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Statement of Environmental Effects

Change of Use to Educational Establishment and Use of Existing
Building as Office Associated with St. Augustine's College
60 Federal Parade, Brookvale

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1 Introduction

1.1 Commission

DFP has been commissioned by St Augustine's College to prepare a Statement of Environmental Effects (SEE) for the proposed change of use of 60 Federal Parade, Brookvale to an *educational establishment* and use of an existing building as office/administration area associated with St. Augustine's College (the School).

1.2 Purpose of this Statement

The purpose of this report is to provide Council and relevant NSW State Government Agencies with all relevant information necessary to assess the subject development proposal and to determine the DA in accordance with section 4.16 of the *Environmental Planning and Assessment Act 1979* (EP&A Act) and the *Environmental Planning and Assessment Regulation 2000* (the Regulation).

1.3 Material Relied Upon

This SEE has been prepared by DFP based on information referred to herein and/or appended to this report:

- Architectural plans for proposed change of use prepared by FJMT, dated 26.10.2020;
- Survey report prepared by R.S. Lovegrove and Associates, dated 20 March 1974; and
- Undated plans for alterations and additions, prepared by JAL Pty Ltd.

2 Background

2.1 Previous Change of Use Development Consents

The School has purchased multiple allotments adjoining the main St Augustine's College campus which now form part of the School. The allotments which have been purchased all have development consents in place for use as an *educational establishment*. The relevant development consents are summarised below.

DA2018/1804 – Use of land as part of an educational establishment (St Augustine's School)

DA2018/1804 approved the use of the following former allotments for use as an educational establishment (see **Figure 1** also):

- Lot 8 DP 11209, 22 Alfred Road;
- Lot 51 DP 839828, 2 Gulliver Street;
- Lot 52 DP 839828, 2 A Gulliver Street;
- Lot 1 DP 1220407, 37 - 43 Federal Parade; and
- Lot 7 DP 11209, 20 Alfred Road.



Figure 1 DA2018/1804 stamped approved plan

DA2019/0051 – Use of Premises as an Educational Establishment

DA2019/0051 approved the use of former Lot 6 in DP 11209, (known as 18 Alfred Road) for use as an *educational establishment* (see **Figure 2** below in comparison to **Figure 1** – see change in the bottom right corner of Figures):

2 Background

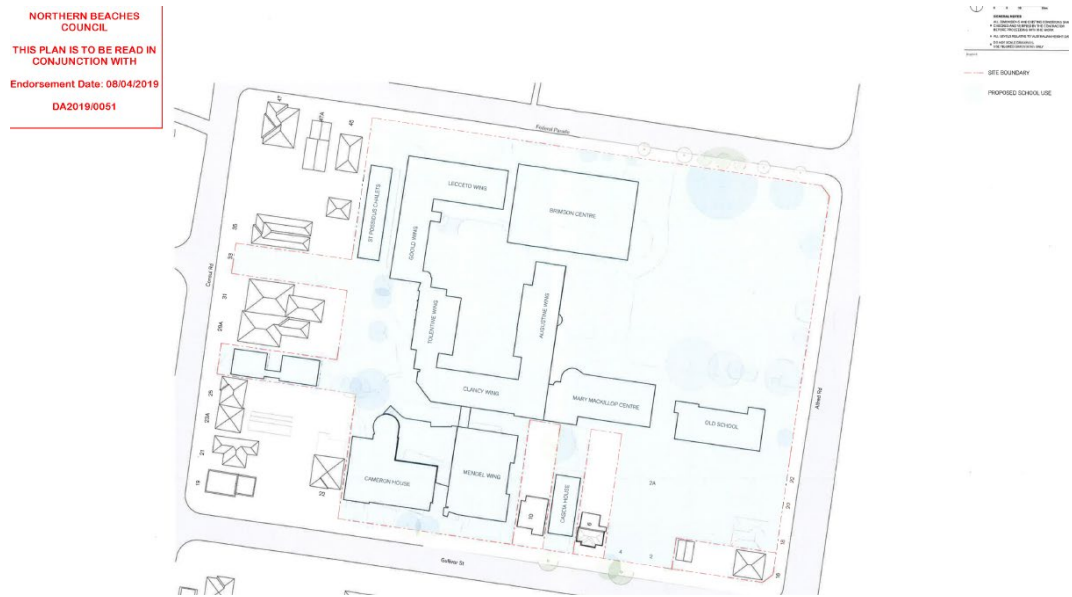


Figure 2 DA2019/0051 stamped approved plan

3 Site Context

3.1 Location

The site is located at 60 Federal Parade, Brookvale as seen in **Figure 3**.

