

DEVELOPMENT APPLICATION ASSESSMENT REPORT

Assessment Officer:	External Consultant – Geoff Goodyer, Symons Goodyer Pty Ltd
Address:	Keirle Park, Pittwater Road, Manly

Proposal:	Use of land for a music event on 14 March 2020, including temporary installation of a stage, fencing, toilets, bar and markets.
Development Application No:	DA2019/1195
Plans Reference:	Site Plan (Revision 3.1), Licensed Area Plan (Revision 3), Emergency Evac. Plan (Revision 3), Aeromedical Retrieval Plan (Revision 1), SS-STDDDET-FOH-01 (Revision B), SS-DROP18-01-1 (Revision A), SS-DROP18-01-2 (Revision A), SS-DROP10-01-3 (Revision A), SS-DROP10-01-4 (Revision A), SS-DROP10-01-5 (Revision A).
Applicant:	The Drop Music Festival Pty Ltd
Owner:	Northern Beaches Council
Application Lodged:	28 October 2019

Zone:	RE1 Public Recreation
Permissible Development:	Recreation Facility (Major)
Land and Environment Court Action:	No
Referred to NBLPP:	Yes (Council owned land)

SUMMARY

Submissions:	Six (6)
Submission Issues:	<ul style="list-style-type: none"> • Noise; • Traffic; • Parking; • Patron behaviour; and • Security.
Assessment Issues:	<ul style="list-style-type: none"> • Noise; • Use of community land; • Traffic and parking; • Security; and • Application for more than a single event.
Recommendation:	APPROVAL

LOCALITY PLAN (not to scale)

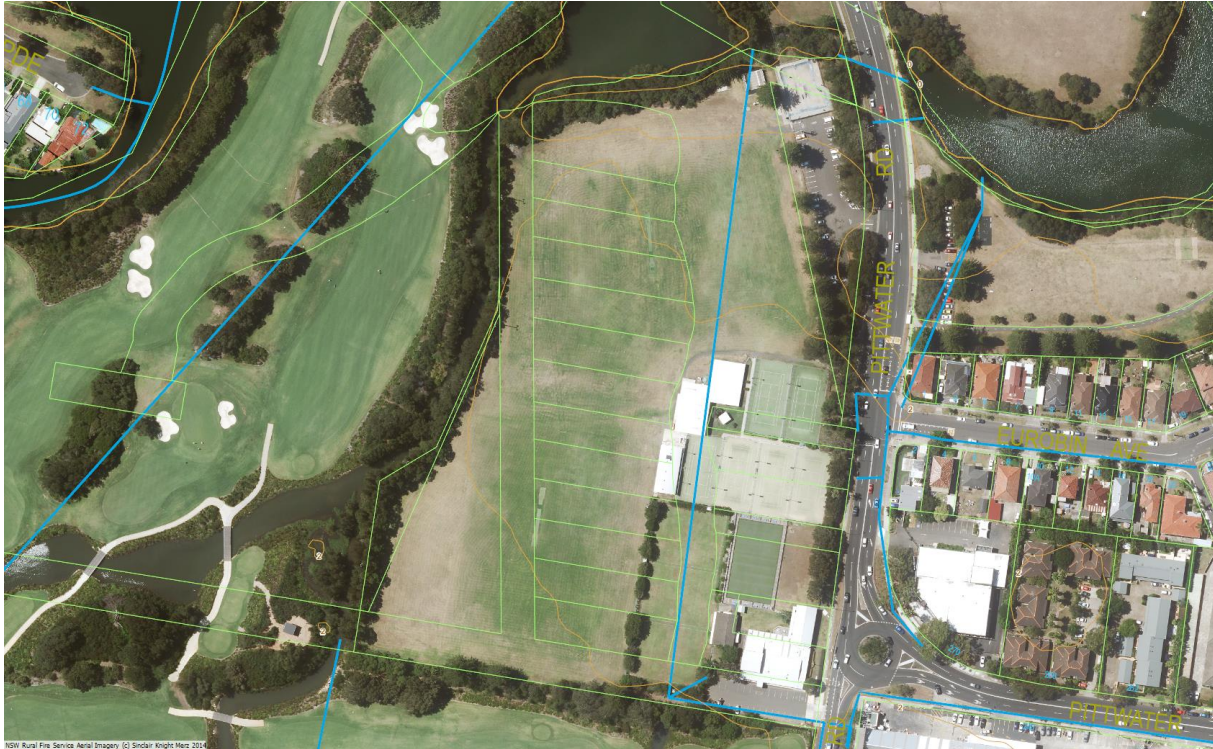


Figure 1 – Location of Site

SITE DESCRIPTION

Keirle Park is located on the western side of Pittwater Road. It is a grassed area used as playing fields and various recreational and community facilities (tennis courts, senior citizens centre, croquet fields, etc.). It adjoins Manly Lagoon to the north, Manly Golf Course to the west and south.

Keirle Park has an area of 4.647 hectares (source: Keirle Park Plan of Management). It comprises the following allotments: Lots 5 - 20 Section 6 DP 1177, Lot 1 DP 1079502, Lot 2 DP 537807, Lot 1 DP 535058, Lot 1 DP 971708 and Lot 2 DP 928762.

