

## DEVELOPMENT APPLICATION ASSESSMENT REPORT

<b>Application Number:</b>	DA2020/1465
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<b>Responsible Officer:</b>	David Auster
<b>Land to be developed (Address):</b>	Lot 4 DP 601758, 4 / 0 Bennett Street CURL CURL NSW 2096
<b>Proposed Development:</b>	Alterations and additions to a recreation facility
<b>Zoning:</b>	Warringah LEP2011 - Land zoned RE2 Private Recreation
<b>Development Permissible:</b>	Yes
<b>Existing Use Rights:</b>	No
<b>Consent Authority:</b>	Northern Beaches Council
<b>Land and Environment Court Action:</b>	No
<b>Owner:</b>	Harbord Bowling Club
<b>Applicant:</b>	Rapid Plans Pty Ltd

<b>Application Lodged:</b>	18/11/2020
<b>Integrated Development:</b>	No
<b>Designated Development:</b>	No
<b>State Reporting Category:</b>	Commercial/Retail/Office
<b>Notified:</b>	21/12/2020 to 25/01/2021
<b>Advertised:</b>	Not Advertised
<b>Submissions Received:</b>	4
<b>Clause 4.6 Variation:</b>	Nil
<b>Recommendation:</b>	Approval

<b>Estimated Cost of Works:</b>	\$ 396,375.00
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### PROPOSED DEVELOPMENT IN DETAIL

The proposed works provide refurbished futsal courts with replacement synthetic grass playing surface, fencing & netting surrounding the courts internal areas, demolition of the concrete paving, brick structure, awning & hard surface areas to the south west corner of the courts & a new amenities building containing spaces for an office, store, bathrooms & an entertaining space with new synthetic grassed circulation areas for the property adjacent to the car parking area. The existing storage building will be maintained & refurbished. No increase is proposed in the current operations of the sporting areas with improved facilities with the addition of women's & disabled bathrooms to complement the existing usage. The existing lighting will remain.

The original application also involved infilling the area between the courts to be additional playing surface area. However, this was removed by amendment due to issues with flood storage removal.

## 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 - C2 Traffic, Access and Safety  
Warringah Development Control Plan - C3 Parking Facilities

## SITE DESCRIPTION

<b>Property Description:</b>	Lot 4 DP 601758 , 4 / 0 Bennett Street CURL CURL NSW 2096
<b>Detailed Site Description:</b>	<p>The site is located adjacent to the public land surrounding Curl Curl Lagoon. It is irregular in shape, and has an approximate area of 1.75 hectares.</p> <p>The site is occupied by the Harbord Bowling Club. The application relates to the futsal courts located at the northern end of the site, adjacent to the public land surrounding the Lagoon.</p> <p>Apart from the the public land generally to the north, north east and north west, the site is surrounded by low density residential development to the east, west and south.</p>

Map:



## SITE HISTORY

The land has been used for the current purposes for an extended period of time. A search of Council's records has revealed the following relevant history:

Application DA2019/1119 for Use of part of the carparking area associated with the Harbord Bowling Club for the purposes of a market was withdrawn by the applicant on 8/1/2020.

Application DA2019/1094 for Alterations and additions to a registered club was approved by Council on 15/11/2019. This application related only to additions to the main club building, but it is notable that the site plans indicate the northern area as being futsal courts.

Application DA2012/0900 for the construction of an outbuilding and fencing to an existing outdoor recreation facility (Harbord Bowling Club) approved by Council on 7/9/2012. This application related to works at the south of the site. However, it is noted that on the stamped plans for this application the note the northern area as being "Futsal Soccer Courts".

Application DA2009/0204 for for the enclosure of an existing barbecue area within an existing club (Harbord Bowling & Recreation Club) approved by Council on 04 May 2009. This application relates to works to the south of the main club building. The northern area on the approved plans is depicted as "Tennis Courts".

Application DA2008/0441 for Demolition of existing 4 tennis courts & associated sheds was approved by Council on 13/08/2008. These tennis courts are the location of the futsal courts that now exist on site.

Application DA2007/1095 for Subdivision of Lot 4 in DP 601758 Into Two Lots was approved by Council on 6/8/2008. The plans for this application also note the northern area as tennis courts.

Application DA2005/0792 for Erection of Four 8 metre High Floodlights to Bowling Green Number 3 approved by Council on 16/2/2006. Bowling Green 3 is the green to the south east of the areas now used for futsal courts.

## ENVIRONMENTAL PLANNING AND ASSESSMENT ACT, 1979 (EPAA)

The relevant matters for consideration under 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	Draft State Environmental Planning Policy (Remediation of Land) seeks to replace the existing SEPP No. 55 (Remediation of Land). Public consultation on the draft policy was completed on 13 April 2018. The subject site has been used for recreational purposes for an extended period of time. The proposed development retains the recreational use of the site, and is not considered a contamination risk.
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 Regulation 2000)	<p><u>Division 8A</u> of the EP&amp;A Regulation 2000 requires the consent authority to consider "Prescribed conditions" of development consent. These matters have been addressed via a condition of consent.</p> <p><u>Clause 50(1A)</u> of the EP&amp;A Regulation 2000 requires the submission of a design verification certificate from the building designer at lodgement of the development application. This clause is not relevant to this application.</p> <p><u>Clauses 54 and 109</u> of the EP&amp;A Regulation 2000 allow Council to request additional information. Additional information was requested in relation to flooding and noise issues.</p> <p><u>Clause 92</u> of the EP&amp;A Regulation 2000 requires the consent authority to consider AS 2601 - 1991: The Demolition of Structures. This matter has been addressed via a condition of consent.</p> <p><u>Clauses 93 and/or 94</u> of the EP&amp;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.</p> <p><u>Clause 98</u> of the EP&amp;A Regulation 2000 requires the consent authority to consider insurance requirements under the Home Building Act 1989. This matter has been addressed via a condition of consent.</p>

Section 4.15 Matters for Consideration'	Comments
	<p>Clause 98 of the EP&amp;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 condition of consent.</p> <p>Clause 143A of the EP&amp;A Regulation 2000 requires the submission of a design verification certificate from the building designer prior to the issue of a Construction Certificate. This clause is not relevant to this application.</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) <b>Environmental Impact</b> 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) <b>Social Impact</b> The proposed development will not have a detrimental social impact in the locality considering the character of the proposal.</p> <p>(iii) <b>Economic Impact</b> The proposed development will not have a detrimental economic impact on the locality considering the nature of the existing and proposed land use.</p>
Section 4.15 (1) (c) – the suitability of the site for the development	The site is considered suitable for the proposed development.
Section 4.15 (1) (d) – any submissions made in accordance with the EPA Act or EPA Regs	See discussion on “Notification & Submissions Received” in this report.
Section 4.15 (1) (e) – the public interest	No matters have arisen in this assessment that would justify the refusal of the application 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 from 21/12/2020 to 25/01/2021 in accordance with the Environmental Planning and Assessment Act 1979, Environmental Planning and Assessment Regulation 2000 and the Community Participation Plan.

As a result of the public exhibition process council is in receipt of 4 submission/s from:

Name:	Address:



Name:	Address:
Mr Frank Minnici	17 Bennett Street CURL CURL NSW 2096
Suzanne Alicia Johns	18 Dowling Street QUEENSCLIFF NSW 2096
Mrs Alexandria Phillippa Mawhinney	C/- Trias Pty Ltd 34 Kings Lane DARLINGHURST NSW 2010
Ms Melinda Jayne McIntosh	47 Bennett Street CURL CURL NSW 2096

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

- Notification
- Hours of operation
- Food / Entertaining
- Car parking and traffic
- History
- Noise
- Light pollution
- Privacy / landscaping

The matters raised within the submissions are addressed as follows:

- **Notification**

Concerns were raised that the proposal was not notified widely enough.

