

NORTHERN BEACHES COUNCIL ASSESSMENT REPORT

Panel Reference	2018SNH047
DA Number	Mod2018/0412
LGA	Northern Beaches Council
Proposed Development	Modification of Development Consent DA2011/0446 granted for Alterations and additions to a school to increase student numbers
Street Address	Lot 2112 DP 752038, 210 Headland Road DEE WHY NSW 2099
Owner	St Lukes Anglican School Limited Anglican Schools Corporation
Applicant	Anglican Schools Corporation
Date of DA lodgement	8 August 2018
Number of Submissions	33
Recommendation	REFUSAL
Regional Development Criteria (Schedule 4A of the EP&A Act)	Section 4.55(2) Modification of a Development Consent, originally granted by the <i>Joint Regional Planning Panel</i> as DA2011/0446 for "Alterations and additions to a School".
List of all relevant s4.15(1)(a) matters	<ul style="list-style-type: none"> • Environmental Planning and Assessment Act 1979 (as amended) • Environmental Planning and Assessment Regulation 2000 • State Environmental Planning Policy (State and Regional Planning) • State Environmental Planning Policy (Infrastructure 2007) • State Environmental Planning Policy No. 55 – Remediation of Land • Warringah Local Environmental Plan 2011 • Warringah Development Control Plan 2011
List all documents submitted with this report for the Panel's consideration	Attachment 1 – Reasons for Refusal Attachment 2 – Development Consent DA2011/0446 Attachment 3 - SNPP Minutes and Determination of MOD2017/0071
Report by	David Kerr– General Manager Planning, Place & Community
Report Prepared by	Alex Keller, Principal Planner
Report date	30 January 2019

Summary of S4.15 matters

Have all recommendations in relation to relevant s4.15 matters been summarised in the Executive Summary of the assessment report

Yes

Legislative clauses requiring consent authority satisfaction

Yes

Have relevant clauses in all applicable environmental planning instruments where the consent authority must be satisfied with a particular matter been listed and relevant recommendations summarised, in the Executive Summary of the assessment report? E.g. *Clause 7 of SEPP 55 – Remediation of Land, Clause 4.6(4) of the relevant LEP*

Clause 4.6 Exceptions to development standards	Not Applicable
If a written request for a contravention to a development standard (clause 4.6 of the LEP) has been received, has it been attached to the assessment report?	for S4.55 Modification
Special Infrastructure Contributions	
Does the DA require Special Infrastructure Contributions conditions (S94EF)?	Not Applicable
<i>Note: Certain DAs in the Western Sydney Growth Areas Special Contributions Area may require specific Special Infrastructure Contributions (SIC) conditions</i>	
Conditions	No
Have draft conditions been provided to the applicant for comment?	
<i>Note: in order to reduce delays in determinations, the Panel prefer that draft conditions, notwithstanding Council's recommendation, be provided to the applicant to enable any comments to be considered as part of the assessment report</i>	

Executive Summary

This proposal seeks to modify Development Consent DA 2011/0446 (as modified) by amending Condition No. 3 to increase student enrolments from 992 to 1092 students. This equates to an increase by 100 students or approximately 10%.

There will be no change in staff numbers and no physical building work or civil works as additional students are to be accommodated within existing classes or with teachers that have spare capacity in their daily timetable.

The modification proposal raises two principle concerns. Firstly, the School's ongoing reliance on kerbside parking, which is principally generated by Year 12 students who drive to school, and secondly, the increased traffic congestion created by parents picking-up and dropping-off students at the school.

The impacts of traffic and parking congestion created during the school term is an on-going concern for residents that live near St Luke's Grammar School in Headland Road, Tango Avenue and Quirk Street. While the school has a multi-storey staff car park and some ancillary parking off Headland Road there has been a net decline in available parking in recent years from past in-fill development within the site. As such the proposal is not supported pursuant to Part C2 Traffic, Access and Safety and *Part C3 Parking Facilities* of the Warringah DCP 2011.

The application has been assessed in accordance with the requirements of the Environmental Planning and Assessment Act 1979 and the associated Regulations.

In this regard:

- An Assessment Report and recommendation has been prepared (the subject of this report) taking into account all relevant provisions of the Environmental Planning and Assessment Act 1979, and the associated regulations.
- A site inspection was conducted and consideration has been given to the impacts of the development upon the subject site and adjoining, surrounding and nearby properties;
- Notification to adjoining and surrounding properties, advertisement (where required) and referral to relevant internal and external bodies in accordance with the Act, Regulations and relevant Development Control Plan;

- A review and consideration of all submissions made by the public and community interest groups in relation to the application;
- A review and consideration of all documentation provided with the application (up to the time of determination);
- A review and consideration of all referral comments provided by the relevant Council Officers, State Government Authorities/Agencies and Federal Government Authorities/Agencies on the proposal.

Recommendation is for REFUSAL of the Modification of Consent for reasons of traffic and parking impacts and insufficient on-site parking to accommodate the additional student enrolments.

APPLICATION FOR MODIFICATION ASSESSMENT REPORT

Application Number:	Mod2018/0412
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Responsible Officer:	Alex Keller
Land to be developed (Address):	Lot 2112 DP 752038, 210 Headland Road DEE WHY NSW 2099
Proposed Development:	Modification of Development Consent DA2011/0446 granted for Alterations and additions to a school to increase student numbers
Zoning:	Warringah LEP2011 - Land zoned R2 Low Density Residential
Development Permissible:	Yes
Existing Use Rights:	No
Consent Authority:	Sydney North Planning Panel
Land and Environment Court Action:	No
Owner:	St Lukes Anglican School Limited Anglican Schools Corporation
Applicant:	Anglican Schools Corporation

Application lodged:	07/08/2018
Integrated Development:	Yes
Designated Development:	No
State Reporting Category:	Community facility
Notified:	22/08/2018 to 16/09/2018
Advertised:	25/08/2018
Submissions Received:	33
Recommendation:	Refusal

ASSESSMENT INTRODUCTION

The application has been assessed in accordance with the requirements of the Environmental Planning and Assessment Act 1979 and the associated Regulations. In this regard:

- An assessment report and recommendation has been prepared (the subject of this report) taking into account all relevant provisions of the Environmental Planning and Assessment Act 1979, and the associated regulations;
- A site inspection was conducted and consideration has been given to the impacts of the development upon the subject site and adjoining, surrounding and nearby properties;
- Notification to adjoining and surrounding properties, advertisement (where required) and referral to relevant internal and external bodies in accordance with the Act, Regulations and relevant Development Control Plan;

- A review and consideration of all submissions made by the public and community interest groups in relation to the application;
- A review and consideration of all documentation provided with the application (up to the time of determination);
- A review and consideration of all referral comments provided by the relevant Council Officers, State Government Authorities/Agencies and Federal Government Authorities/Agencies on the proposal.

