



northern  
beaches  
council

6 May 2020



Urbis Pty Ltd  
Level 8 123 Pitt Street  
SYDNEY NSW 2000

Dear Sir/Madam,

**Development Application No: DA2019/1190 for Construction of a new grandstand and Centre of Excellence at 9999 Pittwater Road BROOKVALE.**

I refer to Council's letter to you dated 31 January 2020, our meeting of 18 March 2020 and to your written response dated 24 March 2020.

The information that you provided has been referred to the independent planning consultant (Geoff Goodyer) and Council's technical officers. The application has undergone further assessment and the Sydney North Planning Panel has been briefed regarding the proposal.

The application in its current form is not supported and the following issues require resolution:

**1. Local Government Act 1993**

The land is classified as "Community Land" under the *Local Government Act 1993* ("LG Act"). Section 35 of the LG Act provides:

*Community land is required to be used and managed in accordance with the following—*

- *the plan of management applying to the land*
- *any law permitting the use of the land for a specified purpose or otherwise regulating the use of the land*
- *this Division.*

In this case, the *Brookvale Park Plan of Management* ("BPPOM") is the relevant plan of management.

The proposed administration office use within the Centre of Excellence building is inconsistent with the BPPOM. Part 6 of the BPPOM specifies authorised development for the land, ie: development that may proceed to the development application stage. Table 6 specifies that a new northern stand is authorised and "*may include covered seating, hospitality areas, amenities and change rooms*".

The justification that has been provided for the siting of the Centre of Excellence at the northern is inconsistent with the BPPOM which provides in the note to Table 6 that "*A grassed spectator area is to be retained*". The justification that has been provided is on the basis of providing future covered grandstand seating to accommodate a capacity of 20,000 people with no grassed spectator area.



Furthermore, development of the northern grandstand is dependent upon the completion of Action 53:

*Investigate and research the need for the development of the proposed South East Link Stand, Eastern Stand and Northern Stand. The investigation should take into account the implication such a development would have on the whole of Brookvale Park and the surrounding residents.*

*The investigation is to recommend which development is most suitable, ie the South East Link Stand with the Eastern Stand or the Northern Stand. This must include extensive community consultation and research into the impact of the development.*

*A detailed report is to be prepared and Council must approve any further investigation, planning and research on this action.*

*Council should be satisfied that this development is viable, will not unduly impact on the neighbourhood and is necessary to the ongoing success of Brookvale Park.*

*The development may include the provision of covered seats, hospitality areas, amenities, player change rooms and storage areas.*

*Should the South East Link Stand and Eastern Stand be preferable then a new entry gateway is to be incorporated into the development and the existing entrance way is to be removed and the area appropriately landscaped as per Action 35. Development of the Eastern Stand is not authorised to extend into the land categorised as park and may need to take up some of the existing hill for it to be constructed.*

*Should the Northern Stand be preferable the development should consider incorporating the existing northern ticket boxes and turnstile. The existing northern ticket boxes and turnstiles are to be removed if incorporated into the Northern Stand development. See Action 47.*

*These developments have been authorised in Section 6.*

To enable further consideration of the proposal as submitted it is necessary for the BPPOM to be amended to authorise the proposal.

## **2. Permissibility in the RE1 Public Recreation zone**

The land is zoned RE1 Public Recreation under *Warringah Local Environmental Plan 2011*. The proposal has been submitted on the basis that it falls within the definitions of a *recreation facility (major)* and a *recreation facility (indoor)*. (*Statement of Environmental Effects (October 2019)*, Urbis, page 26).

The proposed use of the upper level of the Centre of Excellence for administration office space is not a use that falls within the definition of either a *recreation facility (major)* or a *recreation facility (indoor)* and is not considered to be ancillary to or subordinate to the other uses of the building.

Consequently, the development as submitted is considered to be prohibited within the RE1 Public Recreation zone. To enable further consideration of the proposal further justification from you as the applicant is required on why you believe that the



administration office space is 'ancillary' to or subordinate to the other uses of the building.

