

DEVELOPMENT APPLICATION ASSESSMENT REPORT

Application Number:	DA2020/1097
Responsible officer:	Geoff Goodyer, planning consultant, Symons Goodyer Pty Ltd
Land to be developed (address):	Part Lot 2743, DP 752038, Passmore Reserve, Campbell Parade, MANLY VALE NSW 2093
Proposed development:	Alterations and additions to sportsfield lighting
Zoning:	Warringah LEP 2011 – Land zoned RE1 Public Recreation
Development permissible:	Yes
Existing use rights:	No
Consent authority:	Northern Beaches Council
Delegation level:	Northern Beaches Local Planning Panel
Land and Environment Court action:	No
Owner:	Northern Beaches Council
Applicant:	Northern Beaches Council
Application lodged:	8 September 2020
Integrated development:	No
Designated development:	No
State reporting category:	No
Notified:	18/9/2020 – 2/10/2020
Advertised:	No
Submissions received:	Thirty-nine (39)
Re-notified:	13/11/2020 – 15/12/2020
Submissions received (at time of preparation of assessment report):	Three (3)
Recommendation:	Approval
Estimated cost of works:	\$250,000

EXECUTIVE SUMMARY

Based on a detailed assessment of the proposal against the applicable planning controls, it is considered that the proposal is suitable and an appropriate development for the subject site.

The proposal involves the installation of lighting on 8 lighting poles, 4 x 30m in height and 4 x 25m in height, designed to light three existing playing fields at Passmore Reserve.

The proposal is to facilitate the use of the playing fields until 8.30pm Monday-Thursday, 9.00pm Friday, 6.45pm Saturday and 6.00pm Sunday. The lights will be turned off 15 minutes after these times.

The proposal is made on the basis that there is a strong demand for sportsground use; more demand than there is current capacity. The proposed lighting will extend the use of the existing sportsfields beyond nightfall and make better use of the existing public recreational resource. This public benefit has been weighed against the impacts arising from the development, as assessed in this report.

The proposal has been assessed pursuant to the relevant planning controls including Warringah Local Environmental Plan 2011 and Warringah Development Control Plan 2011. It is considered that the proposal satisfies the aims and objectives of all relevant planning controls.

Thirty-nine submissions were received as a result of the notification of the proposal, of which twelve supported the development. The remaining twenty-seven submissions objected to the proposal on grounds relating to traffic and parking, lightspill and glare, noise and anti-social behaviour. These issues have been addressed in the Submissions section of this report. The assessment of these submissions concludes that none of them are of determining weight.

The proposal was renotified. At the time of the preparation of this assessment report three (3) submissions had been received, one supporting the proposal and two from persons who objected as a result of the original notification. No new issues were raised in those submissions. The notification period ends on 15 December 2020 and it is anticipated that a supplementary report will be prepared addressing any further submissions received.

The application has been assessed against the Environmental Planning and Assessment Act 1979 (EP&A Act 1979), Environmental Planning and Assessment Regulations 2000 (EP&A Regulations 2000), relevant Environmental Planning Instruments (EPIs), Plans of Management and Council policies. The outcome of this assessment is detailed within this report.

Accordingly, based on the detailed assessment contained in this report, it is recommended that the application be approved.

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 (ie: this report) taking into account all relevant provisions of the Environmental Planning and Assessment Act 1979, and the associated regulations;

- An inspection of the subject site and neighbouring sites 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 and referral to relevant internal and external bodies in accordance with the Act, Regulations and relevant Community Participation Plan;
- A review and consideration of all submissions made by the public in relation to the application;
- A review and consideration of all documentation provided with the application (up to the time of determination); 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 2011 – C2 Traffic, Access and Safety
- Warringah Development Control Plan 2011 – C3 Parking Facilities
- Warringah Development Control Plan 2011 – D3 Noise
- Warringah Development Control Plan 2011 – D12 Glare and Reflection
- Warringah Development Control Plan 2011 – D20 Safety and Security
- Warringah Development Control Plan 2011 – E3 Threatened species, populations, ecological communities listed under State of Commonwealth legislation, or High Conservation Habitat

STATUTORY CONTROLS

- Environmental Planning and Assessment Act 1979
- Environmental Planning and Assessment Regulation 2000
- Warringah Local Environmental Plan 2011
- Warringah Development Control Plan 2011
- District Park Plan of Management
- Sportsgrounds Plan of Management
- State Environmental Planning Policy No. 19 – Bushland in Urban Areas
- State Environmental Planning Policy No. 55 – Remediation of Land and Draft SEPP
- State Environmental Planning Policy (Coastal Management) 2018
- State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017
- Draft State Environmental Planning Policy No. 55 – Environment

SITE DESCRIPTION

Property description:	Part Lot 2743, DP 752038, Passmore Reserve, Campbell Parade, MANLY VALE NSW 2093
Detailed site description:	<p>The site is located on the northern side of Campbell Parade. It is currently occupied by three playing fields and a children's play area. A cycleway runs around the site, which also contains mature trees on its periphery.</p> <p>Adjoining the site to the west are townhouses and 3-storey apartment buildings. To the north of the site is Brookvale Creek, beyond which is Nolans Reserve and Warringah Golf Course. To the east of the site are bowling greens and the Calabria Sports and Social</p>

	Club. Opposite the site on the southern side of Campbell Parade is the Northern Beaches Secondary College Mackellar Girls Campus and 3-storey apartment buildings.
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LOCALITY PLAN (not to scale)



Figure 1 – Location of Site (source: <https://maps.six.nsw.gov.au>)

SITE HISTORY

The site has been used for residential purposes for approximately 70 years prior to which it was vacant. A search of Council’s records has revealed the following relevant history:

DA2009/1658 was refused on 28 April 2010. The application sought approval for the installation of lighting on five light poles, 3 x 20m in height and 2 x 25m in height. The lighting was to facilitate the use of the playing fields until 9.30pm Monday to Saturday and 6.00pm on Sunday. It is noted that the application was independently assessed and recommended for approval but that it was determined by the Warringah Development Assessment Panel and refused.