Keirle Park is owned by Northern Beaches Council and is classified as Community Land under the Local Government Act 1993.

The music event is proposed to occupy that part of the site used for playing fields and adjacent change rooms and canteen facilities and does not involve the use of the tennis courts, croquet fields or senior citizens centre or other buildings and facilities within Keirle Park.

The following photographs show the playing fields that are proposed to be occupied by the music event:

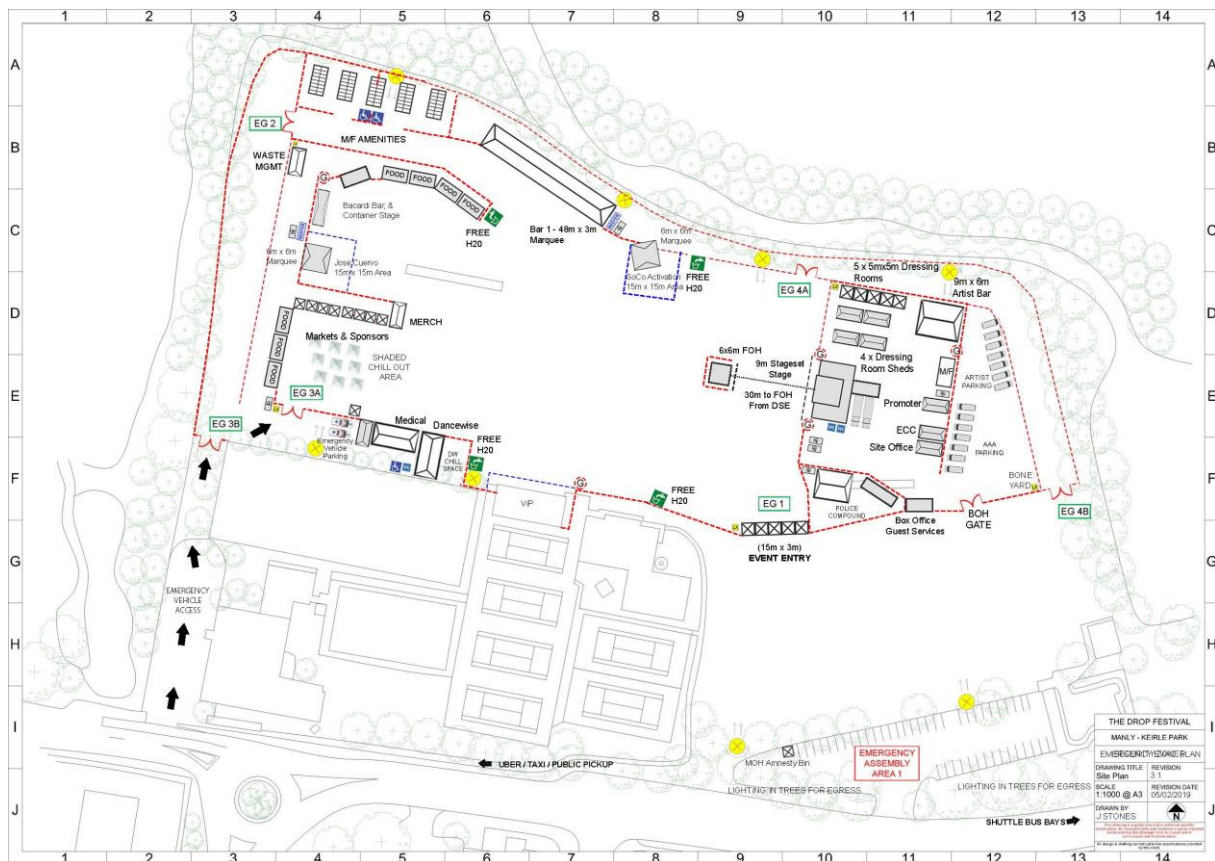


Figure 2 – Layout of Drop Festival Music Event at Keirle Park



Figure 3 and 4 – Photos of the proposed area for the Drop Festival and exiting buildings

RELEVANT BACKGROUND

On 23 May 2003 Council approved DA 185/2002 for alterations and/or additions to an existing Club at the site.

On 8 July 2008 Council approved DA 496/2007 for the construction of a single storey sports facility building at the site.

On 6 March 2019 Council approved DA2019/0054 for the use of land for a music event including temporary installation of a stage, fencing toilets, bar and markets. The music event, known as “The Drop”, occurred on 23 March 2019.

The current development application was lodged on 28 October 2019 and was notified from 1 November to 23 November 2019 and advertised in the Manly Daily on 2 November 2019. The development application was re-notified from 12 November 2019 to 30 November 2019 and re-advertised in the Manly Daily on 16 November 2019.

The development application was amended on 13 February 2020 by the applicant. Amendments included altering the application from being for a single music event (14 March 2020) to an application for a maximum of two music events per year for a 5-year period. For reasons discussed later in the report this amendment is not supported.

