

WARRINGAH DEVELOPMENT ASSESSMENT PANEL MEETING

4.1	8 Wyatt Avenue, Belrose – Increase in Student Numbers at John Colet School
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Panel Member

Mary-Lynne Taylor, Chairperson, Lawyer

Brett Newbold, Urban Design Expert

Susan Hobley, Environmental Expert

Alan Linnell, Community Representative

DA2010/1170

Application Details

Increase in student numbers at John Colet School.

Site Description

Lot 1, DP 601101, No.8 Wyatt Avenue, Belrose.

Independent Public Hearing

This report is of an independent public hearing that has been convened pursuant to cl 15 of WLEP because this application is for Category 3 development. The application was advertised as such and there were thirty four (34) objections.

The Chairperson informed the hearing that applications for Category 3 development entail additional requirements. In particular, the Panel can only recommend that consent be granted if it is satisfied that the proposed development is consistent with the desired future character of the locality as described in the C8 Belrose North Locality Statement [WLEP2000 cl 12(3)(b)]. Further, the Panel must consider the Statement of Environmental Effects, prepared by the applicant, that addresses the items listed in Schedule 15 [WLEP2000 cl 15(1)].

Desired Future Character

For this application, being a Category 3, item to be satisfactory, the proposed development must be consistent with the desired future character of the C8 Belrose North Locality.

‘The present character of the Belrose North locality will remain unchanged except in circumstances specifically addressed as follows.

The natural landscape including landforms and vegetation will be protected and, where possible, enhanced. Buildings will be grouped in areas that will result in the minimum amount of disturbance of vegetation and landforms and buildings which are designed to blend with the colours and textures of the natural landscape will be strongly encouraged.

Development will be limited to new detached style housing conforming with the housing density standards set out below and low intensity, low impact uses.

A dense bushland buffer will be retained or established along Forest Way. Fencing is not to detract from the landscaped vista of the streetscape.

Development in the locality will not create siltation or pollution of Middle Harbour.

Site Visit

An inspection of the site was undertaken by the Panel and staff members. A copy of all the objection letters was provided to the Panel who considered the objections on the site visit.

Proceedings in Brief

This is a Category 3 development and the Panel must be satisfied that the development will comply with the Desired Future Character as informed by the Statement of Environmental Effects.

The Panel was made aware that the school started with 55 pupils but has now expanded to 150 and seeks to expand again by this application to 225 pupils.

The Panel has taken a view of the site and the area and has read the submissions from objectors, in particular from the Belrose Rural Community Association who also addressed the Panel at the public meeting.

Submissions from the Belrose Rural Community Association suggested that at 225 pupils, indeed even at 150 pupils the school did not comply with the Desired Future Character Statement for the C8 Belrose North Locality in that: School had now gone beyond being a “low intensity, low impact use”.

The Association was of this view as the school now attracted so much traffic, particularly at morning and afternoon peak periods, and had “out-grown” its site so that it had an extended use of Wyatt Reserve opposite the site, and its associated public car park, to the detriment of other users of the Reserve. The use had now become, in the opinion of the Association “high intensity and high impact”.

The Panel was informed by several residents of the nuisance they endure from the behaviour of persons picking up and dropping children which can sometimes involve illegal parking.

The Panel was also addressed by representatives of the school including the Principal, a Consultant Traffic Engineer, a Consultant Town Planner, the Architect, the School Bursar and members of the community.

The Panel had some difficulty in understanding the application. In the opinion of the Panel, in relation to car parking on-site there did not appear to be any definitive plan that was being adhered to, and the Panel did not understand why additional car parking was being sought for this application, which the Panel was informed, was only for the addition of 75 children and 3 additional staff. The School's traffic engineer advised that he was proposing an enhanced Traffic Management Plan. The Bursar informed the Panel that there was a plan already in place, which generally speaking parents complied with, dealing with pickup and dropping of students.

The Principal advised the number of ‘extra curricular’ activities that occur outside normal hours, namely, no Saturday sport but occasional use of the school for Fete, Fair, Art Show, and working bees, the school premises were used after hours for a Parents and Citizen's Meeting at least once a month, and on about 4 or 5 other occasions during the year. The school representatives advised the

Panel that on those occasions all parking could be accommodated on the school site. This did not appear to be an overuse of school premises.