Comment:

In response to these concerns, the application was re-notified to a far wider area of neighbours, due to potential noise impacts. The submissions in this regard were reasonably satisfied.

- **Hours of operation**

Concerns were raised regarding the proposed hours of operation, including the starting and finishing times.

Comment:

The applicant amended the proposed hours of operation in response to the concerns raised, from Monday to Friday 6am - 11pm originally proposed to 8am - 9.30pm. The application also proposes hours of 9a to 7pm on weekends. Given the recreational nature of the use, these hours are considered reasonable, and the submissions generally reasonably satisfied by the amendments.

- **Food / Entertaining**

Concerns were raised in relation to possible food preparation and sales in the proposed amenities building, and around the general use of the 'entertaining' room shown on the plans, and whether it would be used for the sale of alcohol, barbeques or poker machines.

Comment:

The proposal does not include any use of the new building for entertainment or sales purposes, but is comprised of bathrooms/changerooms and storerooms. The entertaining room shown on the original plans has been removed in response to the objector concerns raised, and the approval of the application will not give approval for use of the building for such purposes.

- **Car parking and traffic**

Concerns were raised in relation to parking requirements and general traffic impacts of the futsal operation.

Comment:

The proposal was referred to Council's Traffic Engineer, who raised no concerns with the proposal. The existing accesses to and from the site will remain unchanged. The use of the northern area of the site for futsal is similar to the originally approved use for bowling greens in the number of people who might be using these areas at any one time, and the existing parking on site is considered reasonable to maintain in this regard. Further, on week days futsal is generally played later in the day and at night times, when other bowling greens on site will not be being used, meaning parking demand is more spread throughout the day.

- **History**

Concerns were raised with regard to original approval for use of the site for the futsal operations.

Comment: (Refer to History section of this report) An investigation of the history of the site did not reveal any specific previous approval for use of the northern area of the site specifically for futsal/football. The area was used for tennis courts up until around 2009 (demolition of the tennis courts was approved by Council in 2008). However, subsequently there have been two applications approved by Council (in 2012 and 2019), that depict the area in question as futsal courts, albeit the works applied for in those applications did not relate to that area of the site. Council has therefore arguably provided tacit approval of the futsal use in the past, as it is shown on historic stamped approved plans.

Further, futsal, tennis, and bowling are not separately defined uses under the zoning table, and all fall under the definition for recreation facility (outdoor), as follows: *"recreation facility (outdoor) means a building or place (other than a recreation area) used predominantly for outdoor recreation, whether or not operated for the purposes of gain, including a golf course, golf driving range, mini-golf centre, tennis court, paint-ball centre, lawn bowling green, outdoor swimming pool, equestrian centre, skate board ramp, go-kart track, rifle range, water-ski centre or any other building or place of a like character used for outdoor recreation (including any ancillary buildings), but does not include an entertainment facility or a recreation facility (major)".*

Bowling greens and tennis courts are specifically mentioned in the definition, and futsal falls under the terms of *"or any other building or place of a like character used for outdoor recreation (including any ancillary buildings)"*. As such, the use of the area in question as futsal courts is not considered to require approval, as it does not materially change the approved use of the site or the area, being for outdoor recreation.

Notwithstanding, the application form for the current application under assessment proposes to use the site for "recreational uses" and "refurbished football courts". So even if the above arguments were not accepted regarding whether or not use of the area for futsal required some sort of additional approval, the current application may be seen to be applying for that use. The environmental impacts of that use have been specifically assessed in full as part of this assessment, including noise impacts, traffic, hours of operation, and other impacts as discussed throughout this report.

Given the above considerations, the question as to when or whether approval was originally given for futsal on the site is not considered to require refusal of the current application.

- **Noise**

Concerns were raised in relation to noise caused by the futsal operation, including the vocal noise made by players, and the ball hitting the wire fencing surrounding the courts.

Comment:

The applicant was required to provide an acoustic report during the assessment process. This information was referred to Council's Environmental Health officers, who were satisfied that the proposal would not unreasonably impact surrounding residential land, subject to conditions regarding hours of operation, and installation of a noise barrier around the futsal courts as recommended by the acoustic report. These measures have been included in the recommended conditions of consent.

- **Light pollution**

Concerns were raised with respect to light pollution caused by the operation of floodlights on site.

Comment:

The application does not propose new floodlights on site. The hours of operation have been amended due to the objector concerns, and the existing floodlights will be required to be turned off by 10.00pm on weeknights, and 7pm on weekends.

- **Privacy / landscaping**

Concerns were raised that the proposal relies on landscaping on the western boundary that is on the Council reserve, and that this is inadequate to provide privacy to the surrounding area. Dense planting was requested to the east of the new entertaining room proposed to increase visual and acoustic privacy to neighbours.

Comment:

The futsal area is a significant distance from the nearest residences, being approximately 50m-60m minimum from the rear boundary of the nearest neighbour to the south west (31 Bennet St), and approximately 80m minimum from 43 Stirgess Avenue to the east. There are significant visual impediments in all directions including vegetation and buildings. The proposal is not considered to result in any unreasonable visual privacy impacts, and no further planting is recommended to be required as a result of the proposal.

## REFERRALS

Internal Referral Body	Comments
Building Assessment - Fire and Disability upgrades	No objections subject to standard conditions. Proposal is readily capable of compliance with the Building Code of Australia.
Environmental Health (Contaminated Lands)	<b>General Comments</b> The applicant advises : The proposed works provide refurbished football courts with new synthetic grass playing surface, fencing & netting surrounding the courts internal areas, infilling the area between the courts to be additional playing surface area by demolishing the concrete paving, brick structure, awning & hard surface areas to the south west corner of the courts & a new amenities building containing spaces for an



Internal Referral Body	Comments
	<p>office, store, bathrooms &amp; an entertaining space with new synthetic grassed circulation areas for the property adjacent to the car parking area. The existing storage building will be maintained &amp; refurbished. The proposal is in sympathy with the existing property maintaining the scale and character of a recreation sporting area and the garden suburb. There is no increase in the current operations of the sporting areas with improved facilities with the addition of women's &amp; disabled bathrooms to complement the existing usage. The existing lighting will remain.</p> <p><b>Recommendation</b></p> <p>APPROVAL - no conditions</p>
Environmental Health (Industrial)	<p><b>General Comments</b></p> <p>I have no objection to this proposal.</p> <p>Further detail on the sediment and erosion controls to be implemented during construction required. Prior to construction.</p> <p>Consideration to noise concerns with the operation of the business from 6am to 7am and 10pm to 11pm. Preference to adjusting the times to 7am to 10pm.</p> <p><b>Amended comments 27/07/2021</b></p> <p>Environmental Health has been requested to provided additional comments to the proposed development based on the submission of an acoustic report by Acoustic dynamic in support of the development application.</p> <p>It is noted that there are a number of proposed hours of operation listed various documents, in the acoustic report the hours of operation are listed as Monday to Friday 8:00am to 10:00pm; and Saturday &amp; Sunday: 9:00am to 10:00pm.</p> <p>An email to the planner from Frank Minnici advises that an amendment to the proposed hours to Monday - Friday 8:00am to 9:30pm and Saturday - Sunday 9:00am to 7:00pm.</p> <p>The statement of Environmental Effects lists the hours as 6:00am-11:00pm Monday to Friday and 9:00am - 7:00pm Weekends</p> <p>For the purposes of this assessment it is assumed that the proposed hours will be Mon - Fri 8:00am - 9:30pm &amp; 9:00am - 7:00pm Weekends.</p> <p>It is noted that the subject site has been operating in a similar manner to the proposed use for a number of years and this application now seeks to formalise the use. This has been considered by Environmental Health in making their assessment. The proposed use of the site sits within the Day and Evening periods listed in the EPA</p>