PROPOSED DEVELOPMENT IN DETAIL

The proposal involves the use of the playing fields area and adjacent changing room and canteen buildings at Keirle Park for a music event called “The Drop Festival” on 14 March 2020. The music event will commence at 1.00pm and finish by 10.30pm with a music curfew at 10.00pm. The music event has an estimated attendance of 9,000 patrons and a capacity of 12,000 patrons.

The application also seeks approval for up to two music events per year for a 5-year period. Specific dates (other than 14 March 2020) are not specified in the application.

Works will be carried out in preparation for the event from 10 March to 14 March. These works include setting up the various structures associated with the music event, such as the stage, the installation of toilets, construction of a bar and food service areas, positioning of food trucks, provision of free water stations, and erection of temporary structures for medical services, box office and back stage rooms. 1.8m high fencing will be erected around the site of the music event. During this period the site will be “locked down” to create a designated safe work zone.

Intermittent sound checking will occur from 12pm to 6pm on 13 March and from 10am on the day of the event (14 March). No rehearsals longer than 15 minutes are scheduled. Any rehearsals will only occur during the sound check times and will be monitored and set to 5 dB (A) lower than the festival level limit. The Noise Guide for Local Government gives the example of a limit of L_{max} 75 dB (A) being suitable for a one-off music festival. A limit of L_{max} 75 dB (A) will be adopted for this event.

Works will be carried out to remove all structures on 15 March and 16 March. During this period the site will be “locked down” to create a designated safe work zone.

The proposal includes a Traffic Management Plan, Security Management Plan, Event Medical Plan, Fire Safety Plan, Grass Protection Plan, Noise Management Plan, Event Management Plan, Adverse Weather Plan, Waste Management Plan, Flood Management Plan and Emergency Management Plan.

STATUTORY CONTROLS

- a) **Environmental Planning and Assessment Act 1979**
- b) **Environmental Planning and Assessment Regulation 2000**
- c) **Local Government Act 1993**

- d) SEPP 19 - Bushland in Urban Areas
- e) SEPP (Coastal Management) 2018
- f) SEPP (Infrastructure) 2007
- g) Manly Local Environmental Plan 2013
- h) Manly Development Control Plan 2013

REFERRALS

Internal Referrals

Referral Body Internal	Comments	Consent Recommended
Building Assessment	The application has been investigated with respects to aspects relevant to the Building Certification and Fire Safety Department. There are no objections to approval of the development subject to conditions.	Yes
Engineering	Development Engineering has no objection to the temporary use of the subject land. If any change of traffic is required, an application must be lodged to Council for approval.	Yes
Environmental Health – Commercial Use	The proposal is for The Drop Festival 2020 comments for issues such as noise etc are dealt with in the "industrial" referral. For Food Stalls we have no objections. Recommended for approval subject to conditions.	Yes
Environmental Health – Industrial Use	<ol style="list-style-type: none"> 1. Environmental Health believes the DA can be favourably considered with conditions; noting that low frequency music noise may need reducing during the event. 2. The event is for only a limited time 1pm to 10.30pm performance ceasing 10pm (previously 3pm to 10pm) on a Saturday and is a "one off- potentially annually ". A 2 hour increase in performance time for this event, and will offer entertainment for an expected local teen audience. 3. It is noted that a warm up/sound tests at reduced sound levels will be carried out on the same day from 10am to 1pm (previously - preceding day over 4 hours). 4. The location is away from the beach front residential area which has been subject to many noisy events. 	Yes

Referral Body Internal	Comments	Consent Recommended
	<p>5. Noise generation has been taken into consideration and the location appears to be a best fit for the area compared with the beach area potentially as an alternative.</p> <p>6. Stage and amplification has been proposed to minimise impact on residents.</p> <p>7. Offensive noise is most likely to be generated, but generally will be limited to the maximum of 75dB(A) as suggested by the Noise Guide for Local Government for a one-off event at the nearest residences. Normal ongoing noise restrictions for licensed venues are not normally applied to special events. At 75dB(A) to noise will be similar to having a vacuum cleaner operating in the resident's room, so some discomfort to some residents will result. Intrusive bass over a slightly longer event needs to be acknowledged - Lmax 95 dB(C) this may need reducing on the day/night if complaints are received. The promoter will provide a dedicated member of staff to control the music levels on the stages. This staff member will have the automatic authority and technical ability to reduce the music levels at the desk for all acts where required. The noise limit at affected residences will be Lmax 75 dB(A), when measured with the meter set to fast response over any 15 minute period during the concert or sound test. An upper guideline level of Lmax 95 dB(C) at residents will be adopted to control low frequency noise. Therefore it is critical that the general neighbourhood be notified in advance and onsite monitoring occur and adjustments be made as necessary. For the previous 2019 Event only 8 formal complaints are documented (trim 2019/175194) which is considered very low.</p> <p>8. Conditions can be added to minimise the noise nuisance along lines proposed by the applicant.</p> <p>9. It is recommended that all residents within 500m of the location be letter box dropped at least 48 hours in advance of the Event advising of the event and hours, a contact phone number should be provided for</p>	