PROPOSED DEVELOPMENT IN DETAIL

The proposal is to install sportsfield lighting at Passmore Reserve. The proposal involves the installation of lighting on 8 lighting poles, 4 x 30m in height and 4 x 25m in height. At the top of each lighting pole is a fixed lighting frame housing LED luminaires. The configuration of the proposed lighting is shown in the following drawing:

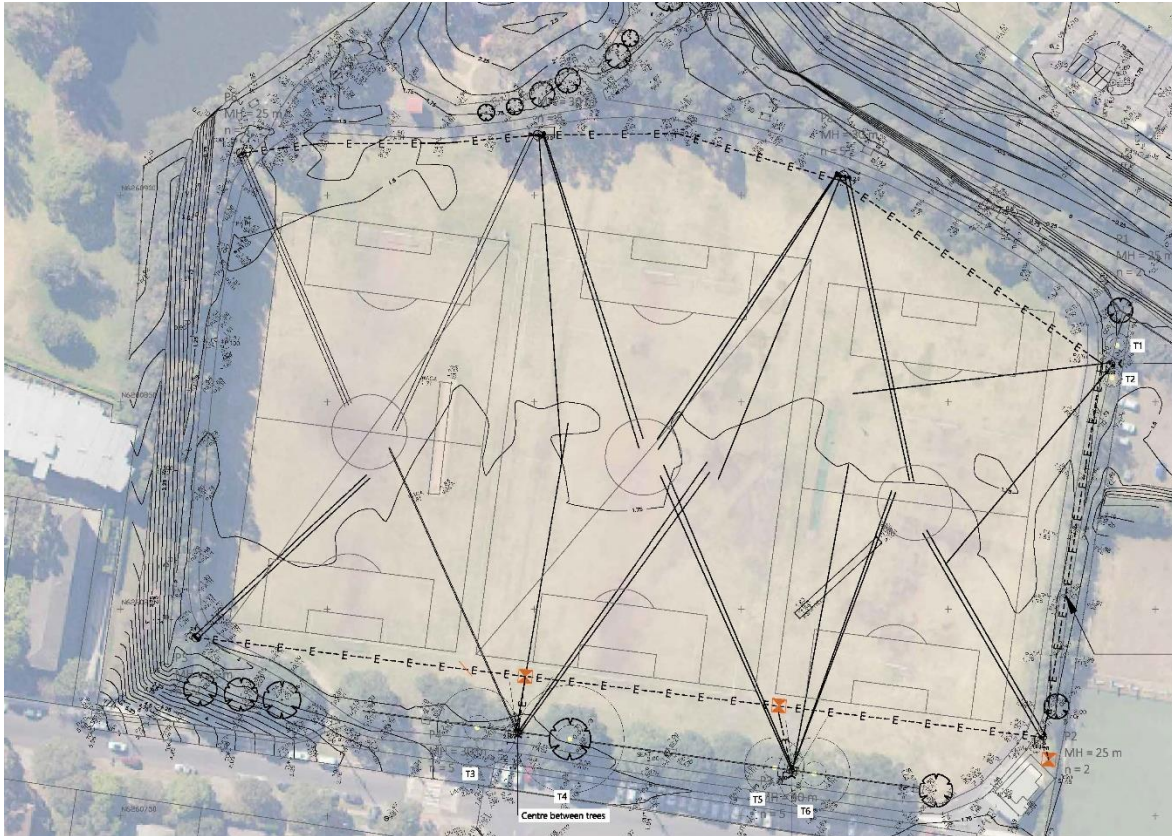


Figure 1: Lighting layout

Minor excavation is required for the footings for the light poles. Trenching is required for the installation of electrical wiring.

The lighting is proposed to facilitate the use of the playing fields by sporting clubs as follows:

- 8:30pm Monday to Thursday (with lights out at 8:45pm)
- 9:00pm Fridays (with lights out at 9:15pm)
- 6.45pm Saturdays (with lights out 7.00pm)
- 6.00pm Sundays (with lights out 6.15pm)

ENVIRONMENTAL PLANNING AND ASSESSMENT ACT, 1979 (EPAA)

The relevant matters for consideration under Section 4.15 of the EPAA 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	See discussion on “Environmental Planning Instruments” in this report.
Section 4.15 (1) (a)(iii) – Provisions of any development control plan	See discussion on “Warringah Development Control Plan 2011” in this report.

Section 4.15 'Matters for Consideration'	Comments
Section 4.15 (1) (a)(iii) – Provisions of any planning agreement	None applicable.
Section 4.15 (1) (a)(iv) – Provisions of the regulations	<p><u>Division 8A</u> of the EP&A Regulation 2000 requires the consent authority to consider "Prescribed conditions" of development consent. These matters have been addressed via a condition of consent.</p> <p><u>Clause 50(1A)</u> of the EP&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&A Regulation 2000, enable Council to request additional information in relation to a development application. On 30/10/2020 the applicant was requested to provide amended plans regarding existing trees, details of trenching, and clarification of the location of the light poles. Amended information was received on 18/11/2020.</p> <p><u>Clause 92</u> of the EP&A Regulation 2000 requires the consent authority to consider AS 2601 - 1991: The Demolition of Structures. This matter has been addressed via a condition of consent.</p> <p><u>Clauses 93 and/or 94</u> of the EP&A Regulation 2000 requires the consent authority to consider the upgrading of a building (including fire safety upgrade of development). This clause is not relevant to this application.</p> <p><u>Clause 98(1)(b)</u> of the EP&A Regulation 2000 requires the consent authority to consider insurance requirements under the Home Building Act 1989. This clause is not relevant to this application.</p> <p><u>Clause 98(1)(a)</u> of the EP&A Regulation 2000 requires the consent authority to consider the provisions of the Building Code of Australia (BCA). This matter has been addressed via a condition of consent.</p>

Section 4.15 'Matters for Consideration'	Comments
	<p><u>Clause 143A</u> of the EP&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>
<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>	<p>(i) Environmental Impact The environmental impacts of the proposed development on the natural and built environment are addressed under the Warringah Development Control Plan 2011 section in this report.</p> <p>(ii) Social Impact The proposed development will not have a detrimental social impact in the locality considering the character of the proposal. The provision of lighting will discourage anti-social behaviour while in operation by improving surveillance of the playing fields.</p> <p>(iii) Economic Impact The proposed development will not have a detrimental economic impact on the locality considering the nature of the proposed works.</p>
<p>Section 4.15 (1) (c) – the suitability of the site for the development</p>	<p>The site is considered to be suitable for use as a recreation area and has been used for this purpose for many years. The site is not subject to natural constraints such as landslip or bushfire risk that would make it unsuitable for the proposed development. The site is subject to flooding but this issue may be addressed by ensuring the infrastructure is installed appropriately. The site is subject to potential acid sulfate soil pollution and the proposal is accompanied by an Acid Sulfate Soil Management Plan.</p>
<p>Section 4.15 (1) (d) – any submissions made in accordance with the EPA Act or EPA Regs</p>	<p>See discussion on “Public Exhibition” in this report.</p>
<p>Section 4.15 (1) (e) – the public interest</p>	<p>The public interest is considered to be served by facilitating the use of the playing fields as part of the Northern Beaches Sportsgrounds Strategy and Strategic Implementation Plan 2017.</p>

EXISTING USE RIGHTS

Existing use rights are not applicable to this application.

INTEGRATED DEVELOPMENT

Section 4.46 of the EP&A Act 1979 prescribes certain development to be “Integrated Development”, including development that requires an activity approval under Section 91 of the Water Management Act 2000. Integrated Development requires consultation with relevant authorities to obtain general terms of approval prior to the granting of consent.

The site is “waterfront land” under the Water Management Act 2000 and the proposed works within the waterfront land are a “controlled activity” that require an activity approval. However, clause 41 of the Water Management (General) Regulation 2018 provides an exemption for public authorities, including a local council, from the need for an activity approval for a controlled activity.

Consequently, the proposal is not Integrated Development.