### 3. **Public interest**

The description of the proposal (*Statement of Environmental Effects* (October 2019), Urbis, page 18) includes the following:

- *Flexible community education space (hired through MWSE)*

The proposed community education space has a floor area of approximately 60m<sup>2</sup>, representing a small percentage of the floor area of the building. Furthermore, the hiring of the space through MWSE does not ensure its continued availability to the public.

- *Gymnasium (via a scholarship program for talented athletes on the Northern Beaches subject to further negotiations)*
- *Medical & Rehabilitation facilities (via a scholarship program for talented athletes on the Northern Beaches subject to further negotiations)*
- *Aquatic Rehabilitation facilities (via a scholarship program for talented athletes on the Northern Beaches subject to further negotiations)*

The availability of these facilities to the public is unclear (ie: *subject to further negotiations*) and appears to be limited to only a small number of people within the community.

The proposal involves occupation of a significant area of public land and therefore the development should demonstrate clearly that it is in the public interest.

There is a lack of clarity with regards to the future use and availability of the facilities within the development and whether those facilities will be available for public use. In the absence of such information, it is considered that these facilities will not enable the development to be considered to be in the public interest.

### 4. **Access for disabled persons**

It is unclear how access for disabled persons is to be provided from the eastern hill to the northern concourse.

### 5. **Landscape Officer referral comments**

Updated plans and report submitted by the applicant are noted.

The plans indicate that the trees referred to in the original referral comments are still to be removed.

An updated Landscape Plan has been provided (though the original landscape plan is still included in the amended drawing set as well).

The Landscape Plan indicates replanting of small trees between the building and the footpath to the north to compensate for the removal of the local heritage listed *Lophostemon conferta* (Brush Box Trees) which will be required to be removed to accommodate the new building.



It is clear that the trees indicated for removal will need to be removed to accommodate the building as designed, along with significant impacts to other trees as detailed in the previous referral comments below. Retention of the trees is not an option in the design as presented.

The amended Heritage Impact Assessment notes that the trees have cultural significance, having been established around the park for at least eighty years.

Removal of the trees is still not supported from a cultural landscape perspective and, as previously commented, are significant enough to be a material constraint on development. Other options appear to be available either in alternate locations or even via removal of the existing mound to enable construction of facilities below the existing ground levels rather than over the mound as is proposed.

However, if the proposal is to be supported, replacement of the trees with the same species capable of maintaining the integrity of the heritage item, being a ring of trees around the park, should form part of the development and therefore be factored into the development budget. This is achievable via planting of *L. confeta* between the building and path to the north with the relocation or undergrounding of the power line that currently passes over this area.

## **6. Heritage Officer referral comments**

The amended plans from March 2020 indicate the removal of the brushbox trees from the northern side of the oval, and their replacement with wallum banksia and red bottle brush trees. These trees are indicated to grow to a height of 5m. These trees are unacceptable to Heritage as a replacement option as they are not a 'like for like' replacement of the brushbox trees nor will they grow to match their 16m to 20m height. Further, the area proposed for their planting appears to be constricted by overhead powerlines and hard space that could impact upon the future health and potential growth of these trees. Heritage considers that the new grandstand and centre of excellence should be on the eastern side of the oval as this would avoid the removal of the heritage listed trees.

Heritage also maintains the aforementioned concerns for trees 34 and 35, and the proposed exit locations for stormwater and sewerage lines.

The updated Heritage Impact Statement has considered Action 47 of the PoM and investigated the heritage significance of the ticket booths. This issue is considered resolved.

Updated drawings for the car park on Alfred Road were provided on 24 April 2020. Drawing L\_1103 indicates that the car park's outer row has been removed with car parking being extended along the fence lines as required in the previous referral response. This is acceptable to Heritage.

Heritage cannot support the amended plans. Heritage recommend refusal of the application due to its impacts upon the heritage trees and the unacceptable replacement plantings proposed.



## **7. Parks, Reserves and Foreshores Officer referral comments**

Updated commentary is provided for the Parks Referral, as accompanying, with additional information or response from the (Applicant) and assessment by (Parks).