Referral Body Internal	Comments	Consent Recommended
	<p>enquiries/complaints. (The applicant is proposing something similar but states in the Noise assessment that Council do this. This is not acceptable to Council).</p> <p>10. A Council officer (Event staff or Health Officer) with or without a noise level meter and mobile phone should be available on site/adjoining residences during the event to liaise with organisers/noise consultant to ensure compliance with proposed noise management.</p> <p>11. Food vendors will require Temporary Food Stall approvals from Council in advance of the event.</p> <p>12. Toilet facilities proposed 1:60 patrons (previously 1:70) utilising toilet blocks instead of the previous porto-loo toilets.</p> <p>13. Water supplies must be town water unless supplied by a licensed water carter and then a Quality Assurance Plan is provided to ensure risks are managed.</p> <p>14. Comments from the Dept of Health NSW Public Health Unit need to be incorporated and it is expected they will receive notification of this Major event. Their comments may include the previous or similar comments for the 2019 event reproduced below to ensure the issues are taken into consideration:</p> <p>15. Drinking Water</p> <ul style="list-style-type: none"> – All water for drinking purposes at the event must be potable. – There must be an adequate drinking water supply available. – Water stations must be connected to Sydney Water by a licensed plumber. – The Management Plan Checklist advised that large IBC water storage tanks will be used in locations not in vicinity of tap. If this is used, the water must be supplied from Sydney Water and all plumbing 	

Referral Body Internal	Comments	Consent Recommended
	<p>connections must be completed by licenced plumber.</p> <ul style="list-style-type: none"> – The Management Plan Checklist states bar staff will replenish free water tanks on the bar service points. Further information may need to be provided to demonstrate there is no risk of contamination. <p>16. Toilet Facilities and Sanitation</p> <ul style="list-style-type: none"> – The number of toilets must be adequate. The NSW Dept Premier & Cabinet document provides recommended numbers of toilets for events of <5000. As this event is anticipated to be 10 000 the number of toilets should be doubled. ie. Males 16WC + 50 urinals and females 60 WC. Therefore 126 toilets should be provided. If there are more than 10 000 attendees the number of toilets may need to be increased. – The Site plan states 140 port a loos + 2 accessible however the plan only shows 104 toilets. – It is recommended that there be separate toilets for males and females. – Separate toilets with hand wash facilities should be available for food handlers. The Site plan does not show separate toilets are available for food handlers. – There must be hand washing facilities with soap in close proximity to the toilets. – There must be adequate sanitary disposal facilities. – Toilets must be monitored, kept clean and provided with toilet paper. <p>Further comments were received on 19/2/2020 providing a condition ensuring that adequate toilets are provided for patrons and participants at the event. The condition is included in the recommendation of this report.</p>	

Referral Body Internal	Comments	Consent Recommended
	<p>17. Shade / Weather Protection</p> <ul style="list-style-type: none"> – The event will be held in the afternoon/evening from 3.00pm until 10.00pm – therefore there will be reduced exposure to UV. – The site plan shows limited areas are provided with seating and umbrellas. <p>No objections subject to conditions.</p>	
Landscape	<p>Review of the proposal indicates that no trees are required to be removed to accommodate the event and no permanent structures are to be erected.</p> <p>General tree protection conditions have been included if the proposal is to be approved.</p> <p>Recommended for approval, subject to conditions.</p>	Yes
Natural Environment – Biodiversity	<p>The proposal has been assessed against MLEP Clause 6.5 (Terrestrial Biodiversity). The vegetation along the northern and western boundaries of the proposed festival is mapped as Swamp Oak Floodplain Forest (OEH 2016), an Endangered Ecological Community listed under both the NSW Biodiversity Conservation Act 2016 (BC Act 2016) and the Commonwealth Environmental Protection and Biodiversity Conservation Act 1999 (EPBC Act 1999).</p> <p>The proposal is for a temporary festival at Keirle Park within modified and managed parkland immediately adjacent a tributary of Burnt Bridge/Manly Creeks and protected riparian vegetation.</p> <p>The event proposal does not include any removal of native vegetation. The proposed festival evacuation plans appear to show some indicative perimeter fencing indicated by a red dashed line. If bushland protection fencing is installed along the northern, western and southern boundaries of the festival a minimum of 5 metres from the dripline (canopy) of existing trees, then the proposed festival is unlikely to result in long-term impact to wildlife habitat or terrestrial biodiversity at the site.</p>	Yes