BUSHFIRE PRONE LAND

The site is not classified as bush fire prone land.

LOCAL GOVERNMENT ACT 1993

The land is owned by Northern Beaches Council. As such, the provisions of the Local Government Act 1993 (“LGA 1993”) relating to the classification and management of public land apply. The land is classified as “community land” and under section 35 of the LGA 1993 any use of the land must be in accordance with the District Park Plan of Management (“DPPM”) and the Warringah Sportsgrounds Plan of Management (“WSPOM”).

One of the actions identified in the DPPM is to “optimise sports field lighting to required sport standards and current best practice”. One of the actions in the WSPOM is to “Provide or upgrade lighting to all fields in accordance with the sportsground hierarchy to ensure safety and best use of fields”. The proposal is in accordance with these actions and therefore complies with the requirements of section 35 of the Local Government Act 1993.

NOTIFICATION & SUBMISSIONS

The subject application was notified to surrounding and nearby properties in accordance with the EPA Regulation 2000 and the Northern Beaches Community Participation Plan.

In response, Council received thirty nine (39) submissions, of which twelve (12) supported the development and twenty-seven (27) objected to the development. The issues raised in the submissions are summarised as follows:

Name:	Address;
Ms Cheryl Almeida	30/30-34 Gordon St, MANLY VALE NSW 2093
Mr Steven Bax	4 Palata Pl, DEE WHY NSW 2099
Mr Robin Conway	2/2A Campbell Pde, MANLY VALE NSW 2093
Ms Christine Del Gallo Principal, NBSC Mackellar Girls Campus)	11 Campbell Pde, MANLY VALE NSW 2093

Name:	Address;
Mrs Karen Devoy	10 Milpera Pl, CROMER NSW 2099
Mr Justin Doran	5/41-43 Campbell Pde, MANLY VALE NSW 2093
Mr Gabrielle Dowling	41-43 Campbell St, MANLY VALE NSW 2093
Ms Christine Elliot	27 Campbell Pde, MANLY VALE NSW 2093
Mr Daniel Fee	32 Lilydale St, MARRICKVILLE NSW 2204
Mr Steven Gravemade	6 Gertrude St, BEACON HILL NSW 2100
Ms Judith Hurditch	12/2A Campbell Pde, MANLY VALE NSW 2093
Mr Andrew Iggo	32/2A Campbell Pde, MANLY VALE NSW 2093
Mr Malcolm Innes	35/2A Campbell Pde, MANLY VALE NSW 2093
Mr Steven Jefferys	11/2a Campbell Pde, MANLY VALE NSW 2093
Mr Joe Maccioni	27-31 Campbell Pde, MANLY VALE NSW 2093
Ms Dimity MacDonald	39/2a Campbell Pde, MANLY VALE NSW 2093
Mr Phillip McGregor	2/41-43 Campbell Pde, MANLY VALE NSW 2093
Mrs Anita Moss	3 Ballanda St, FRENCHS FOREST NSW 2086
Ms Julia Nicholson	3/41-43 Campbell Rde, MANLY VALE NSW 2093
Mr David O'Neill	31/2A Campbell Pde, MANLY VALE NSW 2093
Ms Jennifer Pierson	2/36-40 Gordon St, MANLY VALE NSW 2093
Mr Andrew Ratcliff	No address provided
Mr Vincent Roperti	6/5 Vuko Pl, WARRIEWOOD NSW 2102
Mr James Scholtens	136 Toronto Ave, CROMER NSW 2099
Mr Lynne Simonds	17/2a Campbell Pde, MANLY VALE NSW 2093
Mr Edward Simonds	17/2a Campbell Pde, MANLY VALE NSW 2093
Ms Therese Stafford	3/2A Campbell Pde, MANLY VALE NSW 2093
Mr Christina Susanna	913 Pittwater Rd, COLLAROY NSW 2097
Mrs Myra Swanson	28/2a Campbell Pde, MANLY VALE NSW 2093
Mr Scott Thorpe	7/2a Campbell Pde, MANLY VALE NSW 2093
Mr Joe Thurlow	41 Parr Ave, NORTH CURL CURL NSW 2099
Mr Michael Travers	34/2a Campbell Pde, MANLY VALE NSW 2093
Mrs June Travers	34/2a Campbell Pde, MANLY VALE NSW 2093
Mr Anthony Unwin	21 Lovett St, MANLY VALE NSW 2093
Mrs Kristie Vumbaca	1 Mundara Pl, NARRAWEENA NSW 2099
Mr Rob Wallace	20/2a Campbell Pde, MANLY VALE NSW 2093
Mrs Kathryn Weller	3/30-34 Gordon St, MANLY VALE NSW 2093
Ms Carmel White	11/56-58 Gordon St, MANLY VALE NSW 2093
Mr Michael Young	15/2A Campbell Pde, MANLY VALE NSW 2093

Lightspill and glare

The proposal is accompanied by an Obtrusive Lighting Assessment by Lighting, Art + Science (Lighting and Electrical Consultants). The report assesses the proposal under AS/NZS 4282-2019: *Control of the obtrusive effects of outdoor lighting*.

The report has assessed the proposal as being in an area of medium district brightness (ie: suburban areas in towns and cities).

In this area, the maximum permitted vertical illuminance level is 10 lux. This is a measure of the direct light entering a vertical plane (eg: window). The proposal results in a maximum vertical illuminance of 0.9 lux, occurring at 2A Campbell Parade, and complies comfortably with this criterion.

The maximum permitted luminous intensity emitted by luminaires is 12,500 candelas. This is a measure of glare. The proposal results in a maximum luminous intensity emitted by luminaires of 3,719 candelas, occurring at 2A Campbell Parade, and complies comfortably with this criterion.

The proposal also complies with the criterion for Threshold Increment, which is a measure of glare particularly relevant to the reading of signs and signals by drivers. A maximum of 20% is permitted, and the proposal has a maximum of 1% (occurring at Quirk Road).

The criterion for impact relating to sky glow is Upward Light Ratio. The maximum permitted is 0.02 and the proposal results in a level of 0.000 and complies comfortably.

In summary, the proposal complies comfortably with all of the criteria relating to lightspill and glare. This issue has not been given determining weight.

Traffic

Access to and from the site is restricted to Campbell Parade and Quirk Road. Both roads are relatively narrow as they move away from the site. The Campbell Parade access leads to the signalised intersection with Condamine Street.

Based on the submissions received during the notification period, and from the author's own casual observations, Campbell Parade does become congested due to its narrow width, particularly when cars are parked on both sides of the road, and this is exacerbated by the signalised intersection at Condamine Street which appears to sometimes limit the volume of traffic leaving the area. It is also the author's observation that at times there can be traffic conflicts relating to vehicles reversing out of parking spaces into Campbell Parade and vehicles negotiating the intersection of Quirk Road and Campbell Parade.

The proposal does not increase the intensity of the use of the playing fields and consequently it does not result in an increase in the volume of traffic that is generated by the use of the playing fields and other land uses contributing to traffic in the street (ie: the use of the school and access to the Calabria Club and industrial area to the east of the playing fields).