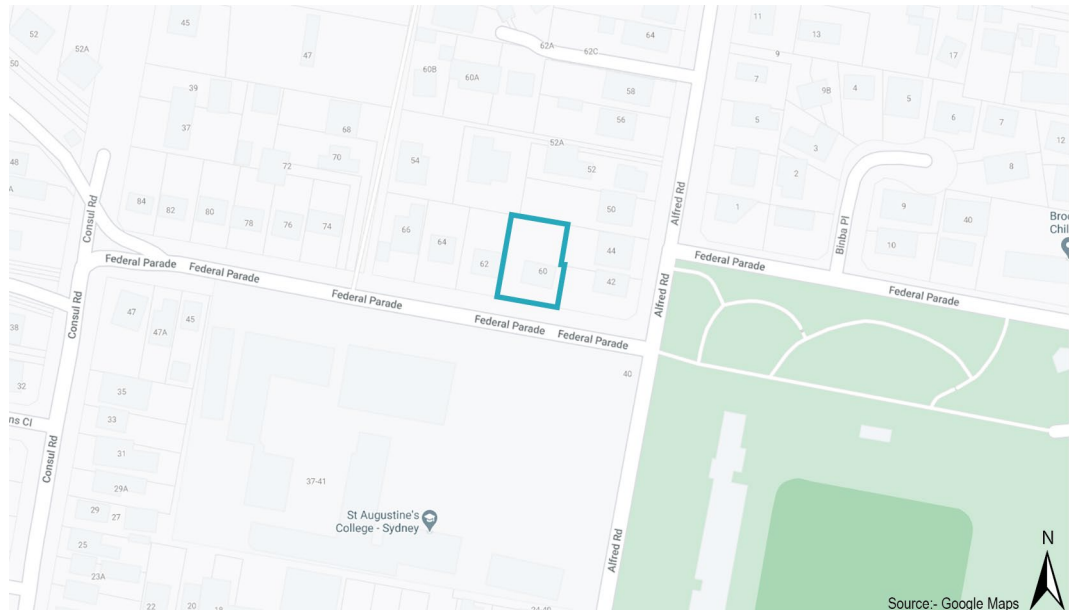


Figure 3 Site Location.

3.2 Site Description

The site is legally described as Lot 13 in Deposited Plan (DP) 568333 (see **Figure 4**). It has frontage to Federal Parade to the south and is located opposite to the main Campus of St Augustine's College. The site contains an existing two storey building, a detached outbuilding, maintained lawns and established vegetation.

The existing building on-site has been constructed for residential accommodation purposes, with old/aged and undated architectural plans provided to DFP for prior alterations the additions to the building showing the ground floor containing bedrooms, bathroom, separate W.C., lounge room, dining room, office, kitchen, laundry and a library room. The upper level contains a living room, bedrooms, bathroom and a room nominated as a 'chapel'.

The library and chapel areas of the building we understand are for the private use of the land owners (The Trustees of the Order of Hermits of St Augustine in Australasia), the owners of 60 Federal Parade. The Trustees of the Order of Hermits of St Augustine in Australasia are also the landowners of Lot 100 in DP 1250521 which forms the majority of St Augustine's College main campus.

Figure 4 shows the site in the context of the School and its allotments. **Figure 5** shows an aerial image of the site.

3 Site Context



Figure 4 St Augustine's Campus showing both allotments which comprise the School's main campus and 60 Federal Parade to the north.