SUMMARY OF ASSESSMENT ISSUES

Warringah Development Control Plan - A.5 Objectives

Warringah Development Control Plan - C2 Traffic, Access and Safety

Warringah Development Control Plan - C3 Parking Facilities

SITE DESCRIPTION

Property Description:	Lot 2112 DP 752038 , 210 Headland Road DEE WHY NSW 2099
Detailed Site Description:	<p>The site of St Lukes Grammar School ("the school") is located on the northern side of Headland Road with the school also having frontage to Quirk Street and Tango Avenue. The street frontages are approximately 129 metres (m) in length to Headland Road, 48m in length to Quirk Street and 147m in length to Tango Avenue.</p> <p>The School's northern boundary adjoins the Stony Range Flora Reserve with the western boundary adjoining and industrial warehouse complex (zoned IN1 Light Industrial).</p> <p>The site is an irregular shaped allotment with a combined area of 15,209.5 square metres (sqm). The land has a moderate cross-fall from north to south towards Headland Road. The main pedestrian entry is via Headland Road with a secondary entry located on Tango Avenue.</p> <p>The site is currently contains an integrated school complex including the junior school buildings, middle school buildings and senior school as well as a multi-purpose hall, playing fields, sports courts, hard and soft landscaped areas, site managers residence and car parking facilities. Vehicular access is provided from the major entries off Headland Road and Tango Avenue with drop off/pick up areas also available from these streets, and bus bays / school bus stops located on all street frontages to the school.</p>

Map:



SITE HISTORY

Complying Development Certificate No.CDC2018/1200 was issued by Private Certification (**Reference GDL180084**), on the 30 November 2018, pursuant to *SEPP (Educational Establishments and Child Care Facilities) 2017*. The CDC is for a redevelopment of the Junior School building at the corner of Quirk Street, Tango Avenue and Headland Road, for a 4 storey building with basement area. Council raised concerns with the validity of the CDC which the Certifier addressed by way of a modified CDC (**Reference GDL180084.1**) issued on 18 December 2018.

Modification Application No.Mod2017/0071 to modify condition No.3 of development consent DA2011/0446 to increase the maximum permitted student enrollments from 884 to 1092. The *Joint Regional Planning Panel* in approving DA2011/0446 set out the following restriction under condition No.3:

"The maximum number of students to be enrolled at the school is 884 at any time. In this regard, any proposal to increase student numbers as part

of a future development application will not be approved without a corresponding increase in on-site parking and pick up and set down capacity".

MOD2017/0071 was approved by the *Sydney North Planning Panel*, on 8 March 2018, subject to a revised *Traffic and Parking Management Plan* being submitted by the St Luke's School that allocated additional three (3) on-site student parking spaces, but reduced the staff parking by 4 spaces. This occurred due a change in allocated parking areas rationalization of available parking for students and staff. The revised *Traffic and Parking Management* plan included improved pick-up and set-down procedures for parents, students and staff to follow that increased the efficiency of the AM/PM traffic movements within the drop-off and pick-up zones along Headland Road and Tango Avenue.

Development Application No.DA2013/1525 for alterations and additions to the multi-purpose building to provide for new music rooms, canteen and toilet facilities was refused by Council's independent assessment panel on 11 June 2014. Approval was

subsequently granted by Appeal to the NSW Land and Environment Court (LEC) under proceedings No.10778 of 2014, subject to Court Orders and conditions dated 7 May 2015.

Development Application No.DA2013/1489 for alterations and additions, including signage was approved by Council 18 February 2014

Development Application No.DA2011/0446 for alterations and additions to a school was approved by the Joint Regional Planning Panel on 27 July 2011.

Development Application No.FG2010/0011 for the construction of new building consisting of two level basement car park, classrooms and playing courts - St Lukes Grammar School (IPA No.09/0174EI)" was determined on 14 January 2010. This consent was issued by the Federal Government under the *Nation Building & Jobs Plan (State Infrastructure Delivery) Act 2009*.

Various building applications, development applications and modifications have been made for alterations and additions to the school campus between 2009 and 1979.

Building Application No.C548/64 for a brick school building (St Luke's Church of England Girls School) was approved by Council in 1964.

PROPOSED DEVELOPMENT IN DETAIL

This proposal seeks to modify Development Consent DA 2011/0446 to amend Condition No. 3 to increase student enrolments from 992 students to 1092 students. It is expected that of the additional enrollments 17 students will be in Year 12 (driving age).

This includes an increase in students across all age groups. There will be no change in staff numbers as additional students are to be accommodated within existing classes or additional classes for those teachers that have spare capacity in their daily timetable.

For traffic and parking the school relies on the *St Luke's Grammar School Traffic Management Plan*, which was previously prepared for DA2013/1525 and then subsequently revised and updated on 12 February 2018 for a previous modification application. The school proposes no additional parking to be implemented with the modification or other works to change traffic or parking arrangements.

Condition No.3 of DA2011/0446 (as modified by MOD2017/0071) reads as follows:

"3. Maximum Number of Students

The maximum number of students to be enrolled at the school is 992 at any time and is subject to traffic management and parking requirements detailed in the St Lukes Grammar School Traffic Management Plan dated 12 February 2018, as amended by any conditions of consent.

Reason: Traffic, parking and pedestrian safety."