It does however result in these impacts occurring over a greater period of time by increasing the time that the playing fields are used, extending the use into the evenings particularly during winter. However, evening use is likely to be less intensive than peak usage, which would occur at game times on weekends when there would be spectators as well as participants in the games. The use of the playing fields in the evening may coincide with the use of the school for extra-curricular activities, but this may also occur during peak usage times in the day on weekends.

The application is not accompanied by a traffic and parking report.

It is considered that, because the proposal does not increase traffic on the local road system at peak times, the increase in traffic at off-peak times does not warrant refusal of the application. The additional traffic generated by the use of the fields at later times facilitated by the provision of sportsfield lighting will not exacerbate the existing situation with regards to the impact of traffic on the local road system. In this regard it is noted that sportsfield lighting is common throughout the northern beaches and that the traffic impacts arising from such lighting are generally considered to be acceptable.

In summary, this issue has not been given determining weight.

Parking

The situation with regards to parking is similar to the situation with regards to traffic, described above. The proposal will not result in an intensification of the use of the playing fields but will increase the length of time during which they are used. The evening use is likely to result in less demand for car parking than the peak usage during weekend game times.

On street parking is available on Campbell Parade adjacent to the site. There are forty marked spaces at 90° to the carriageway. There is also parallel parking on Campbell Parade opposite the playing fields (in front of the school) and to the east and west of the playing fields on both sides of Campbell Parade, as well as street parking on other nearby streets including Quirk Road and Gordon Street. The car parking is not limited in time.

Because the proposal does not result in an increase in the intensification of the use of the playing fields it does not increase the demand for on-street car parking in the vicinity of the site. Consequently, there is no nexus between the proposed sportsfield lighting and demand for car parking and it would be unreasonable to require additional car parking to be provided for this development.

In summary, this issue has not been given determining weight.

Noise

Concern is raised that the increased use of the playing fields in the evening facilitated by the sportsfield lighting will lead to a loss of amenity as a result of the noise generated by the use.

It is considered that that there will be an increase in noise, comprising mostly voices but also involving the occasional use of whistles or shouts, as is typical of outdoor sports training. However, this noise is not considered to be objectionable or excessive in the context of a suburban area where the local community includes many participants in sports, junior and senior, and where playing fields are interspersed throughout the area.

The proposed hours of use facilitated by the proposed sportsfield lighting are considered to be reasonable and unlikely to unreasonably interfere with sleep of nearby residents.

In summary, this issue has not been given determining weight.

Anti-social behaviour

Concern has been raised that the installation of sportsfield lighting will result in an increase in anti-social behaviour.

It is considered that the provision of lighting will reduce the potential for anti-social behaviour as it will reduce the ability for people to access the area undetected or to congregate without being observed. Casual surveillance of the area will be increased through the use of the playing fields into the evening that is facilitated by the proposed sportsfield lighting.

In summary, this issue has not been given determining weight.

Impact on school operations

A submission has been made by the Principal of the school opposite the playing fields with regards to the impact on school activities. In particular, concern is raised that the use of the playing fields in the evening will coincide with extracurricular school activities and result in a loss of available on-street car parking.

In this regard it is noted that the car parking that is available to the school and the playing fields is on-street car parking that is available to everyone in the community. The use of the on-street car parking is as much a right of the parents of the junior players training on the playing fields as it is of the parents of the children attending the school. Where there is competition for the on-street car parking it may be necessary to park further from the school or playing fields and walk a longer distance to the relevant destination.

As discussed above, the noise generated by the use of the playing fields in the evening that is facilitated by the proposed sportsfield lighting is not considered to be excessive and is unlikely to have a significant impact on school activities which may, themselves, be generating noise.

In summary, this objection has not been given determining weight.

Drainage

The submission raises concern that the increased use of the playing fields will not be sustainable because they become muddy with current levels of usage and that this will be increased.

The Council is responsible for the maintenance of the playing fields to a suitable level to enable their use and regularly close playing fields when they become water-logged and the playing fields at Passmore Reserve have been, and will continue to be, subject to such maintenance measures. This issue has not been given determining weight.

RENOTIFICATION AND SUBMISSIONS

The subject application was renotified to surrounding and nearby properties. The notification period ends on 15 December 2020 and it is anticipated that a Supplementary Report will be prepared addressing any further submissions made during that time.

At the time of preparation of this Assessment Report three (3) further submissions had been received, one (1) of which supported the proposal and two (2) objected, by persons who made objections during the initial notification period.

The following Table summarises the persons who made submissions in response to the renotification of the proposal:

Name:	Address;
Mr Malcolm Innes	35/2A Campbell Pde, MANLY VALE NSW 2093
Mr Glenn Moore	30 Prince Alfred Pde, NEWPORT NSW 2106
Ms Jennifer Pierson	2/36-40 Gordon St, MANLY VALE NSW 2093

The submissions received as a result of the renotification of the proposal raised no additional issues.

MEDIATION

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

REFERRALS

Internal referrals

Referral officer	Comments	Consent recommended
Environmental Health – Acid Sulfate Soils	<p>Minor excavation in a number of locations on site will result in removal of some acid soil (class 2) material which will require a management plan.</p> <p>An Acid Sulfate Soil Management Plan is provided.</p>	Yes, subject to conditions
Environmental Health – Industrial Use	<p>There are a number of issues of concern as a result of the proposed changes:</p> <ol style="list-style-type: none"> 1. Light spill -the applicant addresses this in an assessment. 2. Direct glare - this may require adjustment after installation - if a residential observer faces the light source directly from a habitable room or balcony/deck. This may mean the asset owner (Council) reviewing use and hours after installation. 3. Night use of an area previously not effectively used for team sporting (and associated) activities after sun down as a result of significantly improved lighting. This may include yelling, cheering, whistle blowing, increased traffic, parking activity and the like which may adversely impact on neighbouring residential receivers. Community objectives of residential amenity and yet also encouraging essential healthy sporting activities need to be weighed up by assessors. Likewise, the current use and any adverse impacts on residents will be potentially compounded by any increased site usage above what may 	Yes, subject to conditions

Referral officer	Comments	Consent recommended
	<p>have been reasonably expected by local residents and not foreseen improved lighting.</p> <p>The hours of use proposed are not considered excessive especially with lights out at 8.45pm weeknights (9.15pm Fridays only) provided site users vacate the area immediately.</p>	
Landscape	<p>The development proposal is for the installation of Sports ground lighting for the sporting fields at Passmore Reserve, within District Park Manly Vale, as an ancillary activity to the established land use.</p> <p>Landscape Referral is assessed against Warringah LEP, Warringah District Park Plan of Management, Warringah Sports grounds - Plan of Management, Northern Beaches Sportsground Strategy, and Warringah DCP (including D1 Landscaped Open Space and Bushland Setting), and the proposal is considered appropriate and complying to the objectives and controls of these relevant documents.</p> <p>The siting of the lighting poles are placed in locations to minimise impact to existing trees around the perimeter of the Reserve. All existing trees are retained. An Arborist report is provided with recommendations for excavation alignments for the subsurface services conduits to reduce impacts to existing trees. Conditions of consent shall be imposed for works within the tree protection zone to be supervised and approved by a Project Arborist.</p> <p>The proposed lighting poles and equipment does not substantially add new visual elements into the landscape when viewed as the Reserve landscape setting is predominantly of trees and bushland, and the lighting poles are located amongst the existing trees along Campbell Parade and are set against background trees and bushland elsewhere.</p> <p>Landscape Referral raise no objections to the proposal, subject to conditions. The proposal is therefore supported.</p>	Yes, subject to conditions
Natural Environment – Biodiversity	The potential impacts to biodiversity values for the proposed sports field lighting development has been assessed against the relevant planning	Yes, subject to conditions