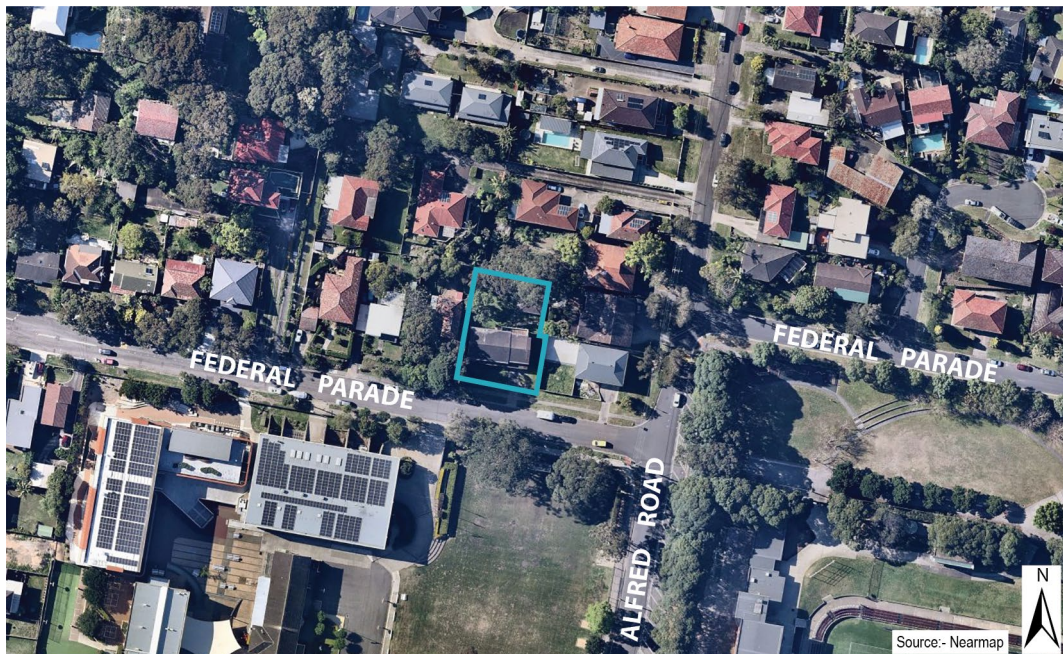


Figure 5 Aerial view of the Site.

3.3 Surrounding Development

Established residential land uses are located to the north, east and west of the site. The School's main campus is opposite the site to the south. To the south-east is Brookvale Oval. **Figure 6** below shows the relationship of the site with the School's main campus and surrounding land uses.

3 Site Context



Figure 6 Surrounding Development.

4 Proposed Development

4.1 Change of Use to Educational Establishment

The applicant is proposing to use the site as an *educational establishment* associated with St Augustine's College.

The landowners are also the landowners of Lot 100 in DP 1250521 which forms the majority of St Augustine's College main campus (see **Figure 4**).

4.2 Use of Existing Building for Office/Administration

The proposed development also entails the use of the existing building (current use as residential accommodation) located on the site as an office/administration building associated with St Augustine's College.

The building is proposed to be occupied by six (6) 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 4pm Monday to Friday.

There are no building works proposed in association with the proposed use and no increase to current staff numbers for St Augustine's College. The use of the building is for administrative purposes associated with the operation of St Augustine's College only, with no students or parents having to visit the site.

Please refer to the Architectural drawings which accompany this report showing how rooms within the existing building will be used for office accommodation. Rooms identified as 'office' on the plans will be utilised by the six (6) existing school staff with other areas also identified as 'office' to be used as printer rooms, break-out areas, meeting rooms, file storage and the like.

Occupation of this building for administration purposes will allow the space currently occupied for these purposes on the School's main campus and its existing buildings to be used in a more economic and efficient manner so as to improve the Schools functionality and pedagogy practices.

Any future building works which may be required by the School within the building at 60 Federal Parade will be subject to a separate approval processes as may be required.

5 Environmental Planning Assessment

This section provides an environmental assessment of the proposed development in respect of the relevant matters for consideration under section 4.15(1) of the Environmental Planning and Assessment Act, 1979 (EP&A Act).