Referral Body Internal	Comments	Consent Recommended
	Recommended for approval, subject to conditions.	
Natural Environment - Coastal	To be assessed by Natural Environment – Riparian.	Yes
Natural Environment – Flood	A Flood Risk Management Report has been prepared by Northern Beach Consulting Engineers Pty Ltd dated 4 December 2019. This Report outlines how the flood risk to life and the emergency response arrangements will be managed for the site. Provided that the applicant complies with the recommendations of the report and the conditions of consent relating to flood risk management, the application complies with Clause 6.3 of the Manly Local Environment Plan and 5.4.3 of the Manly Development Control Plan. No objections subject to conditions.	Yes
Natural Environment – Riparian	Site fencing must be located to protect waterway riparian areas. Care must be taken to ensure portable toilets do not impact waterways. Conditions apply. Food outlets must dispose of waste appropriately. Condition applies.	Yes
Parks, Reserves and Foreshores	The proposed location for the music festival is Keirle Park in Manly. This park is comprised of Council managed reserve and Crown Land Reserve. Parks has conditioned the following: <ul style="list-style-type: none"> • Community notification • Structure footing preference • Working on Reserves Permit • Public Liability Insurance • Removal of All temporary structures/material and rubbish Further site specific controls will be applied via the Working on Reserves permit, including: <ul style="list-style-type: none"> • Bond for field damage • Wet weather management Parks has no other issues with the proposal. The proposal is therefore supported.	Yes

Referral Body Internal	Comments	Consent Recommended
Property and Commercial Development	<p>Property has no objection to the proposal as submitted, however it should be noted that the apartment above the Manly Seniors Centre is tenanted, and these tenants will be impacted by the festival, including the set up and dismantling of infrastructure.</p> <p>These tenants should be kept fully informed by the event organiser of operations associated with the event, especially where there are impacts to access or noise impacts.</p>	Yes
Traffic Engineer	??Awaiting Comments	
Waste Management	The proposal is now supported by the Waste Education Officer (Waste Management), subject to conditions which will be imposed on the draft conditions.	Yes, subject to conditions

External Referrals

Referral Body External	Comments	Consent Recommended
Ausgrid	The proposal was referred to Ausgrid. No response has been received within the 21 day statutory period and therefore, it is assumed that no objections are raised and no conditions are recommended.	N/A
NSW Police	<p>NSW Police provided comments on 24 February 2020. The following is a summary of those comments:</p> <p>In principle, the proposal is supported by the NSW Police subject to conditions and issuing of appropriate license(s). The event will have adequate levels of security, use of CCTV, staff and police (including user pay officers) to ensure patron behaviour is maintained to a reasonable level.</p> <p>Additionally, recommendations from the NSW Police include the following:-</p> <ul style="list-style-type: none"> • <i>“Food of a nature and quantity consistent with the response service of alcohol must be available during liquor trading hours.</i> • <i>No more than four (4) alcoholic drinks may be sold/supplied or served to a patron per visit to the bar.</i> 	Yes, subject to conditions

Referral Body External	Comments	Consent Recommended
	<ul style="list-style-type: none"> • No drinks containing any more than 4% ABV spirits/liquor. • Sale of alcohol must cease 30 minutes prior to the end of the event. • The licensee and their staff must comply with any lawful direction relating to the sale and supply of liquor made by a NSW Police Officer, being the senior officer on site or Inspector from Liquor and Gaming NSW. • Free water outlets within the festival be clearly sign posted to ensure accessibly to patrons in day and evening periods. • Patrons being removed who are deemed to be "overly" affected by alcohol. • A licensed security guard be placed at each bar que to assist with Patron Id checks and intoxication assessment. • A security guard should be present at the entry to the VIP area to manage capacity and patron screening for intoxication. • That the Alcohol Plan of Management be included as conditions of consent and also the Liquor Licence." <p>A recommendation to limit capacity to 10,000 patrons due to the egress from this isolated site with limited infrastructure and transport modes as well as the event to only an over 18's event only.</p>	
Roads and Maritime Services	Awaiting Referral Comments	
NSW Health	It is recommended that the onsite medical staffing levels be increased to include at least one onsite doctor at the level of resuscitation doctor and additional nursing staff and paramedics.	Yes, subject to recommendations

NOTIFICATION & SUBMISSIONS

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

The notification stated that the proposal was for a single event only on 14 March 2020. The applicant subsequently amended the application on 13 February 2020 so that it was seeking

a 5-year approval with up to 2 events per year. Such a proposal would need to be renotified as it is different from that which was originally notified. There was insufficient time to renotify the proposal prior to the date of the event on 14 March 2020. Consequently, a condition of consent is recommended specifying that the approval is for a single event only on 14 March 2020.

As a result of the public exhibition process Council is in receipt of six (6) submission/s from:

Name:	Address:
Mrs Elizabeth Taylor	46 Golf Parade MANLY NSW 2095
Mr Nigel Gibson, General Manager, Manly Golf Club	38-40 Balgowlah Road MANLY NSW 2095
Mr David Tierney	61 Eurobin Avenue MANLY NSW 2095
Ms Teresa Eagar	2/34 Eurobin Avenue MANLY NSW 2095
Details withheld	
Victor and Yupin Keller	70 Riverview Parade MANLY NSW 2095

One of the submissions was in support of the proposal. The remaining submissions raised the following issues:

Noise Impacts

Concerns were raised regarding noise nuisance from the proposed music event.

