk
- Required to be removed under other legislation (including the NSW Rural Fires Act 1997 and the Environmental Planning and Assessment Act 1979)
- Can be removed under the 10/50 Legislation. Some clearing of vegetation is allowed if your property is mapped in the 10/50 entitlement area. Development Application Approval conditions in some circumstances prevent the use of the RFS 10/50 entitlement area from being used.
- Removed by Rural Fire Services because they pose or will pose a significant threat to access along required fire trails or to human life, buildings or other property during a bush fire
- Located within two metres of an existing approved building (not including decks, pergolas, sheds, patios or the like, even if they are attached to a building). The measurement is made from the building to the base of the tree trunk.
- Is considered a high risk/imminent danger certified by a Level 5 qualified arborist. These trees can be removed without Council consent by the owner of the tree subject to the owner obtaining written confirmation from the arborist that clearly states:
  - a) The arborist qualifications: AQF Level 5 Arborist or equivalent
  - b) That the tree(s) is declared an imminent danger and high risk to life and property
  - c) That immediate removal of the tree(s) is recommended
  - d) A copy of the report must be sent to Council for record keeping purpose



- Any tree listed as a priority weed under the Bio Security Act 2015 and identified in the Greater Sydney Regional Weed Management Plan.
- Dead, and not required as the habitat of native animals - photographic evidence recommended
- Has fallen or partially fallen as a result of a storm and still present a danger (photos required)
- Part of the pruning or removal of hedges (unless hedge is conditioned to be retained in a development consent). "Hedge" means groups of two or more trees that:
  - (a) are planted (whether in the ground or otherwise) so as to form a hedge, and
  - (b) rise to a height of at least 2.5 metres (above existing ground level).

Council shall be satisfied that the location of proposed development is such that tree removal is unavoidable and that the proposed layout is sited to avoid any high retention value trees where possible.

#### Landscape Plan

Should tree removal be approved, offset canopy tree planting is required to be demonstrated on plans and this may, in this instance, be either included on the site plans or a landscape plan.

It is considered that the properties frontage at Pittwater Road is able to support replacement canopy tree planting.

#### **(b) Development Application Lodgement Requirements**

You are advised to familiarise yourself with Council's Development Application Lodgement Requirements to ensure you submit the required plans, reports and other documentation for your proposal and site (see website for details).

#### **Documentation to Accompany the Development Application**

- Lodge Application via NSW Planning Portal
- Statement of Environmental Effects
- Scaled and dimensioned plans:
  - Site Plan
  - Floor Plans
  - Elevations
  - Sections
  - Existing buildings outline to be shown on all relevant plans
  - Setbacks, building height, wall height and side boundary envelopes to be shown on all plans as per the relevant LEP and DCP to demonstrate compliance
  - Schedule of Colours and Finishes
- Landscape Plan (including schedule of species to be planted)
- Certified Shadow Diagrams (depicting shadows cast at 9am, Noon and 3pm on 21 June).
- Cost of works estimate/ Quote
- Survey Plan (including Boundary Identification by Survey). As a minimum the survey shall relate to the area in the vicinity of Block A
- Site Analysis Plan
- Demolition Plan
- Waste Management Plan (Construction & Demolition)
- Erosion and Sediment Control Plan / Soil and Water Management Plan
- Stormwater Management Plan / Stormwater Plans and On-site Stormwater Detention (OSD) Checklist
- Geotechnical Report



<b>Documentation to Accompany the Development Application</b>
<ul style="list-style-type: none"><li>• Heritage Impact Assessment</li><li>• Arborist Report</li><li>• BCA Report</li></ul>



<b>Conclusion on Applicants Issues</b>
<p>A review of the proposed development based on the specific issues raised in the prelodgement application has been carried out. Based on the plans prepare by Utech architectural consultants dated 2 March 2023 you are advised that Council has no issue in principle with the proposed school upgrade. It is the applicant's responsibility to nominate the approval pathway, however you are advised that any future development application shall be supported with the submission of the information requesting in these notes as detailed above.</p>
<p><b>Question on this advice?</b></p> <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>