

REFERRAL RESPONSE – OPEN SPACE

FILE NO: DA 315/2015/1
ADDRESS: 163A Victoria Road BELLEVUE HILL 2023
PROPOSAL: Alterations and additions to existing Bellevue Hill Public School including the demolition of buildings, the construction of a new school building and the refurbishment of the existing building to provide accommodation for an additional 450 students. The location of temporary demountables within Bellevue Hill Park during the construction period.
FROM: Caitlin Moffat – Team Leader Open Space & Recreational Planning
TO: Mr D Booth

1. ISSUES

The proposal for the additions to the existing Bellevue Hill Primary School;

- Contradict the Woollahra Council District Parks Plan of Management ; and
- There will be a loss of amenity and character of Bellevue Park.

2. DOCUMENTATION

I refer to the following documents received for this report:

- Statement of Environment Effects Bellevue Hill Public School – alterations and additions, prepared by City Plan Services, dated June 2015.
- Architectural Plans – City East 1 Bellevue Hill Public School, prepared by Group GSA, dated 18 June 2015.
- Landscape Plan Plans – City East 1 Bellevue Hill Public School, prepared by Group GSA, dated 18 June 2015.
- View Assessment, prepared by Group GSA, dated July 2015
- Proposed Demountable Plan, prepared by ProGroup Management, received 19 August 2015.
- Demountable Buildings, drawing number 14196/DM SK01 Revision 01, prepared by Group GSA, dated 18 August 2015
- Demountables Proposal Methodology – Bellevue Hill DA Additional Information, prepared by Ben Crompton, received 6 July 2015.

3. RESEARCH

The following research was undertaken in the preparation of this assessment:

- A site inspection was carried out on the following date 12 June 2015.

4. PLAN OF MANAGEMENT

District Parks Plan of Management 27 May 1996.

Bellevue Park is Crown Land under the care, control and management of Woollahra Municipal Council as Trust Manager. The management plan for Bellevue Park is the Districts Park Plan of Management 1996.

Key actions and objectives in the PoM where it pertains to the school proposal are as follows;

- future developments within, or adjacent Bellevue Park, should not impede or obstruct public viewing arcs. Developments which threaten to degrade public views should be prohibited or amended accordingly.
- Maintain and enhance existing plantings to increase the aesthetic outlook of each park.

The bulk of the building as shown in the view assessment by Group GSA demonstrates that the proposal is not in accordance with the actions and objectives of the Plan of Management. The comments from the Urban Design referral are pertinent and they are as follows;

‘The proposed building is sited on what is currently almost an extension of the park. This area accommodates two large trees and is open at ground level allowing views through from the road to the park and glimpses of the ocean beyond. Bellevue Hill Park is tucked away and needs exposure to the broad public realm to be relevant, but the proposed building will block an amount of this exposure, changing park frontage into a 4/5 storey building. The building blocks views from parts of the park to significant views of the harbour.’

The proposal requires the removal of a large fig tree on the school grounds and a 40% reduction in the canopy of the Council owned tree in Bellevue Park would further exacerbate this. The reduction of the canopy of the tree in Bellevue Park contradicts the action in the plan of management relates to planting. The action plan states ‘maintain and enhance existing plantings to increase the aesthetic outlook of each park’.

The proposal for the use of Bellevue Park is in accordance with the roles of Plan of Management. The PoM lists the following roles for Bellevue Park;

- venue for active and passive recreation, including some sporting activities as well as walking, sitting and viewing.
- Provide Bellevue Hill Public School with an extended playground space.
- Offers commanding views to Bondi and across the ocean well as Dover Heights and the Royal Sydney Golf Course.

As the placement of the demountables is for school use and is only temporary it is not seen to be a form of encroachment and is consistent with the Plan of Management. The location of the demountables will not impact upon the view corridors as it is directly in line with the existing school property.

5. ASSESSMENT

Bellevue Park is frequented by both residents and the general public for passive and active recreation within the Woollahra LGA. The Park and playground are used by Bellevue Hill Public School during school hours, although there is no formal agreement in place.

Proposal for the Public School

- **Contradicts the plan of management;**

As discussed above, the proposed school building contradicts the plan of management. The objectives, aims and actions of the Plan of Management where it pertains to Bellevue Park are heavily focused on the natural aesthetics and existing character of the park. In addition to this, it places emphasis on maintaining all the existing view corridors as well as framing them with trees.

- **Loss of amenity;**

As a result of additional bulk of the building and removing the trees, the character and amenity of this local park will be impacted.

Removal of the tree on the School's land and a reduction of the Park trees canopy will exacerbate this effect creating an undesirable space.

- **Reduction of canopy**

The reduction of the canopy of Council's tree in Bellevue Park to make way for a building is unacceptable. This tree provides an aesthetic, ecological and amenity value to the community and should not be compromised. The building should factor this tree in its entirety as something to retain and design around. For further information and conditions on the trees, refer to the Trees and Landscaping referral.