Referral officer	Comments	Consent recommended
	<p>controls, including the Warringah DCP 2011 E4 Wildlife Corridors & E6 Retaining unique environmental features, State Environmental Planning Policy (Coastal Management) 2018 cl. 13 Development on land within the coastal environment area and the state and federal biodiversity legislation.</p> <p>The application is accompanied by a Flora & Fauna Assessment (Biosis 25/10/19), which has identified the biodiversity values of the site via background research and site survey, and assessed the potential direct and indirect impacts of the proposal. As direct impacts from construction are predicted to be minor in nature, with no native vegetation to be removed, the assessment focused on potential indirect impacts of artificial lighting on nocturnal fauna species.</p> <p>Native vegetation community, associated with the riparian corridor, adjoins the site to the north, with the remainder of the subject site mown sports fields and planted landscaped areas. No threatened species were observed on site, and the fauna habitat values of the site and likelihood of occurrence has been assessed for a range of threatened and migratory species. Assessments of significance were undertaken for several species, which concluded that no significant impacts are likely to occur. A range of mitigation measures will be adopted to minimise light spill into the ecologically sensitive riparian areas, thereby minimising impacts to the wildlife corridor, unique environmental features and coastal environment area.</p> <p>The proposal is therefore supported.</p>	
Parks, Reserves and Foreshores	<p>The development proposal is for the installation of Sports ground lighting for the sporting fields at Passmore Reserve, within District Park Manly Vale, as an ancillary activity to the established land use.</p> <p>Parks Referral is assessed against Warringah LEP, Warringah District Park Plan of Management, Warringah Sports grounds - Plan of Management, Northern Beaches Sportsground Strategy, and Warringah DCP, and the proposal is considered appropriate and</p>	Yes

Referral officer	Comments	Consent recommended
	<p>complying to the objectives and controls of these relevant documents.</p> <p>The land use zone is RE1 Public Recreation, and the objectives of the zone include: enable land to be used for public open space or recreational purposes; provide a range of recreational settings and activities and compatible land uses; protect and enhance the natural environment for recreational purposes; protect, manage and restore public land that is of ecological, scientific, cultural or aesthetic value; and prevent development that could destroy, damage or otherwise have an adverse effect on those values. The Northern Beaches Sportsground Strategy includes objectives to increase capacity of Council's sports grounds to meet future needs, and this proposal extends the capacity use of Passmore Reserve.</p> <p>Parks Referral consider that the provision of night lighting upon land used for recreational and organised sporting activity provides a community benefit for outdoor enjoyment as intended in the RE1 Public Recreation Zone.</p> <p>The proposal is therefore supported.</p>	

External referrals

Referral External	Body	Comments	Consent Recommended
Ausgrid	<p>Ausgrid has no objection to this development application, however the design submission must comply with relevant Ausgrid Network Standards and Safe Work NSW Codes of Practice for construction works near existing electrical assets.</p> <p>The "as constructed" minimum clearances to Ausgrid's infrastructure must not be encroached by the building development. It also remains the responsibility of the developer and relevant contractors to verify and maintain these clearances onsite.</p>	Yes, subject to condition	

ENVIRONMENTAL PLANNING INSTRUMENTS

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

SEPP 19 – Bushland in Urban Areas

Clause 9 of SEPP 19 provides that where land adjoins bushland zoned for public open space purposes Council must consider the effect of the proposed development on that bushland and any other matters relevant to the protection or preservation of that bushland.

Subject to recommended conditions, the proposed development will not result in any impacts on bushland adjoining the site and satisfies the requirements of SEPP 19.

SEPP 55 – Remediation of Land and draft Remediation of Land SEPP

Clause 7 (1) (a) of SEPP 55 requires the Consent Authority to consider whether land is contaminated. The site does not constitute land declared to be an investigation area under the Contaminated Land Management Act 1987. Council records indicate that the subject site has been used for playing fields for approximately 50 years. The proposal does not involve a change of use of the land. 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 continued recreational land use.

The draft SEPP proposes to rationalise the existing controls for remediation of land and update the relevant guidelines. The proposal is consistent with these requirements.

State Environmental Planning Policy (Coastal Management) 2018

The site is identified as being located within the Coastal Environment area and partly within the Coastal Use area. SEPP (Coastal Management) 2018 prescribes a number of matters for consideration for development within those areas under clauses 13 and 14, as follows:

13 Development on land within the coastal environment area

(1) *Development consent must not be granted to development on land that is within the coastal environment area unless the consent authority has considered whether the proposed development is likely to cause an adverse impact on the following:*

(a) *the integrity and resilience of the biophysical, hydrological (surface and groundwater) and ecological environment,*

Comment: The proposal is supported by consultant reports relating to flora and fauna and Arboricultural impact. The proposed excavation is minor and limited to footings for the light poles and trenching for electrical cabling. The proposal is unlikely to result in adverse impacts in this regard and satisfies this matter for consideration.

(b) *coastal environmental values and natural coastal processes,*

Comment: See above, with regards to clause 13(1)(a).

- (c) *the water quality of the marine estate (within the meaning of the Marine Estate Management Act 2014), in particular, the cumulative impacts of the proposed development on any of the sensitive coastal lakes identified in Schedule 1,*

Comment: The proposal involves minimal excavation. Subject to conditions controlling erosion and sedimentation the proposal will have no impact on water quality and satisfies this matter for consideration.

- (d) *marine vegetation, native vegetation and fauna and their habitats, undeveloped headlands and rock platforms,*

Comment: See above, with regards to clause 13(1)(a).

- (e) *existing public open space and safe access to and along the foreshore, beach, headland or rock platform for members of the public, including persons with a disability,*

Comment: The proposal complements the use of the public open space. Access is maintained and access for disabled persons is provided within the development.

- (f) *Aboriginal cultural heritage, practices and places,*

Comment: The site has been used for public recreation purposes for many years. The proposal involves minimal impacts on the ground surface. The proposal satisfies this matter for consideration.

- (g) *the use of the surf zone.*

Comment: The proposal will have no impact on the surf zone.

