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**From:** Jillian Sneyd  
**Sent:** 9/05/2023 3:17:59 PM  
**To:** Anne-Marie Young; Council Northernbeaches Mailbox;  
steve.findlay@northernbeaches.nsw.gov.au  
**Subject:** TRIMMED: RE: DA2021/2567 DA Submission

Dear Anne-Marie,

Following on from your call last week, you advised that the DA would be referred to a panel meeting on 12 May. I viewed your memo regarding the additional information yesterday and note that it has now been removed from the DA Tracker. Please note that the lack of the submission to date has only been the result of awaiting further advice as to the progression of the DA and it should not be assumed that the objections raised in our previous submissions have been resolved in the additional detail provided. I have left you a phone message today to clarify the process of the DA assessment and determination from here. This submission is made on behalf of the owners of 31 Consul Road Brookvale.

The DA as submitted and the assessment in my opinion and that of my client's misses the fundamental point that the works as proposed are a result of the increase in student numbers. This is not construction of a carpark to support existing approved student numbers. The additional student numbers have not only an impact on parking required but also on traffic, acoustic and amenity impacts. As we raised in our earlier submissions, the DA includes 33 Consul Road in the playground area calculations. 33 Consul Road and the land adjoining the Council easement and existing drainage infrastructure is flood affected and no indication of the nature of the use of 33 Consul Road or landscaping is proposed. Approval of the DA would enable use of the site in a manner for which no adequate or appropriate assessment of the risks and likely impacts has been undertaken. Flood impacts upon the open play areas have not been assessed. Noting that the building works since the 1200 student enrolment cap was imposed have altered the flow of flood waters in an around the site.

The additional information which addressed the proposed deferred commencement material, does not address the actual impact of the additional student numbers on our clients and the wider locality which have not been addressed in the assessment of the DA to date. Specifically:

- The land which is included within the playground area calculations is subject to flooding. No 33 Consul Road is not identified as being landscaped or any potential use nor even stabilised. This has been the case despite the site being part of the school ground since prior to the construction of the Goold Building (by way of CDC).
- The inconsistencies in the submitted documents have not been corrected. The open play area plan includes sites not the subject of this application and not approved for school use.

In relation to the additional information received we make the following comments:

- The Acoustic Report continues to rely on Noise Monitoring from 2013 and 2018 ( See Section 3.1). The report states that *"Given the nature of restrictions and lockdowns during the COVID-19 pandemic, additional measurements and monitoring was not conducted by E-LAB. Further, lockdowns have resulted ever-changing traffic volumes and unpredictable background noise environments, and as such, the noise monitoring conducted by Resonate and Acoustic Logic have been used for this assessment"*. The consideration of the DA by the panel was under in 2023, the lockdowns in metropolitan Sydney were lifted on October 2021 through to December 2021 prior to the submission of the DA. The Acoustic Report (Version 6) does not include an updated Table of Contents to reflect the additional information.
- The detailed noise emission modelling was undertaken on noise monitoring that does not reflect the built form of the school in an around our client's property. Notably, the built form and access around the location of the Goold Building has changed since the noise monitoring was undertaken in 2013 and 2018 to the current use of the site.
- It is detailed that there is no change to the PA System and so no acoustic assessment is undertaken. The PA system was updated post the noise monitoring and the increase in student number presumably results in greater use of the system for 1600 students than 1200.
- Band rehearsals are not considered in the Acoustic Assessment, presumably a larger school population feeds a larger school band participation and so greater noise generated.
- Increased noise from school activities such as training commencing at 6:45am is not considered. Again, a larger school population feeds a larger school sport participation and so greater noise generated.
- The plans shown in Appendix A of the Traffic and Parking Management Plan are not accurate or operational.
- The landscape plan does not include landscaping of 33 Consul Road. This site forms part of the approved school site and the use of the land should be considered with this DA for which the lodgement is to enable the ongoing use of the site for increased school enrolments. The residential amenity of our client's property has not ben considered in

the application as currently before Council.

- The Operational Plan of Management (OPM) does not provide sufficient protection of residential amenity. The plan seeks to enable variation without seeking the approval of Council. An assessment of the OPM against the Land and Environment Court established principles in Renaldo Plus 3 Pty Limited v Hurstville City Council [2005] NSWLEC 315 and Amazonia Hotels Pty Ltd v Council of the City of Sydney [2014] NSWLEC 1247. The OPM lacks sufficient clarity to enable the Management Plan to be incorporated in the conditions of consent, and to be enforced as a condition of consent.

Regards

**Jillian Sneyd**

**Consultant Planner**



A Level 10, 70 Pitt Street Sydney NSW 2000

P GPO Box 5013 Sydney NSW 2001

M [REDACTED]  
T (02) 9249 4103

F (02) 9249 4111

w [glnplanning.com.au](http://glnplanning.com.au)

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