5.1 Planning Controls

The following subsections assess the proposal against the relevant provisions of applicable Environmental Planning Instruments (EPIs), Draft EPIs, Development Control Plans (DCPs), Planning Agreements and matters prescribed by the Regulation in accordance with section 4.15(1)(a) of the EP&A Act.

5.1.1 State Environmental Planning Policy No. 55 – Remediation of Land (SEPP 55)

We are advised that the site has been used for residential purposes by the current landowners for a considerable period of time. The site is not listed within the Environmental Protection Authority (EPA) contaminated land records/list of notified sites and we have not been made aware of any prior land uses. A survey report from 1974 accompanying this report shows the land was vacant in 1974. Council's online application records relating to the property are limited, however they show a Building Application record from 1988 for a slab inspection.

Figure 7 below shows aerial imagery of the site and surrounding area from 1943. The site is marked with a red 'X'. The site is vacant and as can be seen forms part of an emerging urban area in 1943.



Figure 7 Aerial imagery from 1943. Source: Six Maps

The change of use development assessment report relating to DA2019/0051 for the use of 18 Alfred Road, Brookvale by the School as an *educational establishment* (as discussed in **Section 2.1** previously) provided the following assessment in relation to SEPP 55:

'Clause 7(1)(a) of SEPP 55 requires the Consent Authority to consider whether land is contaminated. Council records indicate that the subject site has been used for residential purposes for a significant period of time with no prior land uses. In this regard it is considered that the site poses no risk of contamination and therefore, no further consideration is required under Clause 7 (1) (b) and (c) of SEPP 55 and the land is considered to be suitable for the use as an educational establishment.'

The above assessment is also applicable to the proposal in light of the similar characteristics of the site and the consistency of the previous and proposed uses.

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5.1.2 State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017 (education SEPP)

Clause 35 ‘*Schools—development permitted with consent*’ provides that development for the purpose of a school may be carried out by any person with development consent on land in a prescribed zone.

The site is located within the *R2 Low Density Residential Zone* (the R2 zone) under the Warringah Local Environmental Plan 2011 (see **Section 5.1.5** below). The R2 zone is a prescribed zone for the purposes of the Education SEPP. The use of the site as an *educational establishment* is proposed pursuant to Clause 35(1).

Clause 35(6) requires the determining authority to take into consideration the design quality of the development against the design quality principles in Schedule 4 of the SEPP. Each of the design principles are addressed below

Principle 1—context, built form and landscape

The proposed development is for land use only with no building works proposed. The location of the site is directly opposite the School’s main campus and therefore has a direct connection to the school.

Principle 2—sustainable, efficient and durable

The proposed development is for land use only with no building works proposed.

Principle 3—accessible and inclusive

The proposed development is for land use only with no building works proposed. No visitors will be required to access the site.

Principle 4—health and safety

The proposed development is for land use only with no building works proposed and will only be used by six (6) existing staff with associated ancillary office uses (i.e. printer rooms, break-out areas, meeting rooms, file storage and the like).

Principle 5—amenity

The proposed development is for land use only with no building works proposed and will only be used by six (6) existing staff. The use of the site as an educational establishment is not considered to give rise to any adverse amenity impacts.

Principle 6—whole of life, flexible and adaptive

At this stage, the proposed development is for land use only with no building works proposed.

Principle 7—aesthetics

The existing building on-site will remain residential in terms of appearance, hence no streetscape impacts will arise.

Clause 57 of the Education SEPP sets out provisions relating to traffic generating development. As the proposal entails no additional students (existing staff use only), the development is not a ‘traffic generating development’ in accordance with this clause. Notice of the proposal to the RMS is not required.

5.1.3 State Environmental Planning Policy (Coastal Management) 2018 (Coastal SEPP)

The Coastal SEPP commenced on 3 April 2018 and combines into one policy the following now repealed state environmental planning policies:

- SEPP 14 (Coastal Wetlands),
- SEPP 26 (Littoral Rainforests), and;
- SEPP 71 (Coastal Protection).