Internal Referral Body	Comments
	<p>noise policy for Industry and is reasonable for its proposed use.</p> <p>The acoustic report advises that predicted LA10(15mins) levels fail to comply with the most relevant guidelines at two of the closest residential receivers and provides physical options for noise attenuation to be applied at the consent authorities discretion and a recommended management plan as an administrative control.</p> <p>The physical options include;</p> <ul style="list-style-type: none"> <li>- Option A- A noise barrier on the southwestern corner of fields, which provides moderate attenuation by shielding one residential receiver and not the other.</li> <li>- Option B - A noise barrier along the southern boarder of the fields providing high attenuation to all residential receivers.</li> <li>- The other option is to not impose any barriers and accept the existing use of the property and that there will be some impact on residential receivers.</li> </ul> <p>Given the number of submissions relating to the impact of noise Environmental Health recommend imposing Option B and developing a plan of management by way of conditions to be imposed. Given that this would require a substantial wall around the southern perimeter of the development and additional costs to the applicant it is recommend that the applicant be consulted on this and the master set of plans be updated to incorporate the acoustic barrier.</p> <p><b>Recommendation</b></p> <p>APPROVAL - subject to conditions</p>
Landscape Officer	<p>The plans indicate no trees to be removed as part of the works.</p> <p>No objections are raised subject to conditions as recommended.</p>
NECC (Coast and Catchments)	<p>The application has been assessed in consideration of the Coastal Management Act 2016, State Environmental Planning Policy (Coastal Management) 2018 and has also been assessed against requirements of the Warringah LEP 2011 and Warringah DCP 2011.</p> <p><b>Coastal Management Act 2016</b></p> <p>The subject site has been identified as being within the coastal zone and therefore Coastal Management Act 2016 is applicable to the proposed development.</p> <p>The proposed development is in line with the objects, as set out under Clause 3 of the Coastal Management Act 2016.</p> <p><b>State Environmental Planning Policy (Coastal Management) 2018</b></p> <p>The subject land has been included on the 'Coastal Environment Area' map under the State Environmental Planning Policy (Coastal Management) 2018 (CM SEPP). Hence, Clauses 13 and 15 of the CM</p>

Internal Referral Body	Comments
	<p>SEPP apply for this DA.</p> <p>Comment: On internal assessment, the DA satisfies requirements under clauses 13 and 15 of the CM SEPP.</p> <p>As such, it is considered that the application does comply with the requirements of the State Environmental Planning Policy (Coastal Management) 2018.</p> <p><b>Warringah LEP 2011 and Warringah DCP 2011</b></p> <p>No other coastal related issues identified.</p> <p>As such, it is considered that the application does comply with the requirements of the coastal relevant clauses of the Warringah LEP 2011 and Warringah DCP 2011.</p>
NECC (Development Engineering)	No objections to approval subject to conditions as recommended.
NECC (Riparian Lands and Creeks)	<p>This proposal has been assessed against relevant legislation and policy relating to waterways, riparian areas and groundwater. The site is mapped as coastal environment area and is near Greendale Creek and Curl Curl lagoon. The development must not significantly impact on the biophysical, hydrological or ecological integrity of these areas, or on the quantity and quality of surface and ground water flows. A threat to these areas is possible from the release of plastics and microplastics from the synthetic turf, and the release of rubber pellets if these are also part of the playing field. If rubber pellets are used then the applicant should demonstrate how the pellets will be captured so they don't migrate out of the system. Council recommends a cork alternative.</p> <p>The applicant needs to clarify how water from the new playing fields will be managed. It appears that only stormwater from the roof of the development is accounted for. This concern has been addressed by the Water Management referral report.</p> <p>Sediment and erosion controls must be installed prior to any disturbance of soil on site and maintained until all work is complete and groundcover re-established.</p> <p><b>Groundwater</b></p> <p>This application has been reviewed for the potential interception of groundwater. If groundwater is encountered during the construction, and dewatering is required, work must cease until the applicant has provided a dewatering management plan to Northern Beaches Council and WaterNSW.</p> <p><b>Water Quality</b></p> <p>The water flowing off the sports fields must treated if pellets are used as part of the artificial field. This is to ensure that no pellets enter</p>

Internal Referral Body	Comments
	<p>Greendale Creek, Curl Curl lagoon, or the ocean more generally. Provision should be made for safe and easy access to any water treatment device to ensure that regular maintenance and cleaning is undertaken.</p> <p><b>Final Summary</b> This application is recommended for approval as it is unlikely to have an adverse effect on the integrity and resilience of the biophysical, ecological and hydrological environment of Greendale Creek, Curl Curl lagoon and the ocean more generally if the conditions are adhered to.</p>
NECC (Stormwater and Floodplain Engineering – Flood risk)	<p>The property at 4/0 Bennett St is identified as being flood affected, with the following flood levels derived from 'Dee Why and Curl Curl Lagoons Floodplain Risk Management Study' by Lyall &amp; Associates (2006):</p> <ul style="list-style-type: none"> <li>- 1% AEP Flood Level: 4.8m AHD.</li> <li>- Flood Planning Level (FPL): 5.3m AHD.</li> <li>- Probable Maximum Flood level (PMF): 5.8m AHD.</li> </ul> <p>The proposed development generally complies with the flood requirements of the DCP and LEP, provided that it is in accordance with the conditions listed below.</p>
NECC (Water Management)	<p>The proposal does not make significant changes to imperviousness of the site, however, due to the introduction of artificial turf and associated risk of plastics pollution (and the construction of a new stormwater system draining the renewed area), the applicant must install a sediment filter pit as a minimum on the drainage from the area, to capture coarse sediments and plastics prior to stormwater being discharged from the land. Care should be taken to ensure that the surfaces all drain to the stormwater filters. In addition, the applicant is required to submit a management plan that addresses management of the artificial turf surfaces, to ensure that redressing of the field is done in a way that minimises environmental risk and impact ie. to avoid excess fill material washing into the stormwater system. The applicant is encouraged to use materials such as granulated cork rather than rubber/plastic infill on the artificial turf areas.</p>
Parks, reserves, beaches, foreshore	<p>The development application is for alterations and additions to the existing Harbord Bowling Club, including refurbished football courts with new synthetic grass playing surface, fencing &amp; netting surrounding the courts internal areas, infilling the area between the courts to be additional playing surface area by demolishing the concrete paving, brick structure, awning &amp; hard surface areas to the south west corner of the courts &amp; a new amenities building containing spaces for an office, store, bathrooms &amp; an entertaining space with new synthetic grassed circulation areas for the property adjacent to the car parking area.</p> <p>Council's Parks Referral staff have assessed the proposal against the following Warringah DCP Controls:</p> <ul style="list-style-type: none"> <li>• C5 Erosion and Sedimentation</li> </ul>

Internal Referral Body	Comments
	<ul style="list-style-type: none"> <li>• C8 Demolition and Construction</li> <li>• E7 Development on Land Adjoining Public Open Space</li> </ul> <p>The property adjoins John Fisher Park incorporating nearby Weldon Oval and Frank Gray Oval as immediate adjoining land use with the cricket net facility directly adjoining the site.</p> <p>Parks Referral consider that the proposal does not impact upon the existing recreational use and enjoyment of the adjoining land, and no objections are raised subject to the protection of public assets.</p>
Traffic Engineer	<p>Minor works with limited impact on the road network</p> <p>Conditions provided to manage construction impacts only</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

Clause 7 (1) (a) of SEPP 55 requires the Consent Authority to consider whether land is contaminated. Council records indicate that the subject site has been used for the current recreational purposes for a significant period of time. The application was referred to Council's Environmental Health (Contaminated Lands) team due to proximity to land surrounding Curl Curl Lagoon. Environmental health raised no issues with the proposal. In this regard it is considered that the site poses no risk of contamination and therefore, no further consideration is required under Clause 7 (1) (b) and (c) of SEPP 55 and the land is considered to be suitable for the recreational land use.