- (2) *Development consent must not be granted to development on land to which this clause applies unless the consent authority is satisfied that:*

- (a) *the development is designed, sited and will be managed to avoid an adverse impact referred to in subclause (1), or*
- (b) *if that impact cannot be reasonably avoided—the development is designed, sited and will be managed to minimise that impact, or*
- (c) *if that impact cannot be minimised—the development will be managed to mitigate that impact.*

Comment: The proposal will have no impacts referred to in subclause (1).

14 Development on land within the coastal use area

- (1) *Development consent must not be granted to development on land that is within the coastal use area unless the consent authority:*

(a) *has considered whether the proposed development is likely to cause an adverse impact on the following:*

(i) *existing, safe access to and along the foreshore, beach, headland or rock platform for members of the public, including persons with a disability,*

Comment: The proposal retains all existing public access to and through the public open space.

(ii) *overshadowing, wind funnelling and the loss of views from public places to foreshores,*

Comment: The proposal does not result in any overshadowing, wind funnelling or loss of views. The proposal satisfies this matter for consideration.

(iii) *the visual amenity and scenic qualities of the coast, including coastal headlands,*

Comment: The proposal has minimal impact on the visual amenity and scenic qualities of the area and satisfies this matter for consideration.

(iv) *Aboriginal cultural heritage, practices and places,*

Comment: See above with regards to clause 13(1)(f).

(v) *cultural and built environment heritage, and*

Comment: The site does not contain a heritage item, is not within the vicinity of any heritage items and is not within a heritage conservation area. The proposal satisfies this matter for consideration.

(b) *is satisfied that:*

(i) *the development is designed, sited and will be managed to avoid an adverse impact referred to in paragraph (a), or*

(ii) *if that impact cannot be reasonably avoided—the development is designed, sited and will be managed to minimise that impact, or*

(iii) *if that impact cannot be minimised—the development will be managed to mitigate that impact, and*

Comment: The proposal will not have any impacts referred to in paragraph (a).

(c) *has taken into account the surrounding coastal and built environment, and the bulk, scale and size of the proposed development.*

Comment: The light poles have a bulk, scale and size that is commensurate with the use of the sportsfields. The proposal satisfies this matter for consideration.

The proposal satisfies Clause 15 of SEPP (Coastal Management) 2018, which requires that development not increase the risk of coastal hazards.

The proposal satisfies Clause 16 of SEPP (Coastal Management) 2018 because there are no coastal management programs applying to the land.

SEPP (Infrastructure) 2007

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

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

The proposal was referred to Ausgrid who have raised no objections to the proposal.

Clause 104 and Schedule 3 of the SEPP provide that certain development must be referred to NSW Roads and Maritime Services (RMS) for consultation. The proposed development is not one that is listed as requiring referral to the RMS.

SEPP (Vegetation in Non-Rural Areas) 2017

Vegetation is prescribed under Part E1 of WDCP 2011 for the purposes of SEPP (Vegetation in Non-Rural Areas) 2017. The proposal does not involve the removal of any trees.

Local Environment Plans (LEP's)

Warringah Local Environmental Plan 2011 (WLEP 2011)

Consideration of proposal against Warringah Local Environment Plan 2011:

Definition of proposed development: (ref. WLEP 2011 Dictionary)	Recreation facility (outdoors)
Zone:	RE1 Public recreation
Permitted with Consent or Prohibited:	Permissible with consent

Objectives of the Zone

- To enable land to be used for public open space or recreational purposes.
- To provide a range of recreational settings and activities and compatible land uses.
- To protect and enhance the natural environment for recreational purposes.
- To protect, manage and restore public land that is of ecological, scientific, cultural or aesthetic value.
- To prevent development that could destroy, damage or otherwise have an adverse effect on those values.

The development is considered to be consistent with the objectives of the zone for the following reasons:

- The proposal enhances the use of the land for recreational purposes.
- The proposal has no undesirable impacts on the natural environment.
- The proposal has no adverse effects on the ecological, scientific, cultural or aesthetic values of the land.

Principal Development Standards: None applicable.

Relevant Additional Local Provisions

Provision	Comment
Acid Sulfate Soils	The site is within Classes 1, 2 and 5 Acid Sulfate Soil areas. An Acid Sulfate Soil Management Plan was submitted with the development application and has been reviewed by Council's Environmental Investigations Officer who has raised no objections subject to recommended conditions, including the implementation of the Acid Sulfate Soil Management Plan.
Earthworks	Minor earthworks are proposed to provide footings for the light poles and trenching for cabling. Subject to recommended conditions these earthworks satisfy the matters for consideration in clause 6.2(3) of WLEP 2011.
Flood Planning	The proposal has no impact on existing flood conditions in the area.

Relevant Schedules

Schedule	Comment
Schedule 5 Environmental heritage	The site does not contain a heritage item, is not within a Conservation Area, and is not in the vicinity of a heritage item.

Warringah Development Control Plan 2011 (WDCP 2011)

Following is consideration of proposal against the relevant provisions of the Warringah Development Control Plan:

Part B: Built Form Controls			
Control	Requirement	Proposed	Complies
B1. Wall heights	Not applicable		Yes
B7. Front setback	Not applicable		Yes
B6. Side setback	Not applicable		Yes
B10. Rear setback	Not applicable		Yes
B14. Main Roads setback	Not applicable		Yes

Part C: Siting Factors	
Control	Comment
C2. Traffic, Access and Safety	Impacts relating to traffic, access and safety are discussed above in relation to issues raised in response to the notification of the proposal and have not been given determining weight.
C3. Parking Facilities	Impacts relating to parking are discussed above in relation to issues raised in response to the notification of the proposal and have not been given determining weight.
C4. Stormwater	The proposal has no impact with regards to the management of stormwater.
C5. Erosion and Sedimentation	Minor excavation is required for footings and trenching for electrical cabling. Sedimentation may be controlled through the imposition of standard conditions.
C7. Excavation and Landfill	Minor excavation is required for footings and trenching for electrical cabling. Impacts may be addressed through the imposition of standard conditions.

Part D: Design	
Control	Comment
D1. Landscaped open space and bushland setting	The proposal retains the existing open space and bushland setting.
D3. Noise	The proposal does not increase the intensity of use of the playing fields and will have no significant impacts with regards to noise. The hours of operation ensure that the use of the playing fields will cease early enough

Part D: Design	
Control	Comment
	to minimise disturbance through noise made by participants in training and events.
D6. Access to sunlight	The proposed development will not result in any overshadowing of neighbouring development.
D7. Views	No views from residential properties will be affected.
D8. Privacy	The proposal results in no impacts on privacy.
D9. Building Bulk	The proposal has a reasonable building bulk considering the nature of the use and the siting of the light poles.
D10. Building Colours and Materials	The proposed colours and materials are considered to be satisfactory.
D18. Accessibility	All existing access is maintained.
D20. Safety and Security	The proposed lighting will improve public safety and security to enhancing surveillance of the area.
D21. Provision and Location of Utility Services	All necessary utility services are available to the site.