- **Increase in student numbers**

The increase in numbers in the school will have an impact on the adjoining Bellevue Park which is currently used at times by the school. With the increased amount of children on the park, there will be an increase in the wear and tear. This site has asbestos and with the increased wear more asbestos will be exposed resulting in the need to increase the frequency of asbestos inspections. This will be an additional cost to Council.

Use of Bellevue Park for demountables

The proposal is to locate 3 demountables on Bellevue Park as per drawing Demountable Buildings, drawing number 14196/DM SK01 Revision 01, prepared by Group GSA, dated 18 August 2015.

Bellevue Park has contaminated soils including the asbestos. Council undertakes regular inspections for asbestos every six months, based on the current intensity of use. The area for the demountables will be a concentrated space of activity and wear and tear may remove the turf surface exposing asbestos fragments. This will need to be monitored by the school during the period of use.

Sectioning a part of the park for the period of construction restricts the public's access to a large area of open space within Bellevue Park that is used for passive recreation. Whilst this is reducing the available open space to the Bellevue Park users, the provision of demountables on Council land (Bellevue Park), provides the local community with a local option for children to continue to attend Bellevue Hill Public School. If demountables cannot be accommodated, children will be distributed to other schools in the eastern suburbs. This may have larger inconveniences on the wider community including traffic.

The proposal to allow the demountables on Bellevue Park is seen as providing a solution to benefit the local community.

6. RECOMMENDATION

Council's Team Leader – Open Space and Recreation Planning has determined that the proposal is unsatisfactory where it pertains to **the development of the Bellevue Hill Public School** for the following reasons:

- *The proposal does not comply with Woollahra Council's District Parks Plan of Management which applies to Bellevue Park.*

Council's Team Leader – Open Space and Recreation Planning has determined that the proposal for the use of **Bellevue Park for 3 Demountables** as per drawing *Demountable Buildings*, drawing number 14196/DM SK01 Revision 01, prepared by Group GSA, dated 18 August 2015 during the construction period of Bellevue Hill Public School is satisfactory, subject to the following conditions:

Licence Agreement

That the applicant enters into a licence agreement with Council for the hire of Bellevue Park for the duration of the construction of Bellevue Hill Public School. The licence agreement will incur the applicable hire charge fees and a security bond.

Payment of Hire Fees and Bonds

- The hire fee which forms part of the license agreement for the hire of Bellevue Park for the duration of the construction of the Bellevue Hill Public School paid to Council at least three (3) weeks prior to the installation of the demountables.
- A bond of \$30,000 shall be paid to Council, at least three (3) weeks prior to the installation of the demountables, as security for the restoration of the park at the conclusion of the event. Council will assess Bellevue Park and may use all or part of the bond to carry out rectification works if necessary.

Damage to Public Open Space

The applicant shall prepare a Dilapidation Report of the park to be signed off by Council staff before being granted access.

The applicant must repair or meet the cost of making good any damage to Bellevue Park and Council's infrastructure, as a consequence of the activities associated with this consent.

The Park will be inspected after the demountables and associated infrastructure have been removed to assess any damage caused, such as damage to trees, the turf surface, Bellevue Park Road gateway and presence of litter. Any damage must be restored to the satisfaction of Council's Manager Open Space and Trees at the cost to the applicant and within a timeframe as agreed between the applicant and Manager Open Space and Trees. In assessing any damage consideration will be given to normal wear and tear as a consequence of the use of the site. Payment of cost for damage repairs undertaken by Council must be paid within 30 days from issue of Council's invoice.

Activities to be undertaken in the Bellevue Park demountable site

- The demountable site proposed in Bellevue Park is only to be used as a location for school classrooms.
- The hours of operation of the demountable site in Bellevue Park is limited to regular school hours Monday – Friday during school terms
- The applicant is responsible for the security, safety of users, maintenance and asbestos management of the site at all times.
- Prior to the bump in of the demountables, the applicant must meet with Council’s Coordinator of Assets and Open Space for the assessment of Bellevue Park in regards to the dilapidation report
- The applicant is responsible for all onsite waste collection and disposal. The demountable site must be kept clean and tidy at all times including an area of 20m surrounding the site.
- The applicant must provide Council with a contact person that can be contactable after hours.
- Notification sign must be placed on the demountable site fence for the entirety of the occupation including the after hours contact and a description of the works.
- All occupants within the park must respect general park users and surrounding residents including all noise related activities.
- The boardwalk that connects the demountables to the existing bitumen pathway is the responsibility of the applicant.

Vehicle Access

- Vehicle access into Bellevue Park is restricted to the bump in and bump out of the demountables.
- Vehicles access into Bellevue Park restricted to the Bellevue Rd entry. Only vehicles that can fit through the park entry gate at Bellevue Rd are permitted to enter the park and the gate way is not to be altered.
- Cranes associated with transporting demountables into and out of Bellevue Park are to remain on the land pertaining to Bellevue Hill Public School.