The school explained the manner in which it used Wyatt Reserve, on Mondays to Thursdays between the hours of 10.00am and 3.00pm, arrangements would be made on an ad hoc basis with the Council for use for playing, morning and afternoon recess, perhaps lunchtimes – and it is this use which seems to be of a semi-permanent nature – that is the subject of complaint by the Association. The school says, however, that all these arrangements have been approved by the Council as the Reserve owner / manager. They were at a loss to understand why this was not an acceptable use of the Reserve.

The Panel was informed that this matter is scheduled to go before the Land and Environment Court on 23 December 2010.

In the circumstances, the Panel offers a recommendation for a resolution of the present application as follows:-

1. The imposition of a trial period for the addition of up to 75 children and 3 additional staff – with no additional car parks or buildings; but allowing the proposed signage to be erected – on either a permanent or temporary basis;
2. All proposed Traffic Management Plan measures of the applicant's Traffic Engineer to be implemented within 6 months from the date of this determination.
3. In addition, the Panel requires there to be a proper parking plan for the site that deals with the sensitive issues of environment, trees and manoeuvring and approved by the School's Traffic Engineer and in consultation with Council's Traffic Engineer and incorporated into the engineer's plan of management and made public to all staff and students and parents.
4. During the trial period, a Traffic Engineer is to provide traffic reports and a safety audit of both the site and the use off site.

Other additional conditions from Council as follows:-

Limitation of Development of Consent for Signage, Deletion of Sign No.1, Footpath Construction, Submission of Engineering Plans for Civil Works in the Public Road Reserve, Construction of Management Program, Tree Condition, Ancillary Requirements, Vehicle Egress Signs, Carparking Layout and any general conditions required by Council.

In relation to the school use of Wyatt Reserve, the Panel believes that during the trial period the school should present the Council with a Management Plan for its Open Space which identifies and demonstrates the demand for open space to be used for outdoor play, including general sport and games, as well as general school use, and that this demand is met by either the provision of all required open space on the school site or where off site facilities are required, that permanent alternative off-site facilities are and will be lawfully available to satisfy the demand or the use of Wyatt Reserve is confirmed by either a lease or licence obtained under Division 2 of Part 2 of Chapter 14 of the Local Government Act 1993.

The Panel recommends that this requirement be completed within 6 months of the date of the determination of the application.

The Panel concludes that the proposal is consistent with the Desired Future Character of the C8 – Belrose North Locality and that the Schedule 15 assessment has been satisfactorily addressed.

RECOMMENDATION OF WARRINGAH DEVELOPMENT ASSESSMENT PANEL (CATEGORY 3 ITEM)

THAT the Council approve Development Application No.DA2010/1170 for the increase in student numbers and signage on land at John Colet School, No.8 Wyatt Avenue, Belrose, subject to the following conditions:-

GENERAL CONDITIONS

CONDITIONS THAT IDENTIFY APPROVED PLANS

1. Approved Plans and Supporting Documentation

The development must be carried out in compliance (except as amended by any other condition of consent) with the following:

Architectural Plans - Endorsed with Council's stamp		
Drawing No.	Dated	Prepared By
CH-DA100 Revision A	26/7/2010	Templum Design Architects
Signage Types	26/7/2010	Templum Design Architects

No construction works (including excavation) shall be undertaken prior to the release of the Construction Certificate.

Reason: To ensure the work is carried out in accordance with the determination of Council and approved plans. (DACPLB01)

2. Limitation of Development Consent for Signage

Pursuant to the provisions of State Environmental Planning Policy No. 64-Advertising and Signage, this development consent will expire 15 years after the date on which this Development Consent becomes effective and operates.

Reason: Statutory requirement under State Environmental Planning Policy No 64-Advertising and Signage. (DACPLB08)

3. Prescribed Conditions

- (a) All building works must be carried out in accordance with the requirements of the Building Code of Australia (BCA).
- (b) A sign must be erected in a prominent position on any site on which building work, subdivision work or demolition work is being carried out:
 - (i) showing the name, address and telephone number of the Principal Certifying Authority for the work, and

- (ii) showing the name of the principal contractor (if any) for any building work and a telephone number on which that person may be contacted outside working hours, and
- (iii) stating that unauthorised entry to the work site is prohibited.

Any such sign is to be maintained while the building work, subdivision work or demolition work is being carried out, but must be removed when the work has been completed.

In this clause, allotment of land includes a public road and any other public place.