1.0 Construction Management Plan specific for this development including construction access, storage facilities and deliveries, that also graphically represents construction activity zones and movements. No construction activity is supported within the northern area of the Brookvale Park, that contains the day care facility, children's playground, parkland, outdoor gym and vegetation. Construction activity shall be excluded from utilising the northern area of the Brookvale Park along Federal Parade and shall be limited to the existing footprint areas of Brookvale Oval, including the surface area.

(Applicant)

An updated Preliminary Construction Environmental Management Plan has been included, illustrating primary construction access via Alfred Road and secondary access via Pine Ave for large deliveries such as cranes and structural steel.

(Parks)

- Note: Any construction access for deliveries and the like must be fenced off and gated to separate construction activity and public access.
- Resolved: The Alfred Road access is currently utilised by pedestrians so an alternative temporary path into the public park will be a condition of consent, and construction fencing will be required to 'close-off' the access to be used for deliveries into the site, to ensure separation from the public.
- Not Acceptable / unresolved: The Pine Ave access represents a safety issue for the users of the Brookvale Pre-School Centre carpark, who rely on the existing driveway to access the Pre-School carpark for drop-off and pick-up and for staff parking. The updated Preliminary Construction Environmental Management Plan indicates the use of this access driveway, and this will impact upon the Pre-School. Approval to use this access shall include at least a temporary access driveway to service the Pre-School, if this is possible with regards to traffic considerations including egress safety, swept paths and sightlines. Parks does not support restrictions on the operations of the Pre-School.

2.0 Management and Maintenance Program for the grass playing surface, with particular attention to the management of grass subjected to shade during the mid-winter period from the proposed building and roof shadows.

(Applicant)

does not address this, advising Council to seek their own experts.

(Parks)



- The increased concentration of solid shadow from the built form upon the northern end of the playing surface from the 20m line northward to the in-goal and runoff area will be impacted over and above its current levels of shade from the existing trees. This will impact upon the quality of the playing surface unless increased maintenance activity is undertaken and budget expenditure by Council is increased, or an alternative turf is used to produce a high quality playing surface.
- Additional Council comments may be provided on this subject of shade impact.
- Relocation of the proposal elsewhere, as available on the eastern hill, provides a nil increase in impact upon the playing surface.

3.0 Clarification on the radiant heat levels and impact from the translucent roof to the grass areas of the playing field, and confirmation that the product selected will deflect/absorb near-infrared radiation.

(Applicant)

Information provided on the proposed translucent roof materials as follows: 1mm clear Marlon Polycarbonate; visible light transmissions 89.5%; UV transmission 0.0%; reflection 09.07%; all in compliance to ISO9050 AMI1.5.

(Parks)

- Resolved: Satisfied with additional information.
- Terms: A condition of consent will be imposed that will require certification that the translucent roof meets the above specification.

4.0 It is unclear if the translucent roof material will deflect the heat from spectators and the grass, or otherwise due to product selection.

(Applicant)

Information provided on the proposed translucent roof materials as follows: No additional UV impact with translucent roofing material compliant to ISO9050 AMI1.5 with skin damage at 00.9%.

(Parks)

- Resolved: Satisfied with additional information.
- Terms: A condition of consent will be imposed that will require certification that the translucent roof meets the above specification.

5.0 Of concern is the lack of information surrounding the construction methodology. The Construction Management Plan does not indicate if construction activity will be contained within Brookvale Oval (existing field and embankment hills), or are to include open space park areas of Brookvale Park, which are utilised year round by the public. The loss of public access to the park areas is not supported, and the existing day care facility, children's playground, parkland, and outdoor gym must be available to the public to the extent it is now available. The stated introduction of



loading vehicles to the northern concourse area of the proposed grandstand during a non-game day, creates a potential conflict with pedestrian access and general park use by the public.

(Applicant)

An updated Preliminary Construction Environmental Management Plan has been included, refer to item 1.0.

(Parks)

- As per item 1.0
- Additionally: loading vehicles to the northern concourse area of the proposed grandstand during a non-game day to be subject to Conditions of Consent around delivery times.