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Clause 3 of the Coastal SEPP specifies that:

'The aim of this Policy is to promote an integrated and co-ordinated approach to land use planning in the coastal zone in a manner consistent with the objects of the Coastal Management Act 2016, including the management objectives for each coastal management area, by:

- (a) managing development in the coastal zone and protecting the environmental assets of the coast, and*
- (b) establishing a framework for land use planning to guide decision-making in the coastal zone, and*
- (c) mapping the 4 coastal management areas that comprise the NSW coastal zone for the purpose of the definitions in the Coastal Management Act 2016.'*

Upon review of the Coastal SEPP maps, as there are no littoral rainforests or wetlands on, or within the vicinity of the site, (with the nearest wetland approximately 2.1km to the north-east), there will not be any impacts arising on environmental assets. Accordingly, the development is considered to be consistent with the aims of the SEPP.

5.1.4 State Environmental Planning Policy (Koala Habitat Protection) 2019 (Koala SEPP)

Whilst the site is greater than 1Ha in area, it is not identified on the 'Koala Development Application Map' and there is no impact to native vegetation as part of the proposed development. Therefore, no impact to koala habitat will arise as a result of the proposal.

5.1.5 Warringah Local Environmental Plan 2011 (WLEP)

Table 1 provides a summary assessment of the proposed development against the relevant provisions of the LEP.

As the proposal does not include any building works, there are no development standards within the WLEP which will be applicable to the proposal.

Table 1 Assessment against Relevant Provisions of LEP		
Provision	Assessment	Consistent
2.2 – Zoning of land to which Plan applies 2.3 – Zone objectives and Land Use Table	<p>The site is located within Zone R2 Low Density Residential (the R2 zone).</p> <p><i>Educational establishments</i> are a permissible land use within the R2 zone (albeit the proposal is made pursuant to the Education SEPP, see Section 5.1.2). Under the WLEP, and educational establishment is defined as follows:</p> <p>'educational establishment means a building or place used for education (including teaching), being—</p> <ul style="list-style-type: none"> (a) a school, or (b) a tertiary institution, including a university or a TAFE establishment, that provides formal education and is constituted by or under an Act' <p>Overall the use of the site is consistent with the zone objectives, in particular the following:</p> <p><i>'To enable other land uses that provide facilities or services to meet the day to day needs of residents.'</i></p> <p>The School is a long-established use in the locality which provides education services to families across the Northern Beaches Local Government Area (LGA). The use of the site as an educational establishment will allow the School to continue to provide high quality education services not only for local and nearby residents but for communities right across the Northern Beaches LGA.</p>	Yes
5.10 – Heritage Conservation	Please refer to Section 5.2.3 and Section 5.2.4 below.	Yes

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5.1.6 Warringah Development Control Plan 2011 (DCP)

Table 2 provides a summary assessment of the proposed development against the relevant provisions of the DCP.

Table 2 Assessment against Relevant Provisions of DCP		
Provision	Assessment	Consistent
Part C – Siting Factors		
C2 Traffic, Access and Safety	Please refer to Section 5.2.6 below	Yes
C3 – Parking Facilities		
C9 – Waste Management	Please refer to Section 5.2.8 below	Yes

5.1.7 Draft State Environmental Planning Policy (Environment) – Environment SEPP

The Department of Planning and Environment (now Department of Planning, Industry and Environment) exhibited the proposed Environment SEPP until 31 January 2018. The draft SEPP seeks to protect and manage the natural environment and proposes to simplify the planning rules for a number of water catchments, waterways, urban bushland, and Willandra Lakes World Heritage Property.

It proposes to consolidate the following seven existing SEPPs:

- State Environmental Planning Policy No. 19 – Bushland in Urban Areas
- State Environmental Planning Policy (Sydney Drinking Water Catchment) 2011
- State Environmental Planning Policy No. 50 – Canal Estate Development
- Greater Metropolitan Regional Environmental Plan No. 2 – Georges River Catchment
- Sydney Regional Environmental Plan No. 20 – Hawkesbury-Nepean River (No.2-1997)
- Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005
- Willandra Lakes Regional Environmental Plan No. 1 – World Heritage Property.

It is considered that the previous SEPP assessments within this report and the environmental assessment within **Section 5.2** satisfactorily considers relevant matters (as may be applicable to the proposal) and the proposal is acceptable.