Reason: Legislative Requirement. (DACPLB09)

4. General Requirements

- (a) Unless authorised by Council:

Building construction and delivery of material hours are restricted to:
7.00 am to 5.00 pm inclusive Monday to Friday
8.00 am to 1.00 pm inclusive on Saturday,
No work on Sundays and Public Holidays.

- (b) At all times after the submission the Notice of Commencement to Council, a copy of the Development Consent and Construction Certificate is to remain onsite at all times until the issue of a final Occupation Certificate. The consent shall be available for perusal of any Authorised Officer.
- (c) Prior to the release of the Construction Certificate, payment of the Long Service Levy is required. This payment can be made at Council or to the Long Services Payments Corporation. Payment is not required where the value of the works is less than \$25,000. The Long Service Levy is calculated on 0.35% of the building and construction work. The levy rate and level in which it applies is subject to legislative change. The applicable fee at the time of payment of the Long Service Levy will apply.
- (d) The applicant shall bear the cost of all works associated with the development that occurs on Council's property.
- (e) No building, demolition, excavation or material of any nature shall be placed on Council's footpaths, roadways, parks or grass verges without Council Approval.
- (f) No trees or native shrubs or understorey vegetation on public property (footpaths, roads, reserves, etc.) shall be removed or damaged during construction unless specifically approved in this consent including for the erection of any fences, hoardings or other temporary works.

Reason: To ensure that works do not interfere with reasonable amenity expectations of residents and the community. (DACPLB10)

5. No Additional Carparking or Buildings

This consent does not give approval for the construction of any new carparking spaces or use of any new areas of the site for carparking purposes, other than the existing 19 designated carparking spaces approved under previous consents.

Also the consent does not give approval for any new buildings or structures other than approved signage under this consent.

Reason: To ensure the bushland areas of the site are not impacted by additional carparking.

6. Traffic Management Plan

The Applicant is to submit a Traffic Management Plan addressing the management of the schools activities including:

- (a) the drop off and pick up of children,
- (b) the types and frequency of school activities which generate traffic,
- (c) the provision of suitable safety measures for children using Wyatt Avenue
- (d) measures to ensure the amenity of local residents is protected
- (e) the carparking provisions to cater for all the schools activities outside normal school times (such as open days, fetes, art shows and the like)

The Traffic Management Plan is to be prepared by the Applicant's Traffic Consultant and submitted to Council within ninety (90) days from the date of this consent and all measures within the Traffic Management Plan are to be implemented within six (6) months of the date of this consent.

Reason: To ensure traffic safety is properly managed and that the amenity of local residents is protected.

7. Parking Plan

The submission of a Parking Plan prepared by the Applicant's Traffic Consultant for the school parking, addressing the following:

- (a) Existing approved carparking areas/locations.
- (b) The means of protecting trees from parking activities for those spaces bordering the loop road within the school. Details of physical devices to prevent errant parking in landscaped areas (such as bollards or similar) are to be submitted.
- (c) Details of vehicle manoeuvring in relation to the approved carparking spaces.

The Parking Plan is to be submitted to Council for approval within ninety (90) days from the date of this consent.

Reason: To ensure the parking activities on the site do not impact on sensitive trees and landscape elements and to protect the environment.

8. Use of Open Space (including Wyatt Reserve)

The submission of an Open Space Management Plan for the school. In this regard the Management Plan must address the following:

- (a) Identification of the Open Space needs of the school
- (b) The demand for open spaces, including outdoor play areas, school sports and games.

- (c) How the open space needs of the school are to be met onsite or on Wyatt Reserve or any other off-site facilities.
- (d) How the use of Wyatt Reserve will be carried out and where a lease or licence is required, that it be obtained in accordance with Division 2, Part 2 of Chapter 4 of the Local Government Act, 1993.
- (e) The Plan is to provide for periodic review.

The above Management Plan is to be submitted to Council within ninety (90) days of the date of this consent.

Reason: To ensure proper management of the schools open space needs.

9. Compliance with External Department, Authority or Service Requirements

The development must be carried out in compliance with the following:

External Department, Authority or Service	E-Services Reference	Dated
Energy Australia	Response Energy Aust Referral	11 August 2010
NSW Rural Fire Service	Response NSW Rural Fire Service	8 September 2010
Roads and Traffic Authority	Response Roads and Traffic Authority	25 August 2010

(NOTE: For a copy of the above referenced document/s, please see Council's 'E-Services' system at www.warringah.nsw.gov.au)

Reason: To ensure the work is carried out in accordance with the determination and the statutory requirements of External Department, Authority or Bodies. (DACPLB02)

CONDITIONS TO BE SATISFIED PRIOR TO THE ISSUE OF THE CONSTRUCTION CERTIFICATE

10. Deletion of Sign No.1

The sign notated on the plans as 'Sign 1' shall be deleted from the plans.