ENVIRONMENTAL PLANNING AND ASSESSMENT ACT, 1979 (EPAA)

The relevant matters for consideration under the Environmental Planning and Assessment Act, 1979, are:

The application has been assessed in accordance with the requirements of the Environmental Planning

and Assessment Act 1979 and the associated Regulations. In this regard:

- An assessment report and recommendation has been prepared and is attached taking into all relevant provisions of the Environmental Planning and Assessment Act 1979 and associated regulations;
- A site inspection was conducted and consideration has been given to the impacts of the development upon all lands whether nearby, adjoining or at a distance;
- Consideration was given to all documentation provided (up to the time of determination) by the applicant, persons who have made submissions regarding the application and any advice given by relevant Council / Government / Authority Officers on the proposal;

In this regard, the consideration of the application adopts the previous assessment detailed in the Assessment Report for DA2011/0446, in full, with amendments detailed and assessed as follows:

The relevant matters for consideration under Section 4.55(2) of the Environmental Planning and Assessment Act, 1979, are:

Section 4.55(2) - Other Modifications	Comments
A consent authority may, on application being made by the applicant or any other person entitled to act on a consent granted by the consent authority and subject to and in accordance with the regulations, modify the consent if:	
(a) it is satisfied that the development to which the consent as modified relates is substantially the same development as the development for which consent was originally granted and before that consent as originally granted was modified (if at all), and	<p>The development, as proposed, has been found to be such that Council is not satisfied that the proposed increase in student numbers will not further aggravate the traffic and parking conflict being experienced in the vicinity of the site during the school term. The modification of DA2011/0446 will be the school student enrolment number by further 10%, equating to an additional 100 students.</p> <p>While the use remains "substantially the same" pursuant to Section 4.55(2), the school proposes no corresponding increase to on-site parking or pick-up set-down capacity as required by the original consent and is therefore inconsistent with DA2011/0446. This issue has determining weight and warrants refusal of the application.</p>
(b) it has consulted with the relevant Minister, public authority or approval body (within the meaning of Division 5) in respect of a condition imposed as a requirement of a concurrence to the consent or in accordance with the general terms of an approval proposed to be granted by the approval body and that Minister, authority or body has not, within 21 days after being	Development Application DA2011/0446 did not require concurrence from the relevant Minister, public authority or approval body.

Section 4.55(2) - Other Modifications	Comments
consulted, objected to the modification of that consent, and	
(c) it has notified the application in accordance with: (i) the regulations, if the regulations so require, or (ii) a development control plan, if the consent authority is a council that has made a development control plan under section 72 that requires the notification or advertising of applications for modification of a development consent, and	The application has been publicly exhibited in accordance with the Environmental Planning and Assessment Act 1979, Environmental Planning and Assessment Regulation 2000, Warringah Local Environment Plan 2011 and Warringah Development Control Plan.
(d) it has considered any submissions made concerning the proposed modification within any period prescribed by the regulations or provided by the development control plan, as the case may be.	See discussion on "Public Exhibition" in this report.

Section 79C Assessment

In accordance with Section 96(3) of the Environmental Planning and Assessment Act 1979, in determining an modification application made under Section 96 the consent authority must take into consideration such of the matters referred to in section 4.15(1) as are of relevance to the development the subject of the application.

The relevant matters for consideration under Section 79C of the Environmental Planning and Assessment Act, 1979, are:

Section 4.15 'Matters for Consideration'	Comments
Section 4.15 (1) (a)(i) – Provisions of any environmental planning instrument	See discussion on "Environmental Planning Instruments" in this report.
Section 4.15 (1) (a)(ii) – Provisions of any draft environmental planning instrument	None applicable.
Section 4.15 (1) (a)(iii) – Provisions of any development control plan	Warringah Development Control Plan applies to this proposal.
Section 4.15 (1) (a)(iiia) – Provisions of any planning agreement	None applicable.
Section 4.15 (1) (a)(iv) – Provisions of the Environmental Planning and Assessment Regulation 2000 (EP&A	<u>Division 8A</u> of the EP&A Regulation 2000 requires the consent authority to consider Prescribed conditions of development consent. These matters have been addressed via a condition in the original consent.

Section 4.15 'Matters for Consideration'	Comments
Regulation 2000)	<p><u>Clauses 54 and 109</u> of the EP&A Regulation 2000, Council requested additional information and has therefore considered the number of days taken in this assessment in light of this clause within the Regulations. No additional information was requested.</p> <p><u>Clause 92</u> of the EP&A Regulation 2000 requires the consent authority to consider AS 2601 - 1991: The Demolition of Structures. This clause is not relevant to this application.</p> <p><u>Clauses 93 and/or 94</u> of the EP&A Regulation 2000 requires the consent authority to consider the upgrading of a building (including fire safety upgrade of development). This clause is not relevant to this application and is addressed in the existing consent.</p> <p><u>Clause 98</u> of the EP&A Regulation 2000 requires the consent authority to consider the provisions of the Building Code of Australia (BCA). This matter has been addressed via a conditions in the existing consent.</p>
Section 4.15 (1) (b) – the likely impacts of the development, including environmental impacts on the natural and built environment and social and economic impacts in the locality	<p>(i) The environmental impacts of the proposed development on the natural and built environment are addressed under the Warringah Development Control Plan section in this report.</p> <p>(ii) Subject to additional off street parking and improved traffic management the proposed development will not have a significant detrimental social impact in the locality considering the character of the proposal.</p> <p>(iii) Subject to additional off street parking the proposed development will not have a significant detrimental economic impact on the locality considering the nature of the existing land use.</p>
Section 4.15 (1) (c) – the suitability of the site for the development	<p>The site is considered unsuitable for the proposed modification due to the congested traffic and parking management generated by the school impacting surrounding residents and through traffic.</p> <p>Reference is made to <i>Council of Trinity Grammar School v Ashfield Council [2015] NSWLEC 1086</i>, and <i>The Presbyterian Church (New South Wales) Property Trust v Woollahra Municipal Council [2014] NSWLEC 1218</i> whereby school traffic and parking arrangements, facilities and management proved to be unsuitable to the satisfaction of the consent authority.</p>
Section 4.15 (1) (d) – any submissions made in accordance with the EPA Act or EPA Regs	See discussion on “Public Exhibition” in this report.

Section 4.15 'Matters for Consideration'	Comments
Section 4.15 (1) (e) – the public interest	This assessment has found the proposal to be contrary to the relevant requirement(s) of the Warringah DCP 2011 and will result in a development which will create increasing undesirable traffic and parking impacts on the surrounding environment and be contrary to the expectations of the community. In this regard, the modification, as proposed, is not considered to be in the public interest.

EXISTING USE RIGHTS

Existing Use Rights are not applicable to this application.

BUSHFIRE PRONE LAND

The site is not classified as bush fire prone land.

NOTIFICATION & SUBMISSIONS RECEIVED

The subject development application has been publicly exhibited in accordance with the Environmental Planning and Assessment Act 1979, Environmental Planning and Assessment Regulation 2000 and the relevant Development Control Plan.