Comment: A Noise Management Plan by Noise Consulting and Management Pty Ltd is included in the proposal. The location of the stage and the height and direction of the speakers have been designed to minimise noise nuisance and the existing buildings at Keirle Park will assist in providing a noise barrier to the nearest dwellings to the east of the site. Noise monitoring will be undertaken during the event and the system checks on the morning of the event and an acoustic consultant will be in direct contact with the sound engineers, etc., in the event that noise levels exceeds the adopted criteria. A complaints system will be implemented to respond to resident complaints for duration of the event.

Council's Environmental Health Officer has reviewed the Noise Management Plan and raises no objections subject to conditions including strict compliance with the Noise Management Plan.

It is acknowledged that the proposal will create noise. However, it is a temporary use that provides a social benefit in the form of public entertainment to a significantly large part of the community and, in balancing these considerations, it is considered that the noise generated by the proposal, managed as proposed, does not warrant refusal of the application.

Traffic Impacts

Comment: This needs to be updated – these are last year's comments. In principle the proposal is supported by the Traffic Engineer subject minor amendments and approval of the Local Traffic Committee on 5 March 2019. Additionally, it is noted that the RMS raises no objections subject to the approval from the Local Traffic Committee.

Parking

Comment: This needs to be updated – these are last year's comments. In principle, the proposal is supported by Council's Traffic Section subject to minor amendments and approval of the Local Traffic Committee at its meeting on 5 March 2019. Additionally, it is noted that the RMS raises no objections, subject to the approval from the Local Traffic Committee.

Patron behaviour

Comment: In principle, the proposal is supported by the NSW Police subject to conditions and issuing of appropriate license(s). The event will have adequate levels of security, use of CCTV, staff and police (including user pay officers) to ensure patron behaviour is maintained to a reasonable level.

Additionally, recommendations from the NSW Police include the following:-

- *"Food of a nature and quantity consistent with the response service of alcohol must be available during liquor trading hours.*
- *No more than four (4) alcoholic drinks may be sold/supplied or served to a patron per visit to the bar.*
- *No drinks containing any more than 4% ABV spirits/liquor.*
- *Sale of alcohol must cease 30 minutes prior to the end of the event.*
- *The licensee and their staff must comply with any lawful direction relating to the sale and supply of liquor made by a NSW Police Officer, being the senior officer on site or Inspector from Liquor and Gaming NSW.*
- *Free water outlets within the festival be clearly sign posted to ensure accessibility to patrons in day and evening periods.*
- *Patrons being removed who are deemed to be "overly" affected by alcohol.*
- *A licensed security guard be placed at each bar que to assist with Patron Id checks and intoxication assessment.*
- *A security guard should be present at the entry to the VIP area to manage capacity and patron screening for intoxication.*
- *That the Alcohol Plan of Management be included as conditions of consent and also the Liquor Licence."*

This objection does not warrant refusal of the application.

Security and trespassers on Manly Golf Club property

Comment: The concern relates to people who try to gain access to the event without paying for tickets by entering the Manly Golf Course and then jumping the perimeter fence around the event. The proposal includes a Security Deployment plan by ISEC, a security risk management systems company. It includes a proposal to have security personnel dedicated to the perimeter to discourage people congregating.

NSW Police have also made recommendations to utilise 2.4m fencing around the entire event which will be included in the draft conditions for consideration by the panel.

Given the above it is considered that objection does not warrant refusal of the application subject to conditions.

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	None applicable.
Section 4.15 (1) (a)(iii) – Provisions of any development control plan	See discussion on "Manly Development Control Plan 2013" in this report.
Section 4.15 (1) (a)(iia) – Provisions of any planning agreement	None applicable.
Section 4.15 (1) (a)(iv) – Provisions of the regulations	<p>Division 8A 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>Clauses 54 and 109 of the EP&A Regulation 2000, relate to whether Council requested additional information and has therefore considered the number of days taken in this assessment in light of this Clause within the Regulations. The applicant amended the application and submitted additional information on 13 February 2020.</p>
Section 4.15 (1) (b) – the likely impacts of the development, including environmental impacts on the natural and built environment and social and economic impacts in the locality	<p>(i) The environmental impacts of the proposed development on the natural and built environment are addressed under the Manly Development Control Plan 2013 section in this report.</p> <p>(ii) The proposed development will not have a detrimental social impact in the locality.</p> <p>(iii) The proposed development will not have a detrimental economic impact on the locality considering the nature of the existing and proposed land use.</p>
Section 4.15 (1) (c) – the suitability of the site for the development	The site is zoned for the proposed purpose. The assessment of this application has concluded that the site is suitable for the proposed purpose, subject to resolution of the flooding issues.
Section 4.15 (1) (d) – any submissions made in accordance with the EPA Act or EPA Regs	See discussion on "Public Exhibition" in this report.
Section 4.15 (1) (e) – the public interest	No matters have arisen in this assessment that would justify the refusal of the application in the public interest, subject to resolution of the flooding issues.

LOCAL GOVERNMENT ACT 1993

The site is classified as "*community land*". Section 36 of the LG Act requires the preparation of a Plan of Management for all community land. The Keirle Park Plan of Management applies to the subject site.

Section 35 of the LG Act requires that the land be used and managed in accordance with the Plan of Management.