### SEPP (Coastal Management) 2018

The proposal is consistent with the relevant clauses of State Environmental Planning Policy (Coastal Management) 2018, as assessed by Council's Coast and Catchments team (see referrals section of this report).

### 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?	Yes
zone objectives of the LEP?	Yes

#### Principal Development Standards

Standard	Requirement	Proposed	% Variation	Complies
Height of Buildings:	8.5m	5.5m (replacement fencing) 3m (amenities block)	N/A N/A	Yes Yes

#### Compliance Assessment

Clause	Compliance with Requirements
4.3 Height of buildings	Yes
5.21 Flood planning	Yes
6.1 Acid sulfate soils	Yes
6.2 Earthworks	Yes
6.4 Development on sloping land	Yes

#### Warringah Development Control Plan

##### Built Form Controls

Built Form Control	Requirement	Proposed	% Variation*	Complies
D1 Landscaped Open Space (LOS) and Bushland Setting	40%	60.4% approx.	N/A	Yes

#### Compliance Assessment

Clause	Compliance with Requirements	Consistency Aims/Objectives
A.5 Objectives	Yes	Yes
C2 Traffic, Access and Safety	Yes	Yes
C3 Parking Facilities	Yes	Yes
C4 Stormwater	Yes	Yes
C7 Excavation and Landfill	Yes	Yes
C8 Demolition and Construction	Yes	Yes
C9 Waste Management	Yes	Yes
D1 Landscaped Open Space and Bushland Setting	Yes	Yes
D3 Noise	Yes	Yes
D6 Access to Sunlight	Yes	Yes

Clause	Compliance with Requirements	Consistency Aims/Objectives
D7 Views	Yes	Yes
D8 Privacy	Yes	Yes
D9 Building Bulk	Yes	Yes
D10 Building Colours and Materials	Yes	Yes
D11 Roofs	Yes	Yes
D12 Glare and Reflection	Yes	Yes
D14 Site Facilities	Yes	Yes
D18 Accessibility and Adaptability	Yes	Yes
D20 Safety and Security	Yes	Yes
D21 Provision and Location of Utility Services	Yes	Yes
D22 Conservation of Energy and Water	Yes	Yes
E1 Preservation of Trees or Bushland Vegetation	Yes	Yes
E2 Prescribed Vegetation	Yes	Yes
E6 Retaining unique environmental features	Yes	Yes
E7 Development on land adjoining public open space	Yes	Yes
E8 Waterways and Riparian Lands	Yes	Yes
E10 Landslip Risk	Yes	Yes
E11 Flood Prone Land	Yes	Yes

### Detailed Assessment

#### **C2 Traffic, Access and Safety**

No changes are proposed to vehicular access. The application was referred to Council's Traffic Engineering team who raised no concerns with the application with regard to traffic impacts.

#### **C3 Parking Facilities**

The proposal maintains the existing situation on site with regard to parking. The DCP contains parking rates for bowling greens (30 spaces for the first green and 15 spaces per additional green), and tennis courts (3 spaces per court), but does not have any specific requirements for futsal courts. Given the nature of the proposal which is essentially a refurbishment of the existing futsal courts and ancillary building on site, it is not considered reasonable to refuse the application based on no change being proposed to parking. The futsal courts are a use which have been ongoing on the site since at least 2012, and appear to have been given tacit approval by Council in two previous applications (see History and Submissions sections of this report). Council's Traffic Engineers have assessed the proposal, and raised no concerns in relation to parking rates on site. It is noted that the futsal use takes place primarily outside of the hours when the bowling greens are in use (futsal mainly on weeknights, bowling during daytimes), and that the site includes a significant amount of existing parking, and a public carpark is also adjacent to the east of the site. Further on street parking is available in the surrounding streets should it be required.

The proposal is considered acceptable with regard to parking.

### **THREATENED SPECIES, POPULATIONS OR ECOLOGICAL COMMUNITIES**

The proposal will not significantly affect 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.

## **POLICY CONTROLS**

### **Northern Beaches Section 7.12 Contributions Plan 2021**

The proposal is subject to the application of Northern Beaches Section 7.12 Contributions Plan 2021.

A monetary contribution of \$3,964 is required for the provision of new and augmented public infrastructure. The contribution is calculated as 1% of the total development cost of \$396,375.

## **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, and does not result in any unreasonable impacts on surrounding, adjoining, adjacent and nearby properties subject to the conditions contained within the recommendation.

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

- Consistent with the objectives of the DCP
- Consistent with the zone objectives of the LEP
- Consistent with the aims of the LEP
- Consistent with the objectives of the relevant EPIs
- Consistent with the objects of the Environmental Planning and Assessment Act 1979

It is considered that the proposed development satisfies the appropriate controls and that all processes and assessments have been satisfactorily addressed.

## **RECOMMENDATION**

THAT Council as the consent authority grant Development Consent to DA2020/1465 for Alterations and additions to a recreation facility on land at Lot 4 DP 601758, 4 / 0 Bennett Street, CURL CURL, subject to the conditions printed below:

## DEVELOPMENT CONSENT OPERATIONAL CONDITIONS

### 1. **Approved Plans and Supporting Documentation**

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

#### a) Approved Plans

<b>Architectural Plans - Endorsed with Council's stamp</b>		
<b>Drawing No.</b>	<b>Dated</b>	<b>Prepared By</b>
DA1004 Rev 2	9-4-21	Rapid Plans
DA1007 Rev 2	9-4-21	Rapid Plans
DA1008 Rev 2	9-4-21	Rapid Plans
DA1009 Rev 2	9-4-21	Rapid Plans
DA2001 Rev 2	9-4-21	Rapid Plans
DA2002 Rev 2	9-4-21	Rapid Plans
DA2003 Rev 2	9-4-21	Rapid Plans
DA2004 Rev 2	9-4-21	Rapid Plans
DA3000 Rev 2	9-4-21	Rapid Plans
DA3001 Rev 2	9-4-21	Rapid Plans
DA3002 Rev 2	9-4-21	Rapid Plans
DA4000 Rev 2	9-4-21	Rapid Plans
DA4001 Rev 2	9-4-21	Rapid Plans
DA4002 Rev 2	9-4-21	Rapid Plans

<b>Reports / Documentation – All recommendations and requirements contained within:</b>		
<b>Report No. / Page No. / Section No.</b>	<b>Dated</b>	<b>Prepared By</b>
Acoustic Report 5260R001.NW.210622	1 July 2021	Acoustic Dynamic

b) Any plans and / or documentation submitted to satisfy the Conditions of this consent.

c) The development is to be undertaken generally in accordance with the following:

<b>Landscape Plans</b>		
<b>Drawing No.</b>	<b>Dated</b>	<b>Prepared By</b>
DA1014 Rev 2	9-4-21	Rapid Plans
DA1015 Rev 2	9-4-21	Rapid Plans

<b>Waste Management Plan</b>		
<b>Drawing No/Title.</b>	<b>Dated</b>	<b>Prepared By</b>
DA1017 Rev 2	9-4-21	Rapid Plans

DA1018 Rev 2	9-4-21	Rapid Plans
Northern Beaches Council Waste Management Plan	4/11/20	Rapid Plans

In the event of any inconsistency between conditions of this consent and the drawings/documents referred to above, the conditions of this consent will prevail.

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

## 2. Prescribed Conditions

- (a) All building works must be carried out in accordance with the requirements of the Building Code of Australia (BCA).
- (b) BASIX affected development must comply with the schedule of BASIX commitments specified within the submitted BASIX Certificate (demonstrated compliance upon plans/specifications is required prior to the issue of the Construction Certificate);
- (c) A sign must be erected in a prominent position on any site on which building work, subdivision work or demolition work is being carried out:
  - (i) showing the name, address and telephone number of the Principal Certifying Authority for the work, and
  - (ii) showing the name of the principal contractor (if any) for any building work and a telephone number on which that person may be contacted outside working hours, and
  - (iii) stating that unauthorised entry to the work site is prohibited.