No approval is granted for the erection of any signage within the southern corner of the site along the Wyatt Avenue frontage.

Amended plans demonstrating compliance shall be submitted to the satisfaction of the Certifying Authority prior to the issue of any Construction Certificate.

Reason: To reduce the visual impact of signage within the residential streetscape.

11. Compliance with Standards

The development is required to be carried out in accordance with all relevant Australian Standards.

Details demonstrating compliance with the relevant Australian Standard are to be submitted to the Certifying Authority prior to the issue of the Construction Certificate.

Reason: To ensure the development is constructed in accordance with appropriate standards. (DACPLC02)

Advice to Applicants: At the time of determination in the opinion of Council, the following (but not limited to) Australian Standards are considered to be appropriate:

- (a) AS4361.2 - Guide to lead paint management - Residential and commercial buildings**
- (b) AS 4373 - 2007 'Pruning of amenity trees' (Note: if approval is granted) **
- (c) AS 4970 - 2009 'Protection of trees on development sites'**
- (d) AS/NZS 2890.1:2004 Parking facilities - Off-street car parking**
- (e) AS 2890.2 - 2002 Parking facilities - Off-street commercial vehicle facilities**
- (f) AS 2890.3 - 1993 Parking facilities - Bicycle parking facilities**
- (g) AS 2890.5 - 1993 Parking facilities - On-street parking**
- (h) AS/NZS 2890.6 - 2009 Parking facilities - Off-street parking for people with disabilities**
- (i) AS 1742 Set - 2010 Manual of uniform traffic control devices Set**
- (j) AS 1428.1 - 2009* Design for access and mobility - General requirements for access - New building work**
- (k) AS 1428.2 - 1992*, Design for access and mobility - Enhanced and additional requirements - Buildings and facilities**

***Note:** The Australian Human Rights Commission provides useful information and a guide relating to building accessibility entitled "the good the bad and the ugly: Design and construction for access". This information is available on the Australian Human Rights Commission website
http://www.humanrights.gov.au/disability_rights/buildings/good.htm

****Note:** the listed Australian Standards is not exhaustive and it is the responsibility of the applicant and the Certifying Authority to ensure compliance with this condition and that the relevant Australian Standards are adhered to.

12. Footpath Construction

A footpath with a minimum width of 1.2m shall be provided for the full frontage of the site in Wyatt Avenue. The new footpath shall connect to existing footpath (where applicable). This requirement shall be reflected on the Construction Certificate plans.

Reason: To provide adequate pedestrian facilities to cater for the development.

13. Submission of Engineering Plans for Civil Works in the Public Road Reserve

Engineering plans are to be submitted to Council for approval under the provisions of Section 138 of the Roads Act 1993. The submission is to include four (4) copies of Civil Engineering plans for the design of a wombat crossing (threshold with pedestrian crossing) and a complying level of street lighting for this facility which are to be generally in accordance with the Development Application and Council's specification for engineering works – AUS-SPEC #1 and/or Council's Minor Works Specification.

The fee associated with the assessment and approval of the plans is to be in accordance with Council's Fees and Charges. Details demonstrating compliance are to be submitted to the Certifying Authority prior to the issue of the Construction Certificate.

Reason: Ensure engineering works are constructed in accordance with relevant standards.

14. Construction Management Program

A Construction Management Program shall be prepared which includes the following:

- (a) The proposed method of access to and egress from the site for construction vehicles, including access routes through the Council area and the location and type of temporary vehicular crossing for the purpose of minimising traffic congestion and noise in the area, with no access across public parks or reserves being allowed;
- (b) The proposed method of loading and unloading, construction machinery and building materials, formwork and the erection of any part of the structure within the site. Wherever possible mobile cranes should be located wholly within the site;
- (c) The location and operation of any on site crane; and

Details demonstrating compliance are to be submitted to the Certifying Authority prior to the issue of the Construction Certificate.