6.0 Appendix L: Preliminary Construction Environmental Management Plan is generic and not specific to the works program proposed, with notes such as "to be completed post DA consent prior to construction" and "Note: a detailed construction site access route will be completed post DA consent, prior to construction" is not acceptable. It is not known if construction plant, sheds, materials, deliveries will impact upon park recreational assets. The Appendix L report is silent on this and further information is required to ensure the recreational amenity of the Park is protected during any works.

(Applicant)

An updated Preliminary Construction Environmental Management Plan has been included, refer to item 1.0.

(Parks)

- As per item 1.0

7.0 The existing group of mature Brushbox trees proposed for removal as part of the development are a valuable park asset that contribute to the amenity of the northern area of Brookvale Park, offering visual and physical separation between adjoining residential lands and Brookvale Oval. This asset can't be replaced in the short term, and any proposed tree replacement will take in the order of at least 50 years, if not more, to achieve a similar visual and physical presence.

(Applicant)

Issue addressed in the response Report by Urbis.

(Parks)

- As a Parks asset, removal of the Brushbox trees are not able to be replaced in the short term, and the heritage value is lost, and can't be re-created.
- Relocation of the proposal elsewhere, as available on the eastern hill, provides a nil impact upon the heritage listed Brushbox trees.



- It is evident that the existing Tuckeroo trees, proposed for retention, planted northward of the existing Brushbox trees will as they mature in the next decade or two, provide a vegetation buffer between the Oval and the public park and residential land.

8.0 The park asset amenity value to the community, as a 'village green' is reduced with the loss of such mature trees, that currently offers a visual and physical segregation between varying recreational land uses, with the passive recreation of the Park within the northern area separated from the active recreation of the Oval. The northern portion of the Park contains various community assets such the Pre-School, and recreational activity such as the children's playground, outdoor gym area, parkland and pedestrian access throughout.

(Applicant)

Issue addressed in the response Report by Urbis, refer to item 7.0.

(Parks)

- As per item 7.0

9.0 The compensatory planting does not reinstate the value of row planting, diminishing the heritage value of the existing row planting to three sides of Brookvale Park, and thus diminishing the park amenity for the community. The proposal seeks to offset the loss with compensatory planting to reinforce the existing linear planting along the northern part of the site and northern eastern corner. However, the linear planting is proposed as Tuckeroo trees, extending the row of existing Tuckeroos, with Brushbox trees proposed at the north east corner of the site. This arrangement removes the connected heritage row planting of Brushbox trees to the east, north and west of Brookvale Park.

(Applicant) Issue addressed in the response Report by Urbis.

(Parks)

- As a Heritage asset, removal of the Brushbox trees are not able to be replaced, and the heritage value is lost, and can't be re-created.
- Relocation of the proposal elsewhere, as available on the eastern hill, provides a nil impact upon the heritage listed Brushbox trees.

10.0 It is considered that in term of park assets, relocation of such a proposal to the eastern hill limits any impact to recreational use of Brookvale Park, with minimal impact to public passive recreational land. The eastern hill is unlikely to result in tree loss and currently exists with limited public passive recreation value, with the portion of land between the eastern embankment and Pine Avenue offering pedestrian access through this portion, without any other existing recreational value.

(Applicant)

Issue addressed in the response Report by Urbis.

(Parks)





- It is contended that the reason for the selection of the proposal at the northern end of Brookvale Oval does not provide valid reasons, as issues remain with this location, including the impact upon the playing surface from shadow, loss of access to the Pre-School and loss of heritage trees.
- Parks does not anticipate any issues with the location at the eastern end, with the exception of delivery access, which may be expected regardless of any other siting location of the CoE and Grandstand.

## **8. Traffic Engineer referral comments**

### **General**

The proposed redevelopment of the existing Brookvale Oval includes an upgraded 3,000 seat covered grandstand, provision of up-graded facilities for the oval and provision of a community room to serve as a flexible education space to be accessed by community groups outside of business hours. Upon completion the site is anticipated to accommodate in the order of 36 players and 50 staff during typical non-game days.

The proposal does not seek to increase the existing numbers of spectators who attend the site on game days.