The Keirle Park Plan of Management includes a number of Objectives and then describes the means of achieving the Objective. Objective 14 is to:

“Retain opportunities to use open space for special events or projects and for future activities if need becomes apparent.”

The proposed music event is considered to be consistent with this Objective.

The means of achieving this Objective are:

- “1. Consider the making or renewal of leases, licences or any other estate or permit, as appropriate.*
- 2. At each lease, licence or permit renewal consider the need to continue the activity.”*

It is considered that the proposed music event is consistent with these broadly-worded means of achieving the Objective.

The proposal is not inconsistent with other provisions of the Keirle Park Plan of Management such that this development application for a music event would be prevented from being approved.

ENVIRONMENTAL PLANNING INSTRUMENTS

State Environmental Planning Policies (SEPP's)

SEPP 19 – Bushland in Urban Areas

Clause 6(1) of SEPP 19 provides that a person shall not disturb bushland on land zoned for public open space purposes except with the consent of Council. The proposal is to only use the areas of playing fields and adjacent change rooms / canteen at Keirle Park and fences will be erected to prevent access to areas other than the playing fields. Consequently, the proposal will not disturb any bushland on land zoned for open space purposes.

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. Due to the temporary nature of the music event and because the event is restricted to the playing fields only, it is considered that there will not be any adverse impact on bushland on adjoining land zoned for public open space purposes.

Council's Natural Environment Unit have assessed the potential impacts on the surrounding bushland and are satisfied the impacts can be managed/mitigated through conditions of consent.

SEPP (Coastal Management) 2018

The site is located within the Coastal Environment Area as identified in SEPP (Coastal Management) 2018. Clause 13(1) requires Council to consider whether the proposed development is likely to cause an adverse impact on the following:

Clause 13(1)	Comments
(a) the integrity and resilience of the biophysical, hydrological (surface and groundwater) and ecological environment	The music event is a temporary use and is unlikely to cause an adverse impact.
(b) coastal environmental values and natural coastal processes	The music event is a temporary use and is unlikely to cause an adverse impact.
(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	The music event is a temporary use and is unlikely to cause an adverse impact. Waste management is included in the proposal.
(d) marine vegetation, native vegetation and fauna and their habitats, undeveloped headlands and rock platforms	The music event is a temporary use and is unlikely to cause an adverse impact.
(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	The music event is a temporary use and is unlikely to cause an adverse impact. There will be a temporary restriction on public access to the playing fields during the event and in the period leading up to and after the event.
(f) Aboriginal cultural heritage, practices and places	The music event is a temporary use and is unlikely to cause an adverse impact. The historical use of the playing fields make it extremely unlikely that there are any artefacts on the site.
(g) the use of the surf zone	The site is not in the vicinity of the surf zone so no adverse impacts are anticipated.

Under clause 13(2) consent cannot be granted to the proposal unless Council is satisfied that:

Clause 13(2)	Comments
(a) the development is designed, sited and will be managed to avoid an adverse impact referred to in subclause (1), or	The music event is designed to avoid adverse impacts by restricting activities to the playing fields area only and providing fencing to prevent use of other areas. The music event is a temporary use that is unlikely to result in adverse impacts.
(b) if that impact cannot be reasonably avoided—the development is designed, sited and will be managed to minimise that impact, or	Not relevant.
(c) if that impact cannot be minimised—the development will be managed to mitigate that impact.	Not relevant.

Part of the site (the northern portions) is located within the Coastal Use Area as identified in SEPP (Coastal Management) 2018. Clause 14(1) (a) requires Council to consider whether the proposed development is likely to cause an adverse impact on the following:

Clause 14(1)(a)	Comments
(i) existing, safe access to and along the foreshore, beach, headland or rock platform for members of the public, including persons with a disability	The music event is a temporary use and is unlikely to cause an adverse impact. There will be a temporary restriction on public access to the playing fields during the event and in the period leading up to and after the event.
(ii) overshadowing, wind funnelling and the loss of views from public places to foreshores	The proposal will not cause any adverse impacts with regards to overshadowing, wind funnelling or loss of views.

Clause 14(1)(a)	Comments
(iii) the visual amenity and scenic qualities of the coast, including coastal headlands	The music event is a temporary use and is unlikely to cause an adverse impact.
(iv) Aboriginal cultural heritage, practices and places	The music event is a temporary use and is unlikely to cause an adverse impact. The historical use of the playing fields makes it extremely unlikely that there are any artefacts on the site.
(v) cultural and built environment heritage	The music event is a temporary use and is unlikely to cause an adverse impact. The site does not contain a heritage item and is not within a conservation area.

Under clause 14(1)(b) consent cannot be granted to the proposal unless Council is satisfied that:

Clause 14(1)(b)	Comments
(a) the development is designed, sited and will be managed to avoid an adverse impact referred to in subclause (1), or	The music event is designed to avoid adverse impacts by restricting activities to the playing fields area only and providing fencing to prevent use of other areas. The music event is a temporary use that is unlikely to result in adverse impacts.
(b) if that impact cannot be reasonably avoided—the development is designed, sited and will be managed to minimise that impact, or	Not relevant.
(c) if that impact cannot be minimised—the development will be managed to mitigate that impact.	Not relevant.