As a result of the public exhibition process council is in receipt of 33 submission/s from:

Name:	Address:
Mr Brian Twemlow	211 Headland Road NORTH CURL CURL NSW 2099
Mrs Judith Anne Hungerford	209 Headland Road NORTH CURL CURL NSW 2099
Mr Brett Henry Tunstall Gardiner	12 Tango Avenue DEE WHY NSW 2099
Sally Reid	14 Tango Avenue DEE WHY NSW 2099
Mr Paul-Dillon Reid	14 Tango Avenue DEE WHY NSW 2099
Prof Louise Alexandra Savage	9 Tango Avenue DEE WHY NSW 2099
Mr Gregory Robert Norton	11 Tango Avenue DEE WHY NSW 2099
Mr Robert James Taylor	34 Tango Avenue DEE WHY NSW 2099
Ms Jacinta Lindley Kidd	11 Tango Avenue DEE WHY NSW 2099
Mrs Sarah Elizabeth Whitehead	1 / 31 - 37 Pacific Parade DEE WHY NSW 2099
Mr Alexander Lyle Patison	36 Tango Avenue DEE WHY NSW 2099
Mr Robert James Warren	193 Headland Road NORTH CURL CURL NSW 2099
Mr Staffan Mats Ake Flodin	3 Tango Avenue DEE WHY NSW 2099
Ms Megan Bonner	13 Tango Avenue DEE WHY NSW 2099
Mr Nicholas William Schutt	10 Tango Avenue DEE WHY NSW 2099
Mrs Annette Albright	196 Headland Road NORTH CURL CURL NSW 2099
Mr Julian Robert Francis Soper	44 Tango Avenue DEE WHY NSW 2099

Name:	Address:
Wayne Stephen Zaunders	35 Tango Avenue DEE WHY NSW 2099
Geoffrey Robert Harris	189 Headland Road NORTH CURL CURL NSW 2099
Ms Julie Ann Macdonald	Po Box 1183 DEE WHY NSW 2099
Ms Hana Katz	6 Quirk Street DEE WHY NSW 2099
Mrs Michelle Irene Redford-Smith	195 Headland Road NORTH CURL CURL NSW 2099
Mrs Frances Ann Bacon	199 Headland Road NORTH CURL CURL NSW 2099
Ms Patricia Ann Kelly	191 Headland Road NORTH CURL CURL NSW 2099
Mr Colin Campbell Macdonald	Po Box 1183 DEE WHY NSW 2099
Gerald Timothy Swales Ms Kathe Lefolii Swales	1 Quirk Street DEE WHY NSW 2099
Mr Mark Kenneth Ashover Valda Ethel Ashover	2 Quirk Street DEE WHY NSW 2099
Timothy Frank Kelly	191 Headland Road NORTH CURL CURL NSW 2099
Timothy Noel Reilly Mrs Deanne Gai McDonald	12 Quirk Street DEE WHY NSW 2099
Mr Paul Collins	40 Pozieres Parade ALLAMBIE HEIGHTS NSW 2100
Mr Steven Gregory Collins	27 Tango Avenue DEE WHY NSW 2099
Mrs Sally Lynne Twemlow	211 Headland Road NORTH CURL CURL NSW 2099
Mr David Charles Bacon	199 Headland Road NORTH CURL CURL NSW 2099

The following issues were raised in the submissions and each have been addressed below:

- Redevelopment of the Junior School
- Code of Practice for new School buildings
- Inadequate on-site parking
- Inadequate drop-off and pick-up areas
- Increasingly unsafe traffic conditions
- Increasing traffic congestion and safety risks
- On-street parking conflicts
- Traffic management

The matters raised within the submissions are addressed as follows:

- *Concern that St Lukes Grammar School is currently pursuing a major redevelopment to its Junior School at the corner of Headland Road, Tango Avenue and Quirk Street, which will be a 4 storey building with basement area and therefore is anticipated to cause further increases the enrollment capacity of the School.*

Comment:

A complying development certificate (CDC) was issued by private certification (Reference

GDL180084), on the 30 November 2018, pursuant to *SEPP (Educational Establishments and Child Care Facilities) 2017*. The CDC is a separate application to the MOD2018/0412 and follows a separate approval pathway that does not allow for public or Council participation in the design or CDC approval process. Council however raised legal concerns with the validity of the CDC in the public interest. The Certifier addressed those issues with the CDC by way of a modified CDC (Reference GDL180084.1) that was issued on 18 December 2018 by *GROUP DLA Pty Ltd*.

The CDC cannot be used as a relevant reason to refuse the proposed modification application.

- *Concern that the School is seeking to increase student enrollments as part of the redevelopment of the "Junior School" by a complying development which is not consistent with the "Code of Practice" that applies to school development permitted under Part 5 of Environmental Planning and Assessment Act 1979.*

Comment:

The NSW *Code of Practice* applying to development within non-government Schools only applies to *development without consent*, under "Part 5" of the *Environmental Planning and Assessment Act 1979*. The school's CDC for the new Junior school building is actually issued under "Part 4" of the Act, to which the Code is not relevant.

- *Concern that there has been no community consultation or notification about the redevelopment of the Junior school that will expand the capacity of St Lukes Grammar School with a new large multi-story "Junior School" building.*

Comment:

The *SEPP (Educational Establishments and Child Care Facilities) 2017* does not make any allowance for Council to have a statutory involvement in the preparation of the CDC including design reviews, traffic impact assessment, pre-staging of works or the like. A CDC is able to be issued by private certification without prior notification or consultation with Council. The CDC is an entirely separate approval pathway to the subject modification application and therefore the CDC cannot be used as a reason for refusal.

- *Concern that St Lukes Grammar School has reduced the net available off-street parking by previous development works generating more school traffic and displacing parking demand onto the surrounding streets.*

Comment:

The school has undergone a series of major changes to the campus buildings and various accumulated minor development works over recent years. This has resulted in an overall capacity to substantially increase in student enrolments and a corresponding need to increase in parking facilities.

In 2001 the school had 32 carparking spaces available beneath the multi-purpose hall. This basement area under the multi-purpose hall, was previously considered by the school to have been "surplus parking" and has been partly in-filled for music and storage rooms, such that only 14 spaces remain in the basement. (Ref NSW LEC Proceedings No.10778 of 2014).

The construction of the multi-storey carpark in Tango Avenue has not been able to alleviate the parking and school traffic concerns raised by surrounding residents as the increasing school enrolments and associated building works have eclipsed the schools capacity to provide an equivalent complement of off-street parking. Despite the increase in carparking for staff in recent years (by the multi-storey carpark), the School remains heavily reliant on kerbside parking for pick-up set down areas, approximately half of the student parking and all bus

parking. While parking demand generated by Year 12 school students can fluctuate during the school terms the pressure on available kerbside parking nearby becomes higher as the year progresses.

This issue is unable to be addressed by conditions and warrants refusal of the application.