### **Parking Provision**

The proposal includes the provision of the total of 60 parking spaces for the expected 86 attendees on a typical non-games day. The traffic report has taken into account the Journey to work data within Brookvale Travel Zone and the result of a staff survey to estimate the parking requirement. Then further reduction in the parking rate has been considered taking into account the assumptions such as possible increase in use of public transport once staff get familiar with the public transport within area, and also significant increase in active travel based on the provision of end of trip facilities.

The further assumptions have disregarded that the survey undertaken on the existing staff reflecting 83% private vehicle use, has incorporated the assumption of the staff being familiar with public transport within the area. Also, while the end of trip facilities will be beneficial to encourage active travel, the applicant should not count on the approximately 20% increase in active travel in compare with the result of existing survey. All measures and assumption in the report has focused on the staff and no information is provided on non-staff patrons.

In accordance with the RMS Guide to Traffic Generating Developments, the parking provision shall be identified based on a comparison study on an existing similar use. The applicant has failed to provide a comprehensive comparison study.

The result of the online survey distributed to staff of the existing Brookvale Oval and Manly Warringah Sea Eagles offices in Narrabeen with the total of 6 and 25 responses (with no mention of the portion of the staff who responded), indicates that 83% of staff at Brookvale Oval and 100% of staff at the Narrabeen site currently travel as a car driver, and the second most common mode of transport was via motorcycle. While no comprehensive comparison study has been



provided, it is expected that the parking provision should be more in line with the result of staff survey.

Despite the result of staff survey which indicates that motorcycle is the second mode of travel for the existing Brookvale Oval staff, no provision of motorcycle parking is proposed.

The applicant has failed to provide bicycle spaces in compliance with Warringah DCP. The bicycle spaces are to be designed and provided in compliance with Australian Standard AS2890.3- Bicycle Parking Facilities.

Given the above, the proposed parking provision is not considered satisfactory.

### **Site Access**

The vehicular access to the car park is proposed to be provided via the existing Alfred Road driveway to the south-east of the site opposite Gulliver Street. This is in accordance with the Council advice on the Pre-DA notes and is supported.

### **Loading and servicing**

It is proposed that loading and service vehicles will access the oval from Alfred Road opposite Federal Parade as per the existing condition and this is due to constraints of existing trees on site and location of the existing waste facility. However, the timing of the service vehicle movement is proposed to be outside of school peak pick up and drop off times. Restriction on the time of delivery and size of vehicle would need to be considered if approval was to be granted. Most likely restricted to 9.30 am - 12.30 pm only.

An Operational Management Plan shall be provided and to include the above-mentioned and the measures in place to minimise any negative impact on the surrounding area given the location of the driveway in close proximity to a school.

### **Traffic assessment**

The trip generation of the development has been calculated at an increase of 22 vehicles in the morning peak and 20 vehicles in the afternoon peak by staff and players. It appears that the traffic generation is calculated based on the existing arrival and departure of staff with no consideration given to the players and community members which is indicated to be maximum expected of 40 community members. The report has failed to provide thorough information on the expected additional trip generation.

The intersection of Alfred Road and Pittwater Road can be sensitive to additional right and left turns onto Pittwater Road which is to be addressed in the report.

### **Public amenities**

To improve active travel accessibility to the site and given the proposed intensification, provision of shared path on Federal Parade and Alfred Road will be required as per the Northern Beaches Council Draft Bike Plan.

### **Conclusion**



In review of the above, the proposal is not supported in its current form. In summary, the following is to be submitted to Council for review:

- Further extension to the proposed car parking area to accommodate all car spaces required for the staff and patrons driving to the site. The minimum parking requirements will be 72 car spaces in accordance with the result of survey undertaken on the existing staff at Brookvale Oval.
- Provision of bicycle parking spaces in accordance with the DCP and Australian Standards AS2890.
- Provision of thorough information on the total traffic generating by the site and addressing any potential adverse impact on the intersection of Alfred Road and Pittwater Road.
- Improve pedestrian and bicycle connectivity to and from the site by construction of shared path along Federal Parade and Alfred Road.