Part E: The Natural Environment	
Control	Comment
E2. Prescribed Vegetation	A Flora and Fauna Assessment by Biosis consultants forms part of the development application. The report provides recommendations for measures to be taken to mitigate the potential impacts of the proposal on native fauna. It is appropriate that these recommendations be adopted in a condition of consent. No vegetation is to be removed. Council's Biodiversity Officer has reviewed the Biosis Report and raises no objections to the development subject to conditions.
E3. Threatened species, populations, ecological communities listed under State or Commonwealth legislation, or High Conversation Habitat	
E4. Wildlife Corridors	
E5. Native Vegetation	
E6. Retaining Unique Environmental Features	The proposal has been sited so as to have no impact on any unique environmental features.
E8. Waterways and Riparian Lands	The proposal involves minimal excavation for footings and trenching for electrical cabling. Potential impacts with regards to sedimentation can be addressed through conditions of consent. In these circumstances, given the minor nature of

Part E: The Natural Environment	
Control	Comment
	the works, a Waterway Impact Statement is not required. As discussed above, the proposal is not Integrated Development with regards to the provisions of the Water Management Act 2000.

THREATENED SPECIES, POPULATIONS OR ECOLOGICAL COMMUNITIES

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

POLICY CONTROLS

Northern Beaches Section 7.12 Contribution Plan 2019

No contribution is payable under the Northern Beaches Section 7.12 Contributions Plan 2019 because clause 2.5 of the Plan exempts local infrastructure identified in the plan, including sportsfield lighting, carried out by or on behalf of the Council.

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;
- Warringah Local Environment Plan 2011;
- Warringah Development Control Plan 2011; and
- Codes and Policies of Council.

The proposal has been assessed against the relevant matters for consideration under Sections 4.15 of the EP&A Act 1979. This assessment has taken into consideration the submitted plans, Statement of Environmental Effects, all other documentation supporting the application and public submissions.

The assessment concludes that the proposal satisfies the aims and objectives. No variations to those controls are proposed.

The proposal was notified which resulted in thirty-nine (39) submissions, twelve (12) in support and twenty-seven (27) raising objections. The issues raised in the submissions have been carefully considered in this assessment report and none have been given determining weight.

The proposal was renotified, with the submissions period closing on 15 December 2020. At the time of preparation of this assessment report three (3) further submissions had been received, one (1) in support and two (2) objecting. No new issues were raised in the objections.

The assessment has balanced the public benefit provided by the proposed sportsfield lighting against the potential impacts of the development. There is a greater demand for the use of sportsfields in the northern beaches area than can be satisfied and the proposal makes

efficient use of an existing sportsfield area by permitted its use after nightfall. Impacts with regards to noise, traffic and parking are mitigated in part by the proposed hours of operation, noting that the additional hours of use are outside the peak traffic and parking hours in the vicinity of the site.

Having balanced the public benefits of the proposal against the potential impacts it is considered that the proposal merits approval subject to conditions to mitigate potential environmental impacts.

RECOMMENDATION

That the Northern Beaches Local Planning Panel, on behalf of Northern Beaches Council as the consent authority, **approves** Application No. DA2020/1097 for the installation of sportsfield lighting at Part Lot 2743, DP 752038, Passmore Reserve, Campbell Parade, MANLY VALE NSW 2093, subject to the conditions printed below:

CONDITIONS

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

Architectural Plans - Endorsed with Council's stamp		
Drawing No.	Dated	Prepared By
Arb-01 (Revision B)	24.11.2020	Mara Consulting Pty Ltd

Reports / Documentation – All recommendations and requirements contained within:		
Report No. / Page No. / Section No.	Dated	Prepared By
Acid Sulfate Soil Assessment (Revision 0)	22.10.2019	JBS&G Australia Pty Ltd
Acid Sulfate Soil Management Plan (Revision 0)	22.10.2019	JBS&G Australia Pty Ltd
Arborist Report (Revision B)	24.11.2020	Mara Consulting Pty Ltd
Flora and Fauna Assessment	25.10.2019	Biosis Pty Ltd
Lighting Report (Revision A)	10.09.2018	Apex Lighting
Obtrusive Lighting Assessment	26.02.2020	Lighting, Art & Science Pty Ltd
Statement of Environmental Effects	August 2020	BBF Planners

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

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.

Compliance with Other Department, Authority or Service Requirements

The development must be carried out in compliance with the following:

Other Department, Authority or Service	eServices Reference	Submitted
Ausgrid	Ausgrid Referral Response	1 October 2020

(NOTE: For a copy of the above referenced document/s, please see Council's 'E-Services' system at www.northernbeaches.nsw.gov.au)

Reason: To ensure the work is carried out in accordance with the determination and the statutory requirements of other Department, Authority or Body's.

2. Prescribed Conditions

- (a) All building works must be carried out in accordance with the requirements of the Building Code of Australia (BCA).
- (b) 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.

- (c) 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) 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.
- (c) 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.
- (d) Where works are to be carried out to a Class 1a building, smoke alarms are to be installed throughout all new and existing portions of that Class 1a building in accordance with the Building Code of Australia prior to the occupation of the new works.
- (e) The applicant shall bear the cost of all works associated with the development that occurs on Council's property.
- (f) No building, demolition, excavation or material of any nature and no hoist, plant and machinery (crane, concrete pump or lift) shall be placed on Council's footpaths, roadways, parks or grass verges without Council Approval.
- (g) Demolition materials and builders' wastes are to be removed to approved waste/recycling centres.

- (h) All sound producing plant, equipment, machinery or fittings and the use will not exceed more than 5dB (A) above the background level when measured from any property boundary and/or habitable room(s) consistent with the Environment Protection Authority's NSW Industrial Noise Policy and/or Protection of the Environment Operations Act 1997.
- (i) 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.
- (j) 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.

- (k) Any Regulated System (e.g. air-handling system, hot water system, a humidifying system, warm-water system, water-cooling system, cooling towers) as defined under the provisions of the Public Health Act 2010 installed onsite is required to be registered with Council prior to operating.

Note: Systems can be registered at www.northernbeaches.nsw.gov.au

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

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

4. 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.

5. Construction Traffic Management Plan

Prior to the release of the Construction Certificate, a Construction Traffic Management Plan (CTMP) prepared by an accredited practitioner, detailing construction traffic impacts is to be submitted to Council for review and endorsement. Construction activities are not to commence prior to Council endorsing the CTMP. The endorsed CTMP and any associated Traffic Control Plans is to be implemented at all times during construction.

Reason: To minimise traffic impacts during construction.

6. Tree Protection Plan

- a) A Tree Protection Plan shall be submitted to the Certifying Authority for approval prior to the issue of a Construction Certificate, demonstrating tree protection measures to protect the following trees located in proximity to the development works:
 - i) Peppercorn trees identified as T1 and T2 in the Arborist Report,
 - ii) Port Jackson Fig trees identified as T3, T4, T5 and T6 in the Arborist Report.
- b) The Tree Protection Plan shall be prepared by an Arborist with minimum AQF Level 5 in arboriculture, incorporating the following:
 - i) layout of the development, including existing and proposed underground services,
 - ii) location of all trees identified for retention, including extent of canopy,
 - iii) access routes throughout the site for construction activity,
 - iv) location of tree protection fencing / barriers,
 - v) root protection in the form of mulching or boards proposed within the tree protection zone,
 - vi) trunk and branch protection,
 - vii) location of stockpile areas and materials storage,
 - viii) inspection hold points,
 - ix) other general tree protection measures.
- c) Tree protection methods are to be in accordance with AS4970-2009 Protection of Trees on Development Sites.