- *Concern that parking generated by students attending the school is increasing which adversely impacts access for surrounding residents on a daily basis from early morning to late afternoon.*

Comment:

Student parking is now being used to it's optimum potential following the approval of MOD2017/0071. The reliance on street parking near the school has potential to create inconvenient access for parking near the site, experienced by surrounding residents during school hours. Unless residents have two (2) off street parking spaces, that are available for car parking within their own properties, further pressure is then created for carparking demand in the surrounding streets. This situation is exacerbated if the school is also engaged in new building / refurbishment works via complying development or exempt development works., whereby trade vehicles add to the parking and traffic congestion near the school.

In this regard, on-street parking management is not isolated to the adjacent school use since each residential property may not have sufficient front setback (6.5m driveway length) for extra parking and the parking of trailers, boats or the like, in the street also contributes to parking pressure near the school.

Insufficient information has been provided by the applicant to address this issue to isolate the significance of the net impact on kerb-side public parking. This issue has determining weight and warrants refusal of the modification application.

- *Concern that traffic safety risks are present with the current level of school enrolment and recurrent traffic conflict issues arise during peak periods with traffic queuing and unsafe driving behaviour forced by the intensity of peak traffic times generated by the school.*

Comment:

Originally condition No.3 of DA2011/0446 qualified that any proposal to increase student numbers, as part of a future development application should not be approved without a corresponding increase in on-site parking and pick-up set-down capacity. The modification seeks to make a further increase for 100 students, using the ongoing development consent. However there has not been any corresponding augmentation to the schools pick up set down facilities and off-street parking to fully resolve parking for the present enrollment capacity of 992 students. The inadequate corresponding provision of parking and traffic facilities will potentially worsen recurrent traffic conflict and parking issues being experienced near the school.

Therefore, this issue has not been addressed by the proposal and warrants refusal of the application.

- *Concern that the increasing capacity and level of school enrolments is symptomatic of an over-development of the site. Traffic issues and concerns affecting residents extend to disturbance created by out-of-hours works, garbage collection, trade-work and delivery traffic to the school.*

Comment:

In order for the school to further increase enrolments, the issues being raised by surrounding residents will require detailed review and renewed action by the school to better manage those matters under mechanisms of an updated *Traffic Management Plan (TMP)*.

The subject modification does not proposed any building works that would increase out of hours construction, changes to garbage collection, other trade work or additional deliveries. The capacity of the school to augment its current off-street parking and pick-up drop-off areas is limited, creating a perception that the school is already at its maximum operational capacity. The modification application has not adequately addressed this issue as part of a wider review of the schools impact on surrounding land in the context of the current traffic and parking management.

Due to inadequate information available to address this issue within the TMP the modification is not supportable. This issue has determining weight and warrants refusal of the modification application.

- *Concern that the school is unwilling to ensure appropriate off-street facilities to accommodate all bus and car parking demand generated by the school and thereby address the parking issues, street congestion and safety concerns associated with such a high intensity land use in a low density residential area.*

Comment:

Some options for the school to provide a full compliment of off-street facilities and accommodate all bus and parking demand within the site are unrealistic, or have become prohibitive as the school has capitalised on expanding its educational facilities within the limitations of the site boundaries. More recently, the school has instead relied on more efficient parking and traffic management during the mid morning and mid afternoon peak traffic time surrounding the school. However, this approach has limitations and therefore a "maximum enrolment" condition extends to limit the intensity of use. Options to improve traffic and parking management have been exhausted without any new works to change traffic and parking facilities in the future and properly accommodate further increased enrolments.

This issue has not been able to be addressed to the satisfaction of being able to ensure the existing traffic and parking concerns are not made worse by increasing the intensity of use.

This issue has determining weight and warrants refusal of the modification application.

MEDIATION

No requests for mediation have been made in relation to this application.

REFERRALS

Internal Referral Body	Comments
Traffic Engineer	<p>The increase in student capacity represents approximately a 10% increase in student population. Equally, the data provided by the applicant represents an increase of 10% against all traffic factors specifically traffic generation. The additional traffic anticipated to be generated by the site is in the order of some 30 vehicles. Based on the rates being adopted by the applicant, the site would currently be producing 300 vehicles in the peak drop off-times.</p> <p>Council will not accept any further increase as any additional capacity as the School has not been able to resolve the choke point created along Headland road, Quirk Street and Tango Avenue. Any increase</p>

Internal Referral Body	Comments
	<p>in student number can only come after the school carries out road works and providing additional off-street parking to address the issues currently affecting through traffic and surrounding residents.</p> <p>Observation of the pick-up/Drop-off procedures onsite has identified ongoing problems relating to congestion issues during mid morning and mid afternoon periods during the school terms. These include safety concerns that cannot be addressed by conditions.</p> <p>Based on the above, Council Traffic Engineering staff do not support the proposed increase.</p>

External Referral Body	Comments
Ausgrid: (SEPP Infra.)	The proposal was referred to Ausgrid. No response has been received within the 21 day statutory period and therefore, it is assumed that no objections are raised and no conditions are recommended.
Concurrence - NSW Roads and Maritime Services - (SEPP Infra. Traffic generating dev)	<p>Of relevance to the current modification is that the modification of DA2011/0446 under MOD2017/0071 to increase student enrollments from 884 to 1092 was referred to the Roads and Maritime Service and the following referral response was received, dated 8 November 2017:</p> <p><i>"Roads and Maritime has reviewed the submitted application and notes that the school proposes to increase the student numbers from 884 to 1092 to be catered for within existing infrastructure. It is further noted that there will be no changes to the existing 132 car parking spaces. Therefore, Roads and Maritime raises no objections to the proposal."</i></p> <p><u>Comment:</u> The modification application MOD2017/0071 however was approved by SNPP with a reduced maximum enrollment of 992. The subject modification seeks approval for a maximum enrollment of 1092 students. As above the RMS previously raised no objection to this and acknowledged existing carparking capacity.</p> <p>On the 6 January 2019, the RMS confirmed its previous referral response advice to Council that the RMS position remains unchanged for MOD2018/0412. Therefore, the RMS have raised no objection and no conditions with respect to a maximum enrollment of 1092 students.</p>

ENVIRONMENTAL PLANNING INSTRUMENTS (EPIs)*

All, Environmental Planning Instruments (SEPPs, REPs and LEPs), Development Controls Plans and Council Policies have been considered in the merit assessment of this application.

In this regard, whilst all provisions of each Environmental Planning Instruments (SEPPs, REPs and LEPs), Development Controls Plans and Council Policies have been considered in the assessment, many provisions contained within the document are not relevant or are enacting, definitions and operational provisions which the proposal is considered to be acceptable against.

