

DATE OF DETERMINATION	Monday 19 December 2016
PANEL MEMBERS	John Roseth (Chair), Sue Francis, Susan Budd, Steve Kennedy, Paul Stein
APOLOGIES	None
DECLARATIONS OF INTEREST	None

Public meeting held at Northern Beaches Council, Civic Centre, 725 Pittwater Road Dee Why on Monday 19 December 2016, opened at 5.05 pm and closed at 9.25pm.

MATTER DETERMINED

2015SYE087 – Northern Beaches – DA2015-0597 at Lot 1768 Sunshine Street Manly Vale (AS DESCRIBED IN SCHEDULE 1)

PANEL CONSIDERATION AND DECISION

The Panel considered: the matters listed at item 6, the material listed at item 7 and the material presented at meetings and the matters observed at site inspections listed at item 8 in Schedule 1.

The Panel determined to approve the development application as described in Schedule 1 pursuant to section 80 of the *Environmental Planning and Assessment Act 1979*.

The Panel adjourned during the meeting to deliberate on the matter and formulate a resolution.

The decision was 3:2 in favour, against the decision were Steve Kennedy and Susan Budd.

REASONS FOR THE DECISION

The Panel majority considered carefully the concerns put by the objectors. These principal concerns related to the proposal's impact on flora and fauna, traffic and parking and bush fire danger.

In regard to the proposal's ecological impact, the majority of the Panel accepts the conclusions of the concurrence report of the NSW Office of Environment and Heritage, dated 16 December 2016. In summary, these conclusions are:

- While the proposal will reduce the bushland effect of the site, the reduction equates to a relatively minor proportion (0.5%) of the collective area of bushland available in the locality, particularly within the Manly Warringah War Memorial Park Reserve and the Condover Reserve;
- Reasonable attempts have been made to avoid and ameliorate impacts, through alterations to layout and through implementation of measures such as retained vegetation islands;
- The proposed works will result in some clearing of local vegetation and removal of threatened species habitats but, on balance, when weighed against the significant public benefit that will result from the provision of new schooling for a growing population, the proposal is considered to be in the broader public interest;
- The impacts on vegetation communities and threatened fauna species are to be offset with the purchase and retirement of BioBanking credits in accordance with the BioBanking methodology. This will involve the purchase and retirement of the following quantum and types of credits, that match the rules under the BioBanking methodology, unless otherwise agreed to by OEH:
 - 58 HN540 ecosystem credits;
 - 53 HN566 ecosystem credits;

- 70 Eastern Pygmy-possum species credits; and
- 7 Red-crowned Toadlet species credits
- The proponent has agreed that offsets will be secured prior to the issuing of the construction certificate, unless otherwise agreed to by OEH, in which case the offsets will be secured within 12 months of consent being granted;
- Appendix C of the Council's Assessment Report includes a number of measures to ameliorate impacts on biodiversity, and these are to be included as conditions of consent.

In regard to the objectors' concerns about traffic and parking, the majority notes that both the applicant's traffic consultant and the council's traffic engineer have concluded that those impacts will be acceptable. The development will initially result in an on-site parking shortfall of 49 spaces, although this shortfall will decrease to 26 spaces due to the provision of an additional parking area on the site. The majority considers this shortfall to be acceptable given the limiting requirements of the *Educational Facilities Standards and Guidelines*, which recommend that preference be given to educational facilities over onsite parking. The development will introduce an increased volume of traffic on the local road network. While the eventual increase (based on 1,000 students) is considerable, the impact will be mitigated by a staggered arrangement of school start and finish, once the school population exceeds 550. This will help control the volume of traffic during the morning and afternoon peak periods.

As concerns to danger from bushfire, the majority notes that the NSW Rural Fire Service has issued a Bushfire Safety Authority under s100B of the Rural Fires Act 1997.

The application includes breaches to the permitted building height. The non-compliances have been justified by a submission under cl4.6 of the *Warringah Local Environmental Plan 2011*.

Finally, the majority of the Panel puts major weight on the social benefit of renewing the existing school in which two thirds of the students are now in demountable classrooms. The new school has been designed to provide contemporary built forms with traditional features of Australian vernacular architectural style. This style responds well to a bushland setting through the incorporation of simple built forms and lightweight materials. The triangular arrangement of buildings, together with the use of piers, visually permeable bridging and extensive glass surfaces results in a development that is functional, visually interesting and complementary.

Susan Budd disagreed with the majority decision for the following reason: that the traffic impacts flowing directly from the intensification of use arising from the proposed expansion of the school facilities would result in unacceptable impacts on local residents and local road networks

Steve Kennedy was of the opinion that, notwithstanding the concurrence of the OEH and the expert advice from the applicant's traffic consultant, the arguments put by local residents and representatives of the local community with respect to site suitability, traffic congestion, environmental impacts and the loss of publicly owned natural bushland and habitat were persuasive that the application should not be supported in its current form.

CONDITIONS

The development application was approved subject to the conditions in the Council Assessment Report with the following amendments.

- Condition 17 amended to include "must be retained" at the end of the first sentence.
- New conditions 58A as follows:
Provision of Parking for Disabled People
A car parking space which is compliant with "AS/NZS 2890.6 – 2009 Parking Facilities – Off-Street Parking for People with Disabilities" is to be provided within the parking area located beneath Block L.