Notification of Surrounding Residents

- The applicant shall advise all residents of Bellevue Park Road, Victoria Road (no. 182-196), Birriga Road (no. 2A-22), Victoria Road (no. 182-196), Banksia Street (no. 1-9) and Old South Head Road (no. 174-192) of the construction of the demountable site and the activities by way of letter box drop a minimum of two weeks prior to the event.
- Notification signage in regards to the demountables in Bellevue Park needs to be clearly displayed at Park Entries 2 weeks prior to the bump in of the demountables.
- Notification sign must be placed on the demountable site fence for the entirety of the occupation including the after hours contact and a description of the works.

Asbestos Management

Bellevue Park is a location of contaminated soils, including asbestos. Council undertake regular inspections of the park for the prescence of asbestos. As the demountable site will become the responsibility of the applicant, the applicant will need to undertake these inspections in the demountable area. In the event asbestos is found, the applicant will need an asbestos management plan for the site for these instances.

Grey Water

Toilets and Waste Water – the management of and disposal of waste water from the site would need to be controlled appropriately and in accordance with relevant environment guidelines. If waste water from demountables is to be disposed of directly to the sewer system, the applicant is required to provide a waste agreement from Sydney Water. No waste water is to be disposed of into Council's stormwater systems/drains.

General Conditions

Park Management and Maintenance

To avoid damage as a result of the demountables in Bellevue Park and ensure preservation of the parklands:

- No marquees or structures are permitted other than those specified in this consent.
- Erection of temporary structures made permissible by this consent must not interfere quality of the turf surfaces.
- No signage can be hung between park trees or from park furniture including light poles.
- No existing park signage is to be obstructed or interfered with.

Power

The applicant is required to meet their own power needs.

Water

The applicant is required to meet their own power needs.

Wet Weather

In the event of excessive rain either before or during bump in and out, the Director of Technical Services, or the Director's nominated representative, is authorised to direct that all or part of the park not be used, if in the opinion of the Director of Technical Services or his authorised representative, excessive damage to the park will result.

Directions of Council Officers

Any direction of the Council is to be complied with. In this regard, it should be noted that Council reserves the right to refuse or limit any activity if in its opinion, the activity is likely to cause damage, danger, nuisance or it is not in the Municipalities interest.

Protection of Parkland

An appropriate Erosion and Sediment Control Plan must be implemented during construction to ensure that material does not migrate off-site into Bellevue Park.

Gateway Access to Bellevue Park

The gate access proposed from Bellevue Hill Public School and the demountable site to Bellevue Park must be inward opening (towards the property), lockable and not encroach.

Removal of all existing structures on Council land

Upon conclusion of the construction of Bellevue Hill Public School, all structures and equipment are to be removed from Bellevue Park.

As per the email from the applicant dated 19 August 2015, removal will be undertaken by a 60tonne crane located on the School rear play area which will exit back through the front entrance to Birriga Road.

It should be noted that all proposed works to this development should be made wholly within the private property and not encroach beyond the School or demountable site onto Bellevue Park.

Public Liability

The applicant must provide a copy of a Certificate of Currency prior to construction on Bellevue Park showing Public Liability Insurance to the value of \$10,000,000 for each event nominating Woollahra Council as interested parties.

Public Indemnity

The applicant is to indemnify Council from and against all actions, claims, costs, losses, expenses and damages (including the costs of defending or settling any action or claim) in respect of:

- loss of, loss of use of, or damage to property of Council; or
- personal injury (including death) or illness to any person or loss of, loss of use of, or damage to any property;

resulting from or by reason of anything done or omitted to be done by the applicant arising out of your activities undertaken at or near Council's facility.

The applicants liability to indemnify Council is reduced proportionally to the extent that a negligent act or omission of Council or its employees has contributed to the injury, damage or loss.

Conditions which must be satisfied prior to the commencement of any development work

Access through Public Open Space

Access to Bellevue Hill Public School from the adjoining Bellevue Park for works beyond those pertaining to the demountable site will not be permitted unless prior written approval has been obtained by Council's Open Space & Tree Department. An application must be submitted for assessment with a minimum of four weeks prior notice to the commencement of works. It must be approved by Council before any construction access is granted.

Conditions which must be satisfied during any development work

Storage of building material in Public Open Space

Building, excavation or demolition material and plant must not be stored on Council's public open space (Bellevue Park) unless prior written approval has been obtained by Council's Open Space & Trees Department.

Protection of Vegetation

- Equipment is not to be stored or set-up within 2 metres of any tree trunk, shrub or garden bed.
- No vehicle is to drive or stand within 2 metres of any tree trunk, shrub or garden bed.
- Speakers, lights or the like are not to be attached to or placed within any tree, shrub or garden bed.
- Shrubs, trees or other vegetation are not to be moved, lopped or damaged.

Generators, Cabling and services

The applicant has confirmed there will be no trenching for the provision of power. The applicant is responsible for ensuring all power cables and services do not affect pedestrian movement or present risks to the safety of pedestrians.

Hours of Operation

The hours of operation of the demountable site in Bellevue Park is limited to regular school hours Monday – Friday during school terms.

Residential Amenity

All activities are to be carried out and conducted in such a manner so as to not interfere with the amenity of the surround residents or those within the locality, particularly by way of noise emission and rubbish.

Caitlin Moffat
Team Leader – Open Space and Recreation Planning

Date: 31 August 2015