Any such sign is to be maintained while the building work, subdivision work or demolition work is being carried out, but must be removed when the work has been completed.
- (d) Residential building work within the meaning of the Home Building Act 1989 must not be carried out unless the Principal Certifying Authority for the development to which the work relates (not being the Council) has given the Council written notice of the following information:
  - (i) in the case of work for which a principal contractor is required to be appointed:
    - A. the name and licence number of the principal contractor, and
    - B. the name of the insurer by which the work is insured under Part 6 of that Act,
  - (ii) in the case of work to be done by an owner-builder:
    - A. the name of the owner-builder, and
    - B. if the owner-builder is required to hold an owner-builder permit under that Act, the number of the owner-builder permit.

If arrangements for doing the residential building work are changed while the work is in progress so that the information notified under becomes out of date, further work must not be carried out unless the Principal Certifying Authority for the development to which the work relates (not being the Council) has given the Council written notice of the updated information.
- (e) Development that involves an excavation that extends below the level of the base of the footings of a building on adjoining land, the person having the benefit of the development consent must, at the person's own expense:
  - (i) protect and support the adjoining premises from possible damage from the excavation, and



- (ii) where necessary, underpin the adjoining premises to prevent any such damage.
- (iii) must, at least 7 days before excavating below the level of the base of the footings of a building on an adjoining allotment of land, give notice of intention to do so to the owner of the adjoining allotment of land and furnish particulars of the excavation to the owner of the building being erected or demolished.
- (iv) the owner of the adjoining allotment of land is not liable for any part of the cost of work carried out for the purposes of this clause, whether carried out on the allotment of land being excavated or on the adjoining allotment of land.

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

Reason: Legislative requirement.

### 3. **General Requirements**

- (a) Unless authorised by Council:  
Building construction and delivery of material hours are restricted to:
  - 7.00 am to 5.00 pm inclusive Monday to Friday,
  - 8.00 am to 1.00 pm inclusive on Saturday,
  - No work on Sundays and Public Holidays.

Demolition and excavation works are restricted to:

- 8.00 am to 5.00 pm Monday to Friday only.

(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).

- (b) Should any asbestos be uncovered on site, its demolition and removal must be carried out in accordance with WorkCover requirements and the relevant Australian Standards.
- (c) At all times after the submission the Notice of Commencement to Council, a copy of the Development Consent and Construction Certificate is to remain onsite at all times until the issue of a final Occupation Certificate. The consent shall be available for perusal of any Authorised Officer.
- (d) Where demolition works have been completed and new construction works have not commenced within 4 weeks of the completion of the demolition works that area affected by the demolition works shall be fully stabilised and the site must be maintained in a safe and clean state until such time as new construction works commence.
- (e) Onsite toilet facilities (being either connected to the sewer or an accredited sewer management facility) for workers are to be provided for construction sites at a rate of 1 per 20 persons.
- (f) Prior to the release of the Construction Certificate, payment of the Long Service Levy is required. This payment can be made at Council or to the Long Services Payments Corporation. Payment is not required where the value of the works is less than \$25,000. The Long Service Levy is calculated on 0.35% of the building and construction work. The levy rate and level in which it applies is subject to legislative

change. The applicable fee at the time of payment of the Long Service Levy will apply.

- (g) The applicant shall bear the cost of all works associated with the development that occurs on Council's property.
- (h) No skip bins, building materials, demolition or excavation waste of any nature, and no hoist, plant or machinery (crane, concrete pump or lift) shall be placed on Council's footpaths, roadways, parks or grass verges without Council Approval.
- (i) Demolition materials and builders' wastes are to be removed to approved waste/recycling centres.
- (j) No trees or native shrubs or understorey vegetation on public property (footpaths, roads, reserves, etc.) or on the land to be developed shall be removed or damaged during construction unless specifically approved in this consent including for the erection of any fences, hoardings or other temporary works.
- (k) Prior to the commencement of any development onsite for:
  - i) Building/s that are to be erected
  - ii) Building/s that are situated in the immediate vicinity of a public place and is dangerous to persons or property on or in the public place
  - iii) Building/s that are to be demolished
  - iv) For any work/s that is to be carried out
  - v) For any work/s that is to be demolished

The person responsible for the development site is to erect or install on or around the development area such temporary structures or appliances (wholly within the development site) as are necessary to protect persons or property and to prevent unauthorised access to the site in order for the land or premises to be maintained in a safe or healthy condition. Upon completion of the development, such temporary structures or appliances are to be removed within 7 days.

- (l) A "Road Opening Permit" must be obtained from Council, and all appropriate charges paid, prior to commencement of any work on Council property. The owner/applicant shall be responsible for all public utilities and services in the area of the work, shall notify all relevant Authorities, and bear all costs associated with any repairs and/or adjustments as those Authorities may deem necessary.
- (m) The works must comply with the relevant Ausgrid Network Standards and SafeWork NSW Codes of Practice.
- (n) Requirements for new swimming pools/spas or existing swimming pools/spas affected by building works.
  - (1) Child resistant fencing is to be provided to any swimming pool or lockable cover to any spa containing water and is to be consistent with the following;

Relevant legislative requirements and relevant Australian Standards (including but not limited) to:

- (i) Swimming Pools Act 1992
- (ii) Swimming Pools Amendment Act 2009
- (iii) Swimming Pools Regulation 2018
- (iv) Australian Standard AS1926 Swimming Pool Safety
- (v) Australian Standard AS1926.1 Part 1: Safety barriers for swimming pools
- (vi) Australian Standard AS1926.2 Part 2: Location of safety barriers for swimming pools.
- (2) A 'KEEP WATCH' pool safety and aquatic based emergency sign, issued by

Royal Life Saving is to be displayed in a prominent position within the pool/spa area.

- (3) Filter backwash waters shall be conveyed to the Sydney Water sewerage system in sewered areas or managed on-site in unsewered areas in a manner that does not cause pollution, erosion or run off, is separate from the irrigation area for any wastewater system and is separate from any onsite stormwater management system.
- (4) Swimming pools and spas must be registered with the Division of Local Government.

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

## FEES / CHARGES / CONTRIBUTIONS

### 4. Policy Controls

Northern Beaches 7.12 Contributions Plan 2021

A monetary contribution of \$3,963.75 is payable to Northern Beaches Council for the provision of local infrastructure and services pursuant to section 7.12 of the Environmental Planning & Assessment Act 1979 and the Northern Beaches Section 7.12 Contributions Plan 2021. The monetary contribution is based on a development cost of \$396,375.00.

The monetary contribution is to be paid prior to the issue of the first Construction Certificate or Subdivision Certificate whichever occurs first, or prior to the issue of the Subdivision Certificate where no Construction Certificate is required. If the monetary contribution (total or in part) remains unpaid after the financial quarter that the development consent is issued, the amount unpaid (whether it be the full cash contribution or part thereof) will be adjusted on a quarterly basis in accordance with the applicable Consumer Price Index. If this situation applies, the cash contribution payable for this development will be the total unpaid monetary contribution as adjusted.

The proponent shall provide to the Certifying Authority written evidence (receipt/s) from Council that the total monetary contribution has been paid.

The Northern Beaches Section 7.12 Contributions Plan 2021 may be inspected at 725 Pittwater Rd, Dee Why and at Council's Customer Service Centres or alternatively, on Council's website at [www.northernbeaches.nsw.gov.au](http://www.northernbeaches.nsw.gov.au)

This fee must be paid prior to the issue of the Construction Certificate. Details demonstrating compliance are to be submitted to the Principal Certifying Authority.