Reason: Tree protection.

7. Implementation of Flora & Fauna Assessment Recommendations

All recommendations contained in Chapter 5 of the Flora & Fauna Assessment (Biosis 25/10/2019) are to be implemented prior, during and post construction.

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

Reason: Biodiversity/Vegetation Conservation and Management.

8. Sydney Water "Tap In"

The approved plans must be submitted to the Sydney Water Tap in service, prior to works commencing, to determine whether the development will affect any Sydney Water assets and/or easements. The appropriately stamped plans must then be submitted to the Certifying Authority demonstrating the works are in compliance with Sydney Water requirements.

Please refer to the website www.sydneywater.com.au for:

- "Tap in" details - see <http://www.sydneywater.com.au/tapin>
- Guidelines for Building Over/Adjacent to Sydney Water Assets.

Or telephone 13 000 TAP IN (1300 082 746).

Reason: To ensure compliance with the statutory requirements of Sydney Water.

CONDITIONS THAT MUST BE ADDRESSED PRIOR TO ANY COMMENCEMENT

9. Project Arborist

A Project Arborist with minimum AQF Level 5 in arboriculture shall be engaged to provide tree protection measures in accordance with Australian Standard 4970-2009 Protection of Trees on Development Sites. The Project Arborist is to specify and oversee all tree protection measures such as tree protection fencing, trunk and branch protection, and ground protection.

Specifically, the Project Arborist shall be engaged to monitor all excavation works for the pole supporting concrete footing pads, and the subsurface electrical conduit.

The Project Arborist is to supervise all excavation and construction works near all trees to be retained, including construction methods near the existing trees to protect tree roots, trunks, branches and canopy. Where required, manual excavation is to occur ensuring no tree root at or >25mm (Ø) is damaged by works, unless approved by the Project Arborist.

The Project Arborist shall be in attendance and supervise all excavation works including but not limited to:

- i) selected locations for the pole supporting concrete footing pads, including providing acceptance of the extent of excavation associated with the works,
- ii) selected alignment of the subsurface electrical conduit, including providing acceptance of the extent of excavation associated with the works,
- iii) all works as listed under section 6 Recommendations of the Arborist Report.

All tree protection measures contained in the Tree Protection Plan must:

- a) be in place before work commences on the site, and
- b) be maintained in good condition during the construction period, and

- c) remain in place for the duration of the construction works.

The Project Arborist shall provide certification to the Certifying Authority that all excavations works have been supervised and accepted to no cause a major impact to the health of tree roots, and that any onsite recommendations provided for the protection of the existing tree(s) have been carried out satisfactorily to ensure no impact to the health of the tree(s).

Photographic documentation of the works near existing trees to be retained shall be recorded during the works, and shall be included in the certification of the works.

Note:

- i) A separate permit or development consent may be required if the branches or roots of a protected tree on the site or on an adjoining site are required to be pruned or removed.
- ii) Any potential impact to any existing trees within Passmore Reserve will require redesign of any approved component to ensure existing trees upon the subject site are preserved and shall be the subject of a modification application where applicable.

Reason: Tree protection.

CONDITIONS TO BE COMPLIED WITH DURING DEMOLITION AND BUILDING WORK

10. Compliance with Acid Sulfate Soil Management Plan

During any excavation work compliance with Acid Sulfate Soil Management Plan by JBS&G Australia Pty Ltd (22 October 2019) is to be maintained at all times.

Reason: To manage acid sulfate soil to protect the Environment.

11. 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.

12. Installation and Maintenance of Sediment Control

Prior to any works commencing on site, including demolition, 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.

13. 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 the accredited certifier or 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.

14. Tree and vegetation protection

- a) Existing trees and vegetation shall be retained and protected, including:
 - i) all trees and vegetation within the site,
 - 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.

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

15. Certification on completion of works – Acid Sulfate Soil

The Certifying Authority shall verify that compliance with Acid Sulfate Soil Management Plan by JBS&G Australia Pty Ltd (22 October 2019) was maintained at all times during works

Reason: To manage acid sulfate soil to protect the Environment.

16. Condition of retained trees – Project Arborist

Prior to the issue of an Occupation Certificate, a report prepared by the Project Arborist shall be submitted to the Certifying Authority, assessing the health and impact on all existing trees required to be retained, including the following information:

- a) compliance to any Arborist recommendations for tree protection generally and during excavation works,
- b) extent of damage sustained by trees as a result of the construction works,
- c) any subsequent remedial works required to ensure the long-term retention of the trees.

Reason: Tree protection.

ON-GOING CONDITIONS TO BE COMPLIED WITH AT ALL TIMES

17. Hours of use of Sportsfield Lighting

The times for sporting club usage of the sports field lighting are as follows:

- 8:30pm Monday to Thursday (with lights out at 8:45pm).
- 9:00pm Fridays (with lights out at 9:15pm).
- 6.45pm Saturdays (with lights out 7.00pm)
- 6.00pm Sundays (with lights out 6.15pm)

Reason: To minimise nuisance and to maintain the residential amenity of the area (DACHPGOG5)

18. Lighting

Lighting shall be installed and operated in accordance with the Obtrusive Lighting Assessment by Lighting, Art & Science Pty Limited (26 February 2020) and Lighting Report by APEX Lighting (10 September 2018)

Reason: To minimise light spill and glare on neighbouring residential receivers (DACHPGOG5)

19. Plan of Management for Reserve

A Plan of Management is to be created incorporating the following:

- Hours of use.
- Contact person for any public complaints of enquiries.
- Register of any complaints and any actions taken.
- Register of site user groups with contact phone numbers and email addresses.
- Mechanism of ensuring people vacate the site after approved activities finish.
- Prohibition of amplified music, public announcements and the like at any time.
- Management of the lighting timing including daylight saving time.

Reason: To minimise any adverse impacts on neighbouring residents (DACHPGOG6)

20. No Planting Environmental Weeds

No environmental weeds are to be planted on the site. Information on weeds of the Northern Beaches can be found at the NSW WeedWise website (<http://weeds.dpi.nsw.gov.au/>).

Reason: Weed management.

21. Works to cease if item found

If any Aboriginal Engravings or Relics are unearthed all work is to cease immediately and the Aboriginal Heritage Office (AHO) and Office of Environment and Heritage (OEH) are to be notified.

Reason: To protect Aboriginal Heritage.

22. Dead or Injured Wildlife

If construction activity associated with this development results in injury or death of a native mammal, bird, reptile or amphibian, a registered wildlife rescue and rehabilitation organisation must be contacted for advice.

Reason: To mitigate potential impacts to native wildlife resulting from construction activity.