Details demonstrating compliance are to be submitted to the certifying authority prior to occupation in accordance with state building laws.

Reason: to provide sufficient on-site parking for persons with a disability.

- New Condition 62 as follows:

The following changes in traffic arrangements are required as they relate to the increase in student numbers:

At 350 Students:


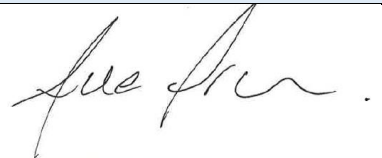
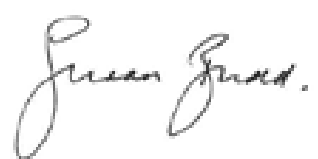


- No changes required

At 550 Students:

- Relocate pedestrian crossing, replace with wombat crossing with crossing supervisor
- Extend "5 Minute parking 8.0am -9.30am and 2.30pm – 4.00pm School Days" zone south towards wombat crossing
- Install new "5 Minute parking 8.00am -9.30am and 2.30pm – 4.00pm School Days" on northern kerb of Sunshine Street
- Extend bus bay north and south to accommodate 2 buses
- Construct driveway to rear future potential parking area, though can be delayed until future carpark is warranted

At 550 – 1000 students

- Convert council spaces to 2min parking 8.00am – 9.30am and 2.30pm – 4.00pm School Days, Front in Only" (1 per 50 children over 550, maximum of 10 spaces)
- Install flashing amber lights for school zone, particularly surrounding wombat crossing
- Install gravel surface carpark suitable for staff (1 per 20 children over 550)
- School times converted to staggered arrangement with approximately 350-500 students per finishing time.

PANEL MEMBERS		
		
John Roseth (Chair)	Sue Francis	Susan Budd
		
Steve Kennedy	Paul Stein	

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	2015SYE087 – Northern Beaches – DA2015-0597
2	PROPOSED DEVELOPMENT	Demolition works, Alterations and additions to existing buildings, construction of a new school building and an increase in student numbers at Manly Vale School
3	STREET ADDRESS	Lot 1768 Sunshine Street Manly Vale
4	APPLICANT/OWNER	<p>At Lodgement: Owner: Department of Education Applicant: Department of Public Works</p> <p>From 14 June 2016: Owner: Department of Education Applicant: Department of Education</p>
5	TYPE OF REGIONAL DEVELOPMENT	Crown development over \$5 million
6	RELEVANT MANDATORY CONSIDERATIONS	<ul style="list-style-type: none"> Environmental planning instruments: <ul style="list-style-type: none"> State Environmental Planning Policy No. 44 – Koala Habitat Protection State Environmental Planning Policy No. 55 – Remediation of Land State Environmental Planning Policy (Infrastructure) 2007 State Environmental Planning Policy (State and Regional Development) 2011 Warringah Local Environmental Plan 2011 Draft environmental planning instruments: Nil Development control plans: <ul style="list-style-type: none"> Warringah Development Control Plan 2011 Planning agreements: Nil <i>Environmental Planning and Assessment Regulation 2000</i>: Nil The likely impacts of the development, including environmental impacts on the natural and built environment and social and economic impacts in the locality The suitability of the site for the development Any submissions made in accordance with the <i>Environmental Planning and Assessment Act 1979</i> or regulations The public interest, including the principles of ecologically sustainable development
7	MATERIAL CONSIDERED BY THE PANEL	<ul style="list-style-type: none"> Council assessment report: 6 December 2016 Council supplementary report: 16 December 2016 Letter of Concurrence from NSW Office of Environment & Heritage: 16 December 2016 Written submissions during public exhibition: <ul style="list-style-type: none"> 17 July to 18 August 2015 – 129 against / 31 in support 7 October to 25 October 2016 – 91 against / 69 in support 12 November to 13 December 2016 – 42 against / 8 in support Verbal submissions at the panel meeting: <ul style="list-style-type: none"> Members of public – Jenny Atkinson on behalf of the MVPS P&C as the President, Helen Kvelde (Chair) & Nicholas Skelton (Ecologist) on behalf of Save Manly Dam Catchment Committee, David Hope on behalf of the Northern Sydney District Council of PnC's, Nathan Lo, Stephen Hancock, John Wilson, Peter Mitchell, David Parsons, David Tribe, Julia Walsh, Svetlana Petrovic, Conny Harris on behalf of

		<p>Australian Plant Society Northern Beaches Branch and the Garigal Landcare Group, Gwen Zmijewski, Michael McGrath, Malcom Fisher, Anne Sharpe, Kerry Foster, Helen Watkins, Kevin Collins, Anne Collins, Edwina Laginestra, Michael Allen, Michael Houston, Ray Cox, Anthony Harris, Belinda Clarke, Paul Hoskinson</p> <ul style="list-style-type: none"> ○ On behalf of the applicant – Tina Lee, Jason Baldwin, Mark Seymour, Tony McCabe, Craig McLaren,
8	MEETINGS AND SITE INSPECTIONS BY THE PANEL	<ul style="list-style-type: none"> • Briefing meetings: 19 January 2015, 15 August 2015, 11 May 2016, 23 November 2016 and 19 December 2016 • Site inspection: 19 December 2016
9	COUNCIL RECOMMENDATION	Approval
10	DRAFT CONDITIONS	Attached to the council assessment report