As such, an assessment is provided against the controls relevant to the merit consideration of the application hereunder.

State Environmental Planning Policies (SEPPs) and State Regional Environmental Plans (SREPs)

SEPP 55 - Remediation of Land

The requirements of SEPP 55 have been previously addressed under the assessment of DA2011/0446 for alterations and additions to the school. No further consideration is required for the modification proposal as no new works are proposed.

SEPP (Infrastructure) 2007

Ausgrid

Clause 45 of the SEPP requires the Consent Authority to consider any development application (or an application for modification of consent) for any development carried out:

- within or immediately adjacent to an easement for electricity purposes (whether or not the electricity infrastructure exists).
- immediately adjacent to an electricity substation.
- within 5.0m of an overhead power line.
- includes installation of a swimming pool any part of which is: within 30m of a structure supporting an overhead electricity transmission line and/or within 5.0m of an overhead electricity power line.

Comment:

The proposal was referred to *Ausgrid*. No response has been received within the 21 day statutory period and therefore, it is assumed that no objections are raised and no conditions are recommended.

Roads and Maritime Service (RMS)

Clause 104 and Schedule 3 of the SEPP requires that the following development(s) are referred to the RMS as Traffic Generating Development:

Purpose of Development	Size or Capacity (Site with access to any road)	Size of Capacity (Site with access to classified road or to a road that connects to classified road if access is within 90m of connection, measured along alignment of connecting road)
Educational establishments	50 or more students*	Not applicable

*Refer to external referrals details within this report.

Note: Under Clause 104(2) of the SEPP, 'relevant size of capacity' is defined as meaning:

"(2) (a) in relation to development on a site that has direct vehicular or pedestrian access to any road - the size or capacity specified opposite that development in Column 2 of the Table to Schedule 3, or

(b) in relation to development on a site that has direct vehicular or pedestrian access to a classified road or to a road that connects to a classified road where the access (measured along the alignment of the connecting road) is within 90m of the connection - the size or capacity specified opposite that development in Column 3 of the Table to Schedule 3."

The Roads and Maritime has previously assessed the increase in traffic and provided the following comments and no objection to the proposed maximum enrollment:

"the school proposes to increase the student numbers from 884 to 1092 to be catered for within existing infrastructure. It is further noted that there will be no changes to the existing 132 car parking spaces. Therefore, Roads and Maritime raises no objections to the proposal."

The Applicants traffic and parking assessment has provided the following assessment summary of the peak operational times for traffic management at the school:

"There are a number of drop-off/pick-up areas and bus stops located around the perimeter of the school site in Headland Road, Quirk Street and Tango Avenue. The bus stops are used by 8 buses in the morning and 11 buses in the afternoon.

The 2 drop-off/pick-up bays have a combined capacity of 17 cars, comprising 5 spaces in Headland Road and a further 12 spaces in Tango Avenue.

As noted in the foregoing, the school has now successfully implemented its new drop-off/pick-up arrangements in the "Drop and Go" zone in Tango Avenue to ensure a much more efficient use of this area.

The new arrangements require parents/carers to display the family name on a label on the passenger side dashboard (or sun visor) to enable school staff to call their children forward in readiness to get into the car.

School staff will open the car doors and will assist students in/out of the car. There are 4 additional staff positioned in the Tango Avenue "Drop and Go" zone to assist students and to ensure that:

- drivers do not get out of the car, and*
- cars keep moving forward to minimise delays.*

Significantly, the school no longer allows parents to park their car in Tango Avenue, get out of the car and go into the school to collect their child/children.

The new drop-off/pick-up arrangements have now been operating for 2 school terms and have proved to be very successful."

Council's Comment:

The proposal seeks and increase **from 992 students to 1092 students** (i.e. an additional **100 students**). This equates to a 10.1% increase and in-so-far as students who could potentially drive to school further increase from by 17 additional Year 12 students, however there is no provision for on-site parking made for them. No change is proposed to the net number of staff as the additional students will be accommodated by "in-filling" existing classes or additional classes for teachers that have spare time capacity in their current timetable.

The expected additional traffic generation movements shown is to be in the order of an additional 52 vehicles per hour (vph) in the morning period, and 28vph in the afternoon period.

Despite the applicant's traffic and parking assessment surrounding neighbours experience an unacceptable frequency of traffic congestion around the St Luke's School during the school term and ongoing difficulties with access to kerbside parking and concerns with safety risks due to conflict around the school for through traffic. The increase in student enrollments is therefore not in the public interest and warrants refusal of the modification application.

Warringah Local Environmental Plan 2011

Is the development permissible?	Yes
After consideration of the merits of the proposal, is the development consistent with:	
aims of the LEP?	No
zone objectives of the LEP?	Yes

Principal Development Standards

No change is proposed to building height of any school buildings therefore no further consideration is required of the Height of Buildings development standard.

Compliance Assessment

Clause	Compliance with Requirements
Part 1 Preliminary	No
Land Use Table	

Warringah Development Control Plan

Built Form Controls

No physical change is proposed to the wall height, building envelope, front and side boundary setbacks or landscaped open space within the school campus. Therefore, no further consideration of the Built Form Controls is required for the modification application.

Compliance Assessment

Clause	Compliance with Requirements	Consistency Aims/Objectives
Part A Introduction	Yes	Yes
A.5 Objectives	No	No
Part C Siting Factors		
C2 Traffic, Access and Safety	No	No
C3 Parking Facilities	No	No

Detailed Assessment

A.5 Objectives

- *To ensure development responds to the characteristics of the site and the qualities of the surrounding neighbourhood.*
- *To ensure new development is a good neighbour, creates a unified landscape, contributes to the street, reinforces the importance of pedestrian areas and creates an attractive design outcome.*
- *To inspire design innovation for residential, commercial and industrial development.*
- *To provide a high level of access to and within development.*
- *To protect environmentally sensitive areas from overdevelopment or visually intrusive development so that scenic qualities, as well as the biological and ecological values of those areas, are maintained.*
- *To achieve environmentally, economically and socially sustainable development for the community of Warringah.*

Comment:

The development of St Lukes Grammar School dominates the surrounding precinct as the school has three road frontages and is positioned in a ridgeline location surrounded by industrial land to the west, Stony Ridge Bushland Reserve to the north and residential land along Quirk Street, Tango Avenue and Headland Road. The capacity of the school has reached a level that has resulted in a concentration of integrated buildings to cater for the education needs of the school, interspersed with carparking facilities and multi-use landscape spaces.