Reason: To ensure appropriate measures have been considered for site access, storage and the operation of the site during all phases of the construction process in a manner that respects adjoining owner's property rights and protects amenity in the locality, without unreasonable inconvenience to the community. (DACPLC13)

CONDITIONS THAT MUST BE COMPLIED WITH DURING DEMOLITION AND BUILDING WORK

15. Footpath Construction

The applicant shall construct footpath in accordance with the construction certificate plans. The works shall be in accordance with the following:

- (a) All footpath works are to be constructed in accordance with Council's minor works policy
- (b) Council is to inspect the formwork prior to pouring of concrete to ensure the works are in accordance with Council's specification for footpath.

Details demonstrating compliance are to be submitted to the Principal Certifying Authority.

Reason: To ensure compliance of footpath works with Council's specification for engineering works. (DACENE07)

16. Trees Condition

During the construction period the applicant is responsible for ensuring all protected trees are maintained in a healthy and vigorous condition. This is to be done by ensuring that all identified tree protection measures are adhered to. In this regard all protected plants on this site shall not exhibit:

- (a) A general decline in health and vigour.
- (b) Damaged, crushed or dying roots due to poor pruning techniques.
- (c) More than 10% loss or dieback of roots, branches and foliage.
- (d) Mechanical damage or bruising of bark and timber of roots, trunk and branches.
- (e) Yellowing of foliage or a thinning of the canopy untypical of its species.
- (f) An increase in the amount of deadwood not associated with normal growth.
- (g) An increase in kino or gum exudation.
- (h) Inappropriate increases in epicormic growth that may indicate that the plants are in a stressed condition.
- (i) Branch drop, torn branches and stripped bark not associated with natural climatic conditions.

Any mitigating measures and recommendations required by the Arborist are to be implemented.

The owner of the adjoining allotment of land is not liable for the cost of work carried out for the purpose of this clause.

Reason: Protection of Trees. (DACLA03)

CONDITIONS THAT MUST BE COMPLIED PRIOR TO THE USE OPERATING WITH INCREASED STUDENT NUMBERS

17. Ancillary Requirements

The following requirements are to be met prior to the use operating with the increased student numbers:

- a) A Bushfire Safety Authority is to be obtained from the NSW Rural Fire Service;
- b) The requirements of the Roads and Traffic Authority.

Reason: To ensure the use operates with appropriate infrastructure being provided.

CONDITIONS THAT MUST BE COMPLIED IN RELATION TO THE USE OPERATING WITH INCREASED STUDENT NUMBERS

18. Ancillary Requirements

The following requirements are to be met within 6 months of the date of this consent to enable the school to operate in accordance with the increased student numbers:

- a) The footpath construction is to be completed;
- b) The drop-off / pick-up zone is to be implemented as per the recommendations of the Warringah Traffic Committee and the Traffic Report prepared by McLaren Traffic Engineering;
- c) The children's crossing is to be upgraded to a Wombat Crossing, with associated signage and facilities.

Reason: To ensure the use operates with appropriate infrastructure being provided.

ON-GOING CONDITIONS THAT MUST BE COMPLIED WITH AT ALL TIMES**19. Vehicle Egress Signs**

Appropriate sign(s) shall be provided and maintained within the site at the point(s) of vehicular egress to compel all vehicles to come to a complete stop before proceeding onto the public way.

Details demonstrating compliance are to be submitted to the Principal Certifying Authority prior to the issue of any interim / final Occupation Certificate.

Reason: To ensure pedestrian safety. (DACPLG03)

20. Carparking Layout

All car spaces being line marked in accordance with the carparking layout on the approved plans.

Reason: To clearly identify carparking spaces in accordance with the approved plans.

21. Two (2) Year time period for Increased Students Numbers

This consent for an increase in the number of students is granted for up to 75 children (and a total overall number of student of 225) and 3 additional staff for a two (2) year period for the date of this consent.

Reason: To ensure the increased numbers of students is monitored and reviewed in an appropriate manner prior to any permanent approval being granted.

22. Traffic and Safety Report

The submission of a Traffic and Safety Audit Report on a bi-annual basis for the school. The report is to address the effectiveness and performance of the traffic and pedestrian safety measures to be implemented under this consent. The first report is to be provided six (6) months from the time of completion of the traffic safety measures, then at 6 months, intervals for the remainder of the 2 year time period of this consent. The reports are to be submitted to Council.

Reason: To ensure the use is operating in an appropriate manner and provisions are made for ongoing review.

Voting 4/0