Reason: To provide for contributions in accordance with the Contribution Plan to fund the provision of new or augmented local infrastructure and services.

### 5. Security Bond

A bond (determined from cost of works) of \$1,500 and an inspection fee in accordance with Council's Fees and Charges paid as security are required to ensure the rectification of any damage that may occur to the Council infrastructure contained within the road reserve adjoining the site as a result of construction or the transportation of materials and equipment to and from the development site.

An inspection fee in accordance with Council adopted fees and charges (at the time of payment) is payable for each kerb inspection as determined by Council (minimum (1) one inspection).

All bonds and fees shall be deposited with Council prior to Construction Certificate or demolition work commencing, and details demonstrating payment are to be submitted to the Certifying Authority prior to the issue of the Construction Certificate.

To process the inspection fee and bond payment a Bond Lodgement Form must be completed with the payments (a copy of the form is attached to this consent and alternatively a copy is located on Council's website at [www.northernbeaches.nsw.gov.au](http://www.northernbeaches.nsw.gov.au)).

Reason: To ensure adequate protection of Council's infrastructure.

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

### **6. Stormwater Disposal**

The applicant is to demonstrate how stormwater from the new development within this consent is disposed of to an existing approved system or in accordance with Northern Beaches Council's Water Management for Development Policy. Details by an appropriately qualified and practicing Civil Engineer demonstrating that the existing approved stormwater system can accommodate the additional flows, or compliance with the Council's specification are to be submitted to the Certifying Authority for approval prior to the issue of the Construction Certificate.

Reason: To ensure appropriate provision for disposal and stormwater management arising from development.

### **7. Water Quality Management**

The applicant must install a filtration device (such as a sediment control pit or absorption trench) that captures organic matter and coarse sediments prior to discharge of stormwater from the land. If pellets will be part of the artificial turf, then the filtration device must also capture said pellets. All stormwater treatment measures must make provision for convenient and safe regular inspection, periodic cleaning, and maintenance.

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

Reason: Protection of the receiving environment.

### **8. Construction Traffic Management Plan**

As a result of the site constraints, limited vehicle access and parking, a Construction Traffic Management Plan (CTMP) and report shall be prepared by an RMS accredited person and submitted to and approved by the Northern Beaches Council Traffic Team prior to issue of any Construction Certificate.

Due to heavy traffic congestion throughout the town centre, truck movements will be restricted during the major commuter peak times being 8.00-9.30am and 4.30-6.00pm. Truck movements must be agreed with Council's Traffic and Development Engineer prior to submission of the CTMP.

The CTMP must address following:

- The proposed phases of construction works on the site, and the expected duration of

each construction phase

- The proposed order in which works on the site will be undertaken, and the method statements on how various stages of construction will be undertaken
- Make provision for all construction materials to be stored on site, at all times
- The proposed areas within the site to be used for the storage of excavated materials, construction materials and waste containers during the construction period
- The proposed method of access to and egress from the site for construction vehicles, including access routes and truck routes through the Council area and the location and type of temporary vehicular crossing for the purpose of minimising traffic congestion and noise in the area, with no access across public parks or reserves being allowed
- The proposed method of loading and unloading excavation and construction machinery, excavation and building materials, formwork and the erection of any part of the structure within the site. Wherever possible mobile cranes should be located wholly within the site
- Make provision for parking onsite. All Staff and Contractors are to use the basement parking once available
- Temporary truck standing/ queuing locations in a public roadway/ domain in the vicinity of the site are not permitted unless approved by Council prior
- Include a Traffic Control Plan prepared by a person with suitable RMS accreditation for any activities involving the management of vehicle and pedestrian traffic
- The proposed manner in which adjoining property owners will be kept advised of the timeframes for completion of each phase of development/construction process. It must also specify that a minimum Fourteen (14) days notification must be provided to adjoining property owners prior to the implementation of any temporary traffic control measure
- Include a site plan showing the location of any site sheds, location of requested Work Zones, anticipated use of cranes and concrete pumps, structures proposed on the footpath areas (hoardings, scaffolding or shoring) and any tree protection zones around Council street trees
- Take into consideration the combined construction activities of other development in the surrounding area. To this end, the consultant preparing the CTMP must engage and consult with developers undertaking major development works within a 250m radius of the subject site to ensure that appropriate measures are in place to prevent the combined impact of construction activities, such as (but not limited to) concrete pours, crane lifts and dump truck routes. These communications must be documented and submitted to Council prior to work commencing on site
- The proposed method/device to remove loose material from all vehicles and/or machinery before entering the road reserve, any run-off from the washing down of vehicles shall be directed to the sediment control system within the site
- Specify that the roadway (including footpath) must be kept in a serviceable condition for the duration of construction. At the direction of Council, undertake remedial treatments such as patching at no cost to Council
- The proposed method of support to any excavation adjacent to adjoining properties, or the road reserve. The proposed method of support is to be designed and certified by an appropriately qualified and practising Structural Engineer, or equivalent
- Proposed protection for Council and adjoining properties
- The location and operation of any on site crane

The CTMP shall be prepared in accordance with relevant sections of Australian Standard 1742 – “Manual of Uniform Traffic Control Devices”, RMS’ Manual – “Traffic Control at Work Sites”.

All fees and charges associated with the review of this plan is to be in accordance with Council’s Schedule of Fees and Charges and are to be paid at the time that the Construction Traffic Management Plan is submitted.



Reason: To ensure public safety and minimise any impacts to the adjoining pedestrian and vehicular traffic systems.

9. **Boundary Identification Survey**

A boundary identification survey, prepared by a Registered Surveyor, is to be prepared in respect of the subject site.

The plans submitted for the Construction Certificate are to accurately reflect the property boundaries as shown on the boundary identification survey, with setbacks between the property boundaries and the approved works consistent with those nominated on the Approved Plans of this consent.

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

Reason: To ensure all approved works are constructed within the subject site and in a manner anticipated by the development consent.

10. **Operational Plan of Management**

An updated Operation Plan of Management is to be prepared to the satisfaction of Councils Environmental Health Team and the Principal Certifying Authority. The updated Operation Plan of Management is to incorporate recommendations from the Acoustic Report by Acoustic Dynamic referenced as 5260R001.NW.210622 and dated 1 July 2021. The Updated Operation Plan of Management is to be submitted to Council for assessment and approval by Councils Environmental Health Team.

Reason: To maintain amenity of the surrounding area.

11. **Sediment and Erosion Controls Plan**

A sediment and erosion control plan is required to be submitted prior to construction. This plan accompanied with a report is to comply with the requirements under "Managing Urban Stormwater: Soils and construction - Volume 1, 4th edition" also known as the "blue book"

Reason: To ensure there is no likely pollution to occur off site.

12. **Plans of noise barrier to be constructed**

Prior to any Construction Certificate (CC) being issued, detailed plans that demonstrate compliance with the requirements of "Option B: Noise barrier along southern border of fields (High Attenuation)" in the acoustic report by Acoustic dynamic referenced as 5260R001.NW.210622 and dated 1 July 2021, must be submitted to and approved by the Certifying Authority. These plans are to be prepared by a suitably qualified person and must detail proposed construction material, finishes and the noise barriers structural suitability regarding wind loading and any other factors relating to its intended use.

Reason: To ensure that the food premises complies with the design construction and fit-out requirements.

13. **Flooding**

In order to protect property and occupants from flood risk the following is required:

Flood Effects Caused by Development – A2

Doors to the ground floor level of the proposed toilet and storage area are all to be open

storage.