#### **9. Development Engineer referral comments**

The further information that was submitted including the DRAINS model for both the proposed overland flow study and on site detention system has been reviewed and cannot be supported for the following reasons:

##### **Proposed Council line re diversion.**

The proposed stormwater re diversion does not propose any upgrade from the existing scenario. It is noted that PLM advice and in accordance with Councils Water Management Policy the existing council drainage line to be re diverted is to be upgraded to cater for the 20-year storm event.

The submitted information including DRAINS model is not sufficient. Additional information is recommended in order to determine catchment properties, including pipe flows and overland flow extents which may impact the proposed development. This information is to include:

- Catchment maps, including sub-catchments for the existing council drainage infrastructure. The DRAINS model should be amended to accurately reflect catchment characteristics and is to include the pipe network
- The DRAINS model is to include the capacity of existing and proposed Council drainage infrastructure with appropriate blockage factors as specified in Councils Auspec one design standard.
- Submission of plans clearly indicating pre-development and post-development flow path extents for the 1% AEP storm.
- The supporting longitudinal and cross-sectional information at appropriate intervals, including at the upstream and downstream property boundaries of the pre and post development water surface profiles to the 1% AEP.
- Provision of any stormwater models (DRAINS, HEC-RAS) used in assessment, and relevant supporting input and output information.



- Demonstration of compliance with Council's AUSPEC 1.

Any upgrade of Councils existing drainage infrastructure (the re diverted Council pipeline) which is to cater for the 20-year storm event should also include upgrades to the inlet capacity of the upstream drainage pits including within the Council reserve and Federal Parade.

#### 10. **Waste Officer referral comments**

Councils position on waste storage and disposal from this proposal is as follows:-

- The new grand stand - Council will manage all waste generated by spectators on game days from this facility.
- Centre of Excellence - Waste from this facility will be managed by the CoE management. Waste will be stored in a separate location from game day grounds waste and removed under a contract put in place by CoE management.

The following issues identified in this proposal need to be addressed:

1) Waste collection truck access.

Access is required for waste collection at the existing location on the eastern side of the bin shed.

Council contractors use a 3 axle heavy rigid vehicle that is 12 metres long to service the bins.

The applicant must demonstrate that this size of vehicle can enter and leave the area between the new grandstand/centre of excellence and the bin shed in a forward motion. That is, drive in forwards, turn around using only one reverse motion, and leave in a forward motion. Please provide appropriate swept path analysis to demonstrate compliance.

2) Access to plant/machinery storage compound.

There is a secure storage area for trailers, mowers etc between the bin shed, basketball court, cricket nets and the northern perimeter fence of the Brookvale Oval grounds.

The newly proposed CoE waste storage area is located in front of the gate to this storage compound.

The applicant is to demonstrate that vehicles still have suitable access to this compound. Particularly with regards to reversing trailers from the landing area into the compound.

3) Access to the concourse/pitch level from the bin shed.

A ramp needs to be provided to allow cleansing staff to wheel bins to and from the bin shed to the concourse/pitch level. The gradient of the ramp is to be greater than 1 in 8.

4) Design of the CoE Waste Storage Facility.



Is this a room or a bay? Does it have a roof?

Council requires this facility to be a secure room with floor waste connected to the sewer, suitably ventilated and vermin proof.

#### **11. External Referrals**

The NSW Police referral is still outstanding. Council has been chasing the police for a response, however, no reply has been received at the time of writing.

Once a response is received, and should it raised issues that need to be resolved, it will be forwarded.

#### **Additional advice for the applicant**

The Sydney North Planning Panel noted the issues of concern relating to the proposal, particularly what are seen to be threshold issues, ie: owner's consent, consistency with the Brookvale Park Plan of Management, permissibility in the RE1 Public Recreation zone, and siting of the Centre of Excellence and consequent impact on existing heritage-listed trees.

Given the significance of the issues that have been identified Council staff and the independent planning consultant are happy to meet to discuss the issues further. However, prior to the meeting it would be useful to obtain the applicant's comments and views to the issues raised in the letter.

Please contact Felicity Schmidt, EA to Director Planning and Place on 8495 6414 to arrange a suitable meeting date.

Yours faithfully

Louise Kerr  
**Director, Planning and Place**