5.1.8 Draft State Environmental Planning Policy (Remediation of Land)

The Department of Planning and Environment (now Department of Planning, Industry and Environment) exhibited the draft SEPP between 31 January 2018 and 13 April 2018.

The new land remediation SEPP will:

- Provide a state-wide planning framework for the remediation of land;
- Maintain the objectives and reinforce those aspects of the existing framework that have worked well;
- Require planning authorities to consider the potential for land to be contaminated when determining development applications and rezoning land;
- Clearly list the remediation works that require development consent; and
- Introduce certification and operational requirements for remediation works that can be undertaken without development consent.

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As part of the SEPP requirements to consider contamination when rezoning land, a direction under Section 9.1 of the EP&A Act is also proposed. The Section 9.1 Direction in relation to site remediation has now been implemented. The draft SEPP retains elements of SEPP 55, and adds new provisions to establish a modern approach to the management of contaminated land. The overarching objective of SEPP 55 is to promote the remediation of contaminated land to reduce the risk of potential harm to human health or the environment. This objective remains relevant and is replicated in the draft SEPP. To this end as the proposed development has been found to be generally consistent with SEPP 55 (see **Section 5.1.1**) it is also considered to be consistent with the objectives of the draft SEPP.

5.2 Likely Impacts of the Development

The following subsections assess the likely impacts of the development in accordance with section 4.15(1)(b) of the EP&A Act.

5.2.1 Natural Environment

There will be no impacts on the natural environment within the locality as there are no building works proposed. The built form of the site will not be altered.

5.2.2 Built Environment

There will be no impacts on the built environment within the locality as there are no building works proposed. The built form of the site will not be altered.

5.2.3 Aboriginal Cultural Heritage

The likelihood of disturbance of relics or any related impacts to Aboriginal Cultural Heritage is considered low as no works are proposed. The proposal relates to the use of land only.

5.2.4 European and Built Heritage

The site does not contain any items of environmental heritage, nor is it located within a heritage conservation area under the WLEP. There are three (3) items of environmental heritage (listed in Schedule 5 of the WLEP) located within the vicinity of the site, they are identified as:

- *Former Premises relating to Austral Brickworks* – Item of local significance located 180m to the west of the site;
- *Brush Box and Camphor Laurel Trees surrounding Brookvale Park* – Item of local significance located within the Brookvale Oval precinct; and
- *Brookvale Public School* - Item of local significance located 250m to the south of the site.

The proposed use will not impact on the above local items of environmental heritage and their significance.

5.2.5 Acoustic Privacy

The building on site will be used for office/administration purposes between the hours of 8am-4pm Monday to Friday, Therefore, noise generated within the locality. The nature of office work (undertaken by only six (6) staff within an existing building and no public visitors) is less intensive (in terms of noise generation) than a residential use. Additionally, the site will not be occupied on weekends, or within school holiday periods. Overall, acoustic impacts arising are considered negligible.

5.2.6 Traffic and Parking

The proposal only seeks consent to change the use of the site to an *educational establishment* and use the existing building on the site as an office/administration area associated with the School. As the six (6) staff proposed to occupy the building are existing staff members, there will be no impacts on the local road network and no demand for

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additional parking¹. Staff 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 (2) staff vehicles should the need arise.

5.2.7 Operational Management Matters

The building is proposed to be occupied by six (6) 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 4pm Monday to Friday.

No increase to current staff numbers for St Augustine's College is proposed. The use is also non-student and non-parent facing, that is, the use of the building is for administrative purposes associated with the operation of St Augustine's College only, with no students or parents having to visit the site.

5.2.8 Waste Management

There is no demolition or construction waste arising as a result of the proposed change of use, due to no works being proposed.

Operational waste generated by six (6) administrative staff will be minimal. The regular waste services associated with the site will continue to be utilised. The School also employs maintenance staff who will undertake grounds maintenance as required. In the unlikely event of excess waste generation from the site, the School will arrange for the School's waste management contractor URN to collect the waste.

5.2.9 Economic and Social Impact

The use of the site as an educational establishment is unlikely to create any adverse economic impacts within the locality. The proposal will allow for the School to continue to provide high quality education services for the residents of the Northern Beaches LGA.