The leveling of the area between the two courts is to be through the use of a suspended entrance to the void under the slab, it must be at least 50% open, with openings to be at The finished surface of the courts is to be no higher than the existing surface as shown c

#### Building Components and Structural Soundness – C1

All new development shall be designed and constructed as flood compatible buildings in accordance with Reducing Vulnerability of Buildings to Flood Damage: Guidance on Building in Flood Prone Areas, Hawkesbury-Nepean Floodplain Management Steering Committee (2006). The proposed toilet and storage block is to be constructed of flood compatible materials up to the Flood Planning Level of 5.3m AHD.

#### Building Components and Structural Soundness – C2

All new development must be designed and constructed to ensure structural integrity up to the Flood Planning Level of 5.3m AHD, taking into account the forces of floodwater, wave action, flowing water with debris, buoyancy and immersion. Structural certification shall be provided confirming the above.

#### Building Components and Structural Soundness – C3

All new electrical equipment, power points, wiring, fuel lines, sewerage systems or any other service pipes and connections must be waterproofed and/or located above the Flood Planning Level of 5.3m AHD.

#### Storage of Goods – D1

Hazardous or potentially polluting materials shall not be stored below the Flood Planning Level of 5.3m AHD unless adequately protected from floodwaters in accordance with industry standards.

#### Fencing – H1

Any new fencing shall be open for the passage of flood waters, with a minimum of 50% open area from the natural ground level up to the the 1% AEP flood level of 4.8m AHD.

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

**Reason:** To reduce the impact of flooding and flood liability on owners and occupiers of flood-prone property and reduce public and private losses in accordance with Council and NSW Government policy.

#### 14. **Compliance with Standards**

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

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

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

### **CONDITIONS THAT MUST BE ADDRESSED PRIOR TO ANY COMMENCEMENT**

**15. Works on Land Owned or Managed By Council**

No works are to be carried out on land owned or managed by Council.

Note: Separate approval from Council is required for access driveways, paths, stairs, connections to underground utilities (stormwater, gas, sewer, electricity, telecommunications etc.) and landscaping works on land owned or managed by Council.

Reason: To protect the land owned or managed by Council.

**16. Work Zones and Permits**

Prior to commencement of the associated works, the applicant shall obtain a Work Zone Permit where it is proposed to reserve an area of road pavement for the parking of vehicles associated with a construction site.

A separate application is required with a Traffic Management Plan for standing of construction vehicles in a trafficable lane and a Roads and Maritime Services Work Zone Permit shall be obtained for State Roads.

Reason: To ensure Work zones are monitored and installed correctly.

**17. Installation and Maintenance of Sediment and Erosion Control**

Sediment and erosion controls must be installed in accordance with Landcom's 'Managing Urban Stormwater: Soils and Construction' (2004).

Techniques used for erosion and sediment control on site are to be adequately maintained and monitored at all times, particularly after periods of rain, and shall remain in proper operation until all development activities have been completed and the site is sufficiently stabilised with vegetation.

Reason: To protect the surrounding environment from the effects of sedimentation and erosion from the site.

**CONDITIONS TO BE COMPLIED WITH DURING DEMOLITION AND BUILDING WORK**

**18. Tree and Vegetation Protection**

- a) Existing trees and vegetation shall be retained and protected including:
  - i) all trees and vegetation within the site, excluding exempt trees and vegetation under the relevant planning instruments of legislation,
  - ii) all trees and vegetation located on adjoining properties,
  - iii) all road reserve trees and vegetation.
- b) Tree protection shall be undertaken as follows:
  - i) tree protection shall be in accordance with Australian Standard 4970-2009 Protection of Trees on Development Sites including the provision of temporary fencing to protect existing trees within 5 metres of development,
  - ii) existing ground levels shall be maintained within the tree protection zone of trees to be retained unless authorised by an Arborist with minimum AQF Level 5 in arboriculture,
  - iii) removal of existing tree roots at or >25mm (Ø) diameter is not permitted without consultation with an Arborist with minimum AQF Level 5 in

- arboriculture,
- iv) no excavated material, building material storage, site facilities, nor landscape materials are to be placed within the canopy dripline of trees and other vegetation required to be retained,
  - v) structures are to bridge tree roots at or >25mm (Ø) diameter unless directed by an Arborist with minimum AQF Level 5 in arboriculture on site,
  - vi) excavation for stormwater lines and all other utility services is not permitted within the tree protection zone without consultation with an Arborist with minimum AQF Level 5 in arboriculture including advice on root protection measures,
  - vii) should either or all of v), vi) and vii) occur during site establishment and construction works, an Arborist with minimum AQF Level 5 in arboriculture shall provide recommendations for tree protection measures. Details including photographic evidence of works undertaken shall be submitted by the Arborist to the Certifying Authority,
  - viii) any temporary access to or location of scaffolding within the tree protection zone of a protected tree or any other tree to be retained during the construction works is to be undertaken using the protection measures specified in sections 4.5.3 and 4.5.6 of Australian Standard 4970-2009 Protection of Trees on Development Sites,
  - ix) the activities listed in section 4.2 of Australian Standard 4970-2009 Protection of Trees on Development Sites shall not occur within the tree protection zone of any tree on the lot or any tree on an adjoining site,
  - x) tree pruning from within the site to enable approved works shall not exceed 10% of any tree canopy and shall be in accordance with Australian Standard 4373-2007 Pruning of Amenity Trees,
  - xi) the tree protection measures specified in this clause must: i) be in place before work commences on the site, and ii) be maintained in good condition during the construction period, and iii) remain in place for the duration of the construction works.

The Certifying Authority must ensure that:

- c) The activities listed in section 4.2 of Australian Standard 4970-2009 Protection of Trees on Development Sites do not occur within the tree protection zone of any tree and any temporary access to or location of scaffolding within the tree protection zone of a protected tree or any other tree to be retained on the site during the construction is undertaken using the protection measures specified in sections 4.5.3 and 4.5.6 of that standard.

**Note:** All street trees within the road verge and trees within private property are protected under Northern Beaches Council development control plans except where Council's written consent for removal has been obtained. The felling, lopping, topping, ringbarking or removal of any tree(s) is prohibited.

**Reason:** Tree and vegetation protection.

19. **Road Reserve**

The applicant shall ensure the public footways and roadways adjacent to the site are maintained in a safe condition at all times during the course of the work.

Reason: Public safety.

20. **No Access Through Land Owned or Managed by Council**

Site access is not approved for delivery of materials nor construction of the development through adjacent land owned or managed by Council, without the written approval of Council.

Reason: Public safety, landscape amenity and tree protection.

21. **Storage of Materials on Land Owned or Managed by Council Prohibited**

The dumping or storage of building materials, spoil, vegetation, green waste or any other material in land owned or managed by Council is prohibited.

Reason: Public safety and environmental protection.

22. **Protection of Council's Public Assets**

Any damage to Council's public assets shall be made good by the applicant, and/or the contractor, to the satisfaction of Council.

Council's public assets include, but is not limited to, the following: road, kerb and gutters, crossovers, crossings, paths, grass verge, open space and associated elements such as furniture, recreational facilities and the like, within the meaning of the Local Government Act 1993.

Existing trees shall be protected in accordance with AS4970-2009 Protection of Trees on Development Sites, with particular reference to Section 4, with no ground intrusion into the tree protection zone and no trunk, branch nor canopy disturbance.

Should any problems arise with regard to the existing trees on public land during the construction period, the applicant is to immediately contact Council's Tree Services section and resolve the matter to Council's satisfaction.

Reason: To protect and/or restore any damaged public asset.

23. **Implementation of Construction Traffic Management Plan**

All works and construction activities are to be undertaken in accordance with the approved Construction Traffic Management Plan (CTMP). All controls in the CTMP must be maintained at all times and all traffic management control must be undertaken by personnel having appropriate RMS accreditation. Should the implementation or effectiveness of the CTMP be impacted by surrounding major development not encompassed in the approved CTMP, the CTMP measures and controls are to be revised accordingly and submitted to Council for approval. A copy of the approved CTMP is to be kept onsite at all times and made available to Council on request.

