

DETERMINATION AND STATEMENT OF REASONS

SYDNEY NORTH PLANNING PANEL

DATE OF DETERMINATION	25 September 2019
PANEL MEMBERS	Peter Debnam (Chair), Peter Brennan, Steve Kennedy and Marcus Sainsbury
APOLOGIES	John Roseth and Annelise Tuor
DECLARATIONS OF INTEREST	<p>Sue Francis declared a conflict of interest as her company, City Plan, prepared the Statement of Environmental Effects for the development application.</p> <p>Julie Savet Ward declared a conflict of interest as the landscape architect for this development application is a close friend.</p>

Public meeting held at Christies Conference Centre North Sydney on 25 September 2019, opened at 10.35am and closed at 11.32am.

MATTER DETERMINED

PPSSNH-24 – Northern Beaches – DA2019/0411 at 2-8 Old Pittwater Road Brookvale – Brookvale Primary School (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 briefings and the matters observed at site inspections listed at item 8 in Schedule 1.

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

Development application

The panel determined to approve the development application pursuant to section 4.16 of the *Environmental Planning and Assessment Act 1979*.

The decision was unanimous.

REASONS FOR THE DECISION

The Panel noted that as a result of an extensive review and consultation process, seven options for the placement of the new development were seriously considered. The net result of that process has been the applicant's proposal is unanimously supported by the School, P & C and the Education Department.

While the proposal will require the removal of three significant trees, it is the preferred option in terms of school functionality and retention of the existing open space area and appears to be the least complex in terms of construction and programming within an operational school environment. The Panel was mindful of the significant role played by the existing open space and the importance placed on this amenity by the school community.

The Panel understands each of the options considered is likely to involve some tree removal and as such the preferred Option 2 is the best way forward from the school's point of view.

While the Panel understands the Council's view that the proposal represents a lost opportunity from an Urban Design point of view, the Panel accepts that the process has involved extensive investigation of design options and in the circumstances Option 2 could be described as the least problematic.

The panel noted the comments by the Council's Urban Design expert, which the Panel considered had merit. The Panel further noted the commitment by the Applicant's architect that the core issues raised, in particular with regard to context, bulk, scale and character, in particular with respect to materials and fascia, will be addressed in the ongoing design work to be undertaken during the construction documentation phase of the project.

CONDITIONS

The development application was approved subject to the conditions in the council assessment report with the following amendments as detailed in the applicant's submission received 19 September 2019.

- Condition 3a amended to read as follows:

Unless authorised by Council:

Building construction and delivery of material hours are restricted to:

- 7.00 am to 5.00 pm inclusive Monday to Friday,
- 8.00 am to 1.00 pm inclusive on Saturday,
- No work on Sundays and Public Holidays.

*Demolition and excavation works are restricted to: 8.00 am to 5.00 pm **inclusive** Monday to Friday, and **8.00 am to 1.00 pm inclusive on Saturday.***

(Excavation work includes the use of any excavation machinery and the use of jackhammers, rock breakers, excavators, loaders and the like, regardless of whether the activities disturb or alter the natural state of the existing ground stratum or are breaking up/removing materials from the site).

- Condition 15 amended to read as follows:

*The acoustic assessment by Day Design Pty Ltd Report 6736-1.1R 11 April 2019 recommendations for management of noise being incorporated in a Management Plan for the use of the School Hall as well as signage on or adjacent to the large glass folding doors **to the south-west** and louvres requiring closure from 6pm to 10pm. **The large glass folding door facing south-east may remain open for access overflow after 6pm, if required.***

In any rental or usage by others of the School Hall noise management requirements are to form part of the agreement.

CONSIDERATION OF COMMUNITY VIEWS

In coming to its decision, the panel considered written submissions made during public exhibition and heard from all those wishing to address the panel. The panel notes that issues of concern included:

- Lack of community consultation
- Noise
- Building bulk and visual outlook
- Retention and removal of trees
- Alternate location and biased option assessment
- Location impact on those using the facility – traffic and parking
- Overland flow and drainage issues
- Flawed notification process

The panel considers that concerns raised by the community have been adequately addressed in the assessment report and by the applicant and Council during the public meeting. In relation to noise and overland flow issues, conditions will address that issue.

PANEL MEMBERS



Peter Debnam (Chair)



Marcus Sainsbury



Peter Brennan



Steve Kennedy

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	PPSSNH-24 – Northern Beaches – DA2019/0411
2	PROPOSED DEVELOPMENT	Alterations and additions to Brookvale Primary School, including a new school hall
3	STREET ADDRESS	2-8 Old Pittwater Road Brookvale
4	APPLICANT/OWNER	NSW Department of Education Brookvale Public School
5	TYPE OF REGIONAL DEVELOPMENT	Crown development referred under section 4.33 of the EP&A Act
6	RELEVANT MANDATORY CONSIDERATIONS	<ul style="list-style-type: none"> Environmental planning instruments: <ul style="list-style-type: none"> Environmental Planning and Assessment Act 1979 State Environmental Planning Policy No 55 – Remediation of Land State Environmental Planning Policy (Infrastructure) 2007 State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017 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 Provisions of the <i>Environmental Planning and Assessment Regulation 2000</i>: Nil Coastal zone management plan: 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: 5 September 2019 Written submissions during public exhibition: four (4) Applicant submission: 19 September 2019 Verbal submissions at the public meeting: <ul style="list-style-type: none"> In support – Michael Clark (on behalf of school P&C) In objection – Matthew Skipper (copy of speech tendered to the Panel) Council assessment officer – Anna Williams, Julie Edwards, Joseph Tramonte On behalf of the applicant – Oliver Klein (planning consultant), Robert McNamara (architect), Bev Maunder (school principal)
8	MEETINGS, BRIEFINGS AND SITE INSPECTIONS BY THE PANEL	<ul style="list-style-type: none"> Final briefing to discuss council's recommendation, 25 September 2019, 10am. Attendees: <ul style="list-style-type: none"> <u>Panel members</u>: Peter Debnam (Chair), Peter Brennan, Steve Kennedy and Marcus Sainsbury <u>Council assessment staff</u>: Julie Edwards, Anna Williams, Alex Kwok, Joseph Tramonte
9	COUNCIL RECOMMENDATION	Refusal
10	DRAFT CONDITIONS	Attached to the council assessment report