High traffic levels generated by the school during the mid morning and mid afternoon periods have become a characteristic of the school environment, which affects the surrounding residential neighbourhood in terms of street parking and increasing difficulty of traffic access. The surrounding residential neighbourhood to the north, south and east of the site is characterised as low density detached residential housing in landscape settings. Traffic access and kerb side parking for properties near the school is intensively utilised, during school hours, as the student enrolment has progressively increased from past years. In addition to this, the school generates ancillary parking pressures when undertaking capital improvement works. Industrial land to the west of the site is less affected by traffic and parking issues due to those uses having their own off-street carparking areas and closer access to Harbord Road away from the school's road frontage.

St Lukes Grammar School has been a long established use in the surrounding precinct, however the traffic generation and on-street parking generated by the school has become a significant issue for residential neighbours near the school. The school relies principally on street parking and kerbside loading areas for parents picking up / dropping off students, for many students that drive cars to school and all bus / coach services to school. While the roads surrounding the school are through roads, the concentration of traffic during a school day mid morning and mid afternoon commonly creates a choke point that halts the normal through flow of traffic. The ongoing parking and traffic issues increases driving safety concerns, including pedestrian safety. No building or traffic / parking design response changes are proposed with the DA modification to accommodate the increased student enrolments.

Providing a high level of safe and convenient traffic access within the precinct has become untenable due to the concentrated traffic and parking conditions near St Luke's School during the school term. The most significant factors are the high volume of parents who drive children to school and / pick up from school, as well as the on-street parking taken up by senior school students that drive to school. The impact on traffic access and parking for surrounding residential land is symptomatic of overdevelopment and is unsustainable for any further increases in enrolments.

In summary, the proposal is inconsistent with the objectives of the zone to respond to the surrounding neighbourhood, ensure development is a good neighbour, achieving a high level of access and maintaining a sustainable intensity of development.

C2 Traffic, Access and Safety

Merit consideration

With regard to the consideration for a variation, the development is considered against the underlying Objectives of the Control as follows:

- *To minimise traffic hazards.*

Comment:

Increasing the student enrolment increases the potential traffic hazards in the mid morning and mid afternoon periods due to the concentrated traffic movements at this time of day where there is a reliance on the public street for pick-up and drop-off, as well as bus services and student parking. The traffic and parking management plan relies on measures implemented with the previous modification (MOD2017/0071) to ensure traffic hazards will be minimised despite further increase to the student enrolment. The application does not propose any road widening measures, additional pick-up set-down zones or bus bays or additional off-street carparking that would minimize and reduce traffic hazards which are concentrated around the site frontages.

- *To minimise vehicles queuing on public roads.*

Comment:

The demand for kerbside parking created by traffic associated with the school narrows the available carriageway and requires vehicles to queue when waiting for turning vehicles, or other traffic and pedestrian movements that restrict vehicles from passing. The proposed modification does not propose any additional parking facilities and relies on the existing assets within the public road reserve to cater for parking and additional pick-up set-down activity. This is inconsistent with this objective to minimise queuing on public roads. Queuing on the public road will increase as a result of the proposal, further increasing safety concerns and is therefore inconsistent with this objective.

- *To minimise the number of vehicle crossings in a street.*

Comment:

No change is proposed to the existing entry and exit crossings from the school premises along Headland Road, Tango Avenue or Quirk Street.

Therefore, no further consideration of this objective is relevant the modification application.

- *To minimise traffic, pedestrian and cyclist conflict.*

Comment:

Traffic and pedestrian activity surrounding the school is high during the mid morning and mid

afternoon periods on school days creating a choke point for traffic in the vicinity if the site using Headland Road, Quirk Street or Tango Avenue. While this time covers a relatively short period of the day the intensity of pedestrian and vehicle movement easily creates conflict to the free flow of through traffic and access for neighbouring residential land. It is apparent that the increased enrolments proposed are likely to result in the TMP becoming less effective, with previous opportunities to provide improved pick-up and set-down and off street parking having been extended to their fullest.

- *To minimise interference with public transport facilities.*

Comment:

The school location is not on a main transport route for bus services to Manly, Dee Why or the city. There are no transit lanes along the road frontages of the school. The school utilises four (4) allocated kerbside bus stops to service the school. These bus stops are along Quirk Street (2) and Tango Avenue (1) with an indented bus bay in Headland Road.

- *To minimise the loss of "on street" kerbside parking.*

Comment:

The proposal will increase the demand for "on street" kerbside parking due to the occurrence of parents willing to drive their children to school and / or pick up from school as well as a tendency of senior students that will routinely drive to school, they can do so. While this does not create a "loss" of on street parking it reduces the day time availability of kerbside parking for surrounding residents that rely on convenient availability to service their needs.

Having regard to the above assessment, it is concluded that the proposed development is inconsistent with the relevant objectives of WDCP and the objectives specified in section 5(a) of the Environmental Planning and Assessment Act, 1979. Accordingly, this assessment finds that the proposal is not supported, in this particular circumstance.

C3 Parking Facilities

Description of non-compliance

Insufficient off-street parking and pick-up drop-off facilities are available to cater for the increased student enrolment.

Merit consideration

With regard to the consideration for a variation, the development is considered against the underlying Objectives of the Control as follows:

- *To provide adequate off street carparking.*

Comment:

The development provides the following on-site car parking:

Use	Appendix 1 Calculation	Required	Provided	Difference (+/-)

Educational establishment	<i>1 space per staff member in attendance, plus as relevant, adequate pickup/setdown area on site, plus adequate provision of bicycle racks, plus adequate provision for student parking, plus provision of bus standing and turning area</i>	118 staff (EFT) Nominal bicycle rack 115 year 12 students. Bus service	112 staff spaces, plus 2 disabled persons spaces, plus 2 loading dock spaces, plus 1 visitor car space. Nominal bike rack 17 car spaces for students 1 indented kerbside bus bay and 3 other bus stops used.	Adequate staff parking and disabled persons parking (+ visitor). No off-street pickup / set down. No change required Reliant on kerbside parking. No internal bus bay.
Total			132 car parking spaces (incl. for visitors / disabled persons)	

A diagram of the schools car parking facilities and pick-up drop off zones is illustrated in the coloured diagram of the School TMP. However, the diagram shows inconsistencies between the Traffic Management report and Traffic Management Plan.