Reason: To ensure compliance of the developer/builder in adhering to the Construction Traffic Management procedures agreed and are held liable to the conditions of consent.

24. **Removing, Handling and Disposing of Asbestos**



Any asbestos material arising from the demolition process shall be removed and disposed of in accordance with the following requirements:

- Work Health and Safety Act;
- Work Health and Safety Regulation;
- Code of Practice for the Safe Removal of Asbestos [NOHSC:2002 (1998)];
- Guide to the Control of Asbestos Hazards in Buildings and Structures [NOHSC: 3002 (1998);
- Clause 42 of the Protection of the Environment Operations (Waste) Regulation 2005; and
- The demolition must be undertaken in accordance with Australian Standard AS2601 – The Demolition of Structures.

Reason: For the protection of the environment and human health.

**25. Waste Management During Development**

The reuse, recycling or disposal of waste during works must be done generally in accordance with the Waste Management Plan for this development.

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

Reason: To ensure demolition and construction waste is recycled or reused and to limit landfill.

**26. Dewatering Management**

Tailwater (surface water and rainwater): Please contact [catchment@northernbeaches.nsw.gov.au](mailto:catchment@northernbeaches.nsw.gov.au) for advice on Council's water quality requirements for a single instance of dewatering tailwater that collects in an excavation during works. A dewatering permit application must be made for expected multiple instances or continuous dewatering of tailwater.

Groundwater: A permit from Council is required for any dewatering of groundwater. An application for interference with an aquifer is required to the Natural Resources Access Regulator. Contact [catchment@northernbeaches.nsw.gov.au](mailto:catchment@northernbeaches.nsw.gov.au) for more information about permits.

The groundwater/tailwater to be discharged must be compliant with the General Terms of Approval/Controlled Activity permit issued by WaterNSW (if applicable), Landcom's 'Managing Urban Stormwater: Soils and Construction' (2004) (Blue Book), Council's Compliance and Enforcement Policy and legislation including Protection of the Environment Operations Act 1997 and Contaminated Lands Act 1997. All approvals, water discharges and monitoring results are to be documented and kept on site. Copies of all records shall be provided to the appropriate regulatory authority, including Council, upon request.

Reason: Protection of the receiving environment and groundwater resources

## **CONDITIONS WHICH MUST BE COMPLIED WITH PRIOR TO THE ISSUE OF THE OCCUPATION CERTIFICATE**

**27. Stormwater Disposal**

The stormwater drainage works shall be certified as compliant with all relevant Australian Standards and Codes by a suitably qualified Civil Engineer. Details demonstrating compliance are to be submitted to the Principal Certifying Authority prior to the issue of any interim / final Occupation Certificate.

Reason: To ensure appropriate provision for the disposal of stormwater arising from the development.

**28. Certification of the Structural Stability of the Building (B2)**

A suitably qualified structural engineer is to certify the structural stability of the new development considering lateral flood flow, buoyancy, suction effects, wave action and debris load impact up to the Flood Planning Level of 5.3m AHD.

Details demonstrating compliance are to be submitted to the Certifying Authority for approval.

Reason: To reduce the impact of flooding and flood liability on owners and occupiers of flood-prone property and reduce public and private losses in accordance with Council and NSW Government policy.

**29. Certification of Services (B3)**

A suitably qualified electrical engineer or contractor is to certify that all new electrical equipment, power points, wiring, fuel lines, sewerage systems or any other service pipes and connections are located above the Flood Planning Level of 5.3m AHD.

Details demonstrating compliance are to be submitted to the Certifying Authority for approval.

Reason: To reduce the impact of flooding and flood liability on owners and occupiers of flood-prone property and reduce public and private losses in accordance with Council and NSW Government policy.

**30. Artificial Turf Maintenance Plan**

An Operation and Maintenance Plan is to be prepared to prevent plastic pollution from the artificial turf areas.

The Plan must address

- a) maintenance and management responsibilities
- b) periodic assessment of infill depth measured on a grid pattern, with infill returned only to the field builder's specifications
- c) disposal of old fill material
- d) capture of pollutants (plastics) from stormwater draining from artificial turf and cleaning of the device used
- e) end of life plan for disposal of the turf and infill material.

Details demonstrating compliance shall be submitted to the Principal Certifying Authority prior to the release of the Occupation Certificate.

Reason: Protection of the receiving environment.

**31. Acoustic certification**

Prior to the issuing of any interim / final occupation certificate, details demonstrating compliance with the recommendations made by Acoustic Dynamic referenced as 5260R001.NW.210622 and dated 1 July 2021 are to be submitted to the satisfaction of the Principal Certifying Authority.

Reason: To protect surrounding residence and occupants from any noise generated by the operation of the development.

**32. Certification of finished surface levels (A2)**

A registered surveyor is to certify that the finished surface of the courts is no higher than the existing surface as shown on the site survey, Drawing DA1002 (1.10.2020).

Details demonstrating compliance are to be submitted to the Certifying Authority for approval.

Reason: To reduce the impact of flooding and flood liability on owners and occupiers of flood-prone property and reduce public and private losses in accordance with Council and NSW Government policy.

**33. Waste Management Confirmation**

Prior to the issue of a Final Occupation Certificate, evidence / documentation must be submitted to the Principal Certifying Authority that all waste material from the development site arising from demolition and/or construction works has been appropriately recycled, reused or disposed of generally in accordance with the approved Waste Management Plan.

Reason: To ensure demolition and construction waste is recycled or reused and to limit landfill.

**34. Fire Safety Matters**

At the completion of all works, a Fire Safety Certificate will need to be prepared which references all the Essential Fire Safety Measures applicable and the relative standards of Performance (as per Schedule of Fire Safety Measures). This certificate must be prominently displayed in the building and copies must be sent to Council and Fire and Rescue NSW.

Details demonstrating compliance are to be submitted to the Certifying Authority prior to the issue of the Occupation Certificate (or where applicable, relating to the part of the building, being the subject of this Consent).

Each year the Owners must send to the Council and Fire and Rescue NSW, an annual Fire Safety Statement which confirms that all the Essential Fire Safety Measures continue to perform to the original design standard.

Reason: Statutory requirement under Part 9 Division 4 & 5 of the Environmental Planning and Assessment Regulation 2000.

**ON-GOING CONDITIONS THAT MUST BE COMPLIED WITH AT ALL TIMES**

**35. Maintenance of Stormwater Treatment Measures**

Stormwater treatment measures must be maintained at all times in accordance with manufacturer's specifications and as necessary to achieve the required stormwater quality targets for the development.

Northern Beaches Council reserves the right to enter the property and carry out appropriate maintenance of the device at the cost of the property owner.

Reason: Protection of the receiving environment

**36. Adherence with Updated Operational Plan of Management**

The approved Updated Operational Plan of Management is to be complied with at all times during operation for the life of the development.

Reason: To maintain residential amenity.

**37. Hours of Operation & Maximum Capacity**

The hours of operation for the futsal courts are to be restricted to:

- Monday - Friday 8.00am - 9.30pm
- Weekends - 9:00am - 7:00pm

A maximum of 40 Players & 40 Spectators are permitted in the futsal area at any one time.

Upon expiration of the permitted hours, no players or spectators shall be permitted entry and all people on the premises shall be required to leave the futsal area within the following 30 minutes. Floodlights must be turned off no later than 10:00pm on weeknights and 7.30pm on weekends.

Reason: To ensure that amenity of the surrounding locality is maintained.

In signing this report, I declare that I do not have a Conflict of Interest.

**Signed**



**David Auster, Planner**

The application is determined on 13/10/2021, under the delegated authority of:



**Rebecca Englund, Acting Development Assessment Manager**