Improving the efficiency and functionality of the School's operations will have a positive social impact. The proposal also respects the character of the area and will not impact on the quality of life for residents surrounding the site.

5.2.10 Crime and Safety

Crime Prevention through Environmental Design (CPTED) is a recognised model which provides that if development is appropriately designed it can reduce the likelihood of crimes being committed.

The proposal has been designed to take into consideration of the following CTPED principles:

Surveillance: This principle provides that crime targets can be reduced by effective surveillance, both natural and technical. In this regard, the site is highly visible from Federal Parade and the main Campus of St Augustine's College.

Access Control: This principle provides that barriers to attract/restrict the movement of people minimises opportunities for crime and increases the effort required to commit crime. There is no built form change proposed. The building will continue to present as a residential use in terms of appearance and intensity of use with only six (6) staff on-site. Access control is not considered to be a significant issue for the site.

Territorial Reinforcement: This principle provides that well-used places reduce opportunities for crime and increase risk to criminals. The site will be in use during general business hours, Monday to Friday. The School's preferred security contractor will also undertake surveillance of the premises outside of these hours.

Space Management: This principle provides that space which is appropriately utilised and well cared for reduces the risk of crime and antisocial behaviour. Strategies to implement this

¹ The School is currently preparing a separate DA (which is imminent) which will increase the number of parking spaces provided across the main School Campus.

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principle include, site cleanliness, rapid repair of vandalism and graffiti, the quick replacement of broken light fixtures/globes, regular maintenance of the grounds and the removal or refurbishment of decayed physical elements. Presentation of the site will be managed by the School's existing maintenance team.

5.3 Suitability of the Site for Development

In the assessment of site suitability, there are two (2) key questions to consider:

- *Does the proposal fit within the locality?*
- *Are the sites attributes conducive to the proposed development?*

These questions are considered and discussed below.

Does the proposal fit within the locality?

The development proposed is considered to fit well within the locality. Consideration of the compatibility of the proposal and its surroundings can be undertaken with regard to the Land Environment Court Planning Principle on "compatibility with context" in *Project Venture Developments v Pittwater Council [2005] NSWLEC 191*. In order to test whether a proposal is compatible with its context, the following two questions can be asked:

Are the proposal's physical impacts on surrounding development acceptable? The physical impacts include constraints on the development potential of surrounding sites.

The proposed development will not create any physical impacts on adjoining land or the surrounding residential uses. The school is a long-term use within the locality. There will not be any reduction in the development potential of surrounding properties as a result of the proposal.

Is the proposal's appearance in harmony with the buildings around it and the character of the street?

There are no changes proposed to the current built form on the site and in turn, there will be no impacts to the streetscape or the character of the locality.

Are the site's attributes conducive to the proposed development?

The site is able to physically cater for the proposed development without detriment to the natural or built environment. The site is not subject to natural hazards and all relevant essential services and infrastructure are existing and available to the site. The site's attributes are considered to be conducive to accommodating the proposal.

5.4 Public Interest

In accordance with section 4.15(1)(e) of the EP&A Act the consent authority to consider the public interest. The public interest is an overarching requirement, which includes the consideration of the matters discussed in this report. The proposed development is considered to meet the provisions of relevant environmental planning instruments and Council's DCP objectives, subsequently as these instruments and plans have been created having regard to the objects of the EP&A Act following community consultation, they are considered to express planning controls that seek to protect the public interest. Accordingly, it is considered that the proposal is not prejudicial to the public interest.

6 Conclusion

The proposed change of use of 60 Federal Parade, Brookvale has been assessed in accordance with the requirements of the EP&A Act and other relevant legislation.

The proposal has been assessed against relevant environmental planning instruments and is generally consistent with applicable provisions and their objectives. On balance, the potential and/or adverse environmental planning impacts to occur are considered to be minimal and outweighed by the positive social and economic impacts which will result in the locality and the LGA. This in turn translates to a development which is not prejudicial to the public interest.

Accordingly, it is considered that there are no obvious features of the development which would preclude a development consent being issued.