- *To site and design parking facilities (including garages) to have minimal visual impact on the street frontage or other public place.*

Comment:

Undercover parking areas are already constructed and in use for the site. No further construction is proposed for additional parking facilities to accommodate traffic management associated with the increase in student numbers. Complying Development Certificate CDC2018/1200 (GLA180084.1, dated 18.12.2018) shows a basement area of 3 parking spaces but this provides only a net increase of 1 parking space since the basement ramp access will remove two (2) existing spaces.

- *To ensure that parking facilities (including garages) are designed so as not to dominate the street frontage or other public spaces.*

Comment:

The school has buildings that contain car parking facilities on site , however insufficient space is available to accommodate all parking and pick-up set-down facilities. During peak periods at mid morning and mid afternoon the traffic and parking generated by the school dominates the street frontages around the school and the public roads close to the school, making access for residents along Headland Road, Quirk Street and Tango Avenue more difficult on school days.

Having regard to the above assessment, it is concluded that the proposed development is inconsistent with the relevant objectives of WDCP and the objectives specified in section 5(a) of the Environmental Planning and Assessment Act, 1979. Accordingly, this assessment finds that the proposal is not supported, in this particular circumstance.

THREATENED SPECIES, POPULATIONS OR ECOLOGICAL COMMUNITIES

The proposal will not significantly effect threatened species, populations or ecological communities, or their habitats.

CRIME PREVENTION THROUGH ENVIRONMENTAL DESIGN

The proposal is consistent with the principles of Crime Prevention Through Environmental Design.

CONCLUSION

The site has been inspected and the application assessed having regard to all documentation submitted by the applicant and the provisions of:

- Environmental Planning and Assessment Act 1979;
- Environmental Planning and Assessment Regulation 2000;
- All relevant and draft Environmental Planning Instruments;
- Warringah Local Environment Plan;
- Warringah Development Control Plan; and
- Codes and Policies of Council.

This assessment has taken into consideration the submitted plans, Statement of Environmental Effects, all other documentation supporting the application and public submissions, in this regard the application is not considered to be acceptable and is recommended for refusal.

In consideration of the proposal and the merit consideration of the development, the proposal is considered to be:

- Inconsistent with the objectives of the DCP
- Inconsistent with the zone objectives of the LEP
- Inconsistent with the aims of the LEP
- Inconsistent with the objectives of the relevant EPIs

- Inconsistent with the objects of the Environmental Planning and Assessment Act 1979

The proposal to increase enrolments at St Luke's Grammar School from 992 students to 1092 students does not involve any additional building works or conversion of existing rooms to accommodate the extra students. No change is proposed to staff numbers as the additional students will be placed on an "infill" basis where there is additional capacity in existing classes or where some teachers have spare capacity in their timetables for extra classes. No building works for any additional on-site car parking or expansion of pick-up and drop-off zones for the school are proposed.

The modification seeks amendment to No.3 of DA2011/0446 (as modified by MOD2017/0071) which currently limits the maximum school enrollment to 992 students. The modification proposal however raises two principle concerns. Firstly, the School's ongoing reliance on kerbside parking principally generated by Year 12 students who drive to school and secondly, the increased traffic congestion created by parents picking-up and dropping-off students at the school. The impacts of traffic and parking congestion created during the school term is an on-going concern for residents that live near St Luke's Grammar School in Headland Road, Tango Avenue and Quirk Street. While the school has a multi storey staff car park and some ancillary parking off Headland Road there has been a net decline in available parking in recent years from past in-fill development within the site. As such the proposal is not supported pursuant to *Part C2 Traffic, Access and Safety* and *Part C3 Parking Facilities of the Warringah DCP 2011*.

The St Luke's Grammar School has also commenced a "Junior School" redevelopment project pursuant to *SEPP (Educational Establishments and Child Care Facilities) 2017*, for its Junior School for a new 4 storey building with a basement area, at the corner of Headland Road, Tango Avenue and Quirk Street. The Junior school redevelopment is authorized by a Complying Development Certificate (CDC), issued via private certification, and is a separate application to MOD2018/0412 and follows a separate approval pathway. The CDC SEPP process does not allow for public or Council participation in the CDC approval process whereby potential environmental planning issues could be raised on merit.

In summary, the Section 4.55(2) has been assessed pursuant to the Act, relevant State planning policies the applicable local planning controls under Warringah LEP 2011 and Warringah DCP 2011. Significant concerns have been raised by the public interest with respect to traffic and parking issues generated by the increased student enrollments and existing traffic safety and parking pressure being experienced by surrounding residents near the school.

The associated traffic and parking issues have been assessed as being unable to be resolved by conditions and therefore these issues have determining weight and warrant the principle reasons for refusal of the application.

It is considered that the proposed development does not satisfy the appropriate controls and that all processes and assessments have been satisfactorily addressed.

RECOMMENDATION

THAT Council , as the consent authority REFUSE Modification Application No. Mod2018/0412 for Modification of Development Consent DA2011/0446 granted for Alterations and additions to a school to increase student numbers on land at Lot 2112 DP 752038,210 Headland Road, DEE WHY, subject to the reasons outlined as follows:

1. Pursuant to Section 4.15(1)(a)(i) of the Environmental Planning and Assessment Act 1979 the proposed development is inconsistent with the Clause 1.2 Aims of The Plan of the Warringah Local Environmental Plan 2011.
2. Pursuant to Section 4.15(1)(a)(iii) of the *Environmental Planning and Assessment Act 1979* the proposed development is inconsistent with the Objectives of the *Warringah Development Control Plan 2011* to achieve development that responds to the low density residential environment, is a good neighbour and maintains high levels of access for surrounding development.
3. Pursuant to Section 4.15(1)(a)(iii) of the *Environmental Planning and Assessment Act 1979* the proposed development is inconsistent with the provisions of *Part C2 Traffic, Access and Safety* of the *Warringah Development Control Plan 2011*.
4. Pursuant to Section 4.15 (1)(a)(iii) of the *Environmental Planning and Assessment Act 1979* the proposed development is inconsistent with the provisions of *Part C3 Parking Facilities* of the *Warringah Development Control Plan 2011*.
5. Pursuant to Section 4.15 (1)(c) of the *Environmental Planning and Assessment Act 1979* and *Regulations* the site is considered unsuitable for the proposed modification due to the congested traffic and parking management generated by the St Luke's Grammar school impacting surrounding residents and through traffic near the site.
6. Pursuant to Section 4.15 (1)(e) of the *Environmental Planning and Assessment Act 1979*, the proposed modification is not in the public interest due to the increased traffic safety risks and parking hazard impacts on Headland Road, Tango Avenue and Quirk Street near the site.