Under clause 14(1)(c), Council must take into account the surrounding coastal and built environment, and the bulk, scale and size of the proposed development. In this regard the proposed music event is a temporary use and the proposed structures are of an appropriate bulk, scale and size for the proposed use.

SEPP (Infrastructure) 2007

Clause 104 and Schedule 3 of the SEPP provide that certain development must be referred to NSW Roads and Maritime Services (RMS) for consultation. RMS was consulted and raised no objections to the proposal.

Local Environment Plans (LEP's)

Manly Local Environmental Plan 2013 (MLEP 2013)

Consideration of proposal against Manly Local Environment Plan 2013:

Definition of proposed development: (ref. MLEP 2013 Dictionary)	Recreation facility (major)
Zone:	RE1 Public Recreation
Permitted with Consent or Prohibited:	Permissible with consent

Objectives of the Zone
<ul style="list-style-type: none"> 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 areas visually exposed to the waters of Middle Harbour, North Harbour, Burnt Bridge Creek and the Pacific Ocean. To ensure that the height and bulk of any proposed buildings or structures have regard to existing vegetation, topography and surrounding land uses.
<p>The development is considered to be consistent with the objectives of the zone for the following reasons:</p> <ul style="list-style-type: none"> The proposal represents the recreational use of public open space. The proposal complements the range of recreational activities available in public open spaces. By restricting the music event to the playing fields area, and because the use is a one-off music event, the natural environment will be protected. The playing fields will be restored after the music event with the removal of all structures. The height and bulk of the proposed structures are appropriate for a music event of this scale and will be removed following the completion of the music event.

Principal Development Standards:
There are no development standards applicable to the site.

Relevant Miscellaneous Provisions	
Provision	Comment
Heritage conservation	The site does not contain a heritage item and is not within a heritage conservation area. There are three heritage items in the vicinity of the site, being the former tram depot complex and associated building on the corner of Pittwater Road and Balgowlah Road (I214), the group of 2 storey residential flat buildings on the northern side of Eurobin Avenue (I154) and the row of Norfolk Island Pine trees in Lagoon Park (I166). The proposal, being a temporary land use, will have no impact on the heritage significance of those heritage items.

Relevant Additional Local Provisions	
Provision	Comment
Acid Sulfate Soils	The site is shown on the Acid Sulfate Soils map as being partly within Class 1, partly within Class 3, and partly unaffected. The proposal does not involve the disturbance of more than 1 tonne of soil and is unlikely to lower the water table as no excavation is proposed and no further investigation is required pursuant to clause 6.1(6) of MLEP 2013.
Flood Planning	The proposal includes a Flood Risk Management Plan prepared by Northern Beaches Consulting Engineers Pty Ltd. The report has been reviewed by Council's technical officers who have raised no objections to the proposal subject to conditions.
Essential services	The proposal involves the use of generators for electricity which is appropriate given the temporary nature of the use.
Noise impacts – licensed premises	Clause 6.21 of MLEP 2013 requires that Council consider the impact of any noise nuisance likely to be generated by the development on residential accommodation in the vicinity of the site.

Relevant Additional Local Provisions	
	<p>In this regard, the proposal includes a Noise Management Plan, which has been reviewed by Council's Environmental Health Officers and is considered to be satisfactory.</p> <p>To control noise to the specified limit (75 dB(A) with a maximum 95 dB(C) to control low frequency noise), noise monitors will be positioned at the most affected residential premises with readings provided to the sound engineers to adjust the sound levels accordingly.</p> <p>Sound level meters indicating the actual and allowed music levels will be displayed at the stage. Speakers will be positioned at least 2m below the height of the existing tennis centre buildings, which will form an acoustic barrier.</p> <p>A condition of consent will require a report, containing the results of the monitoring, any complaints, the effectiveness of the noise control measures and recommendations on how to better manage/mitigate/avoid such impacts for future events is to be presented to Council within 30 days of the event.</p>

Manly Development Control Plan 2013 (MDCP 2013)

Compliance Assessment

Clause	Compliance with Requirements	Consistency Aims/Objectives
3.4.2 Privacy and Security	Yes	Yes
3.4.2.3 Acoustic Privacy (Noise Nuisance)	Yes	Yes
3.5 Sustainability - (Greenhouse Energy Efficiency, Thermal Performance, and Water Sensitive Urban Design)	Yes	Yes
3.8 Waste Management	Yes	Yes
5.4.3 Flood Prone Land	Yes	Yes
5.4.4 Riparian Land and Watercourses	Yes	Yes

Detailed Assessment

3.4.2 Privacy and Security

The majority of the documentation accompanying the development application identifies that the proposal seeks an estimated attendance of 9,000 patrons with a maximum capacity of 12,000 patrons.

However, the Security Management Plan by ISEC dated 14.2.2020 only provides for an attendance of 5,000 patrons. Because of this, it is considered that the proposal provides for insufficient security arrangements for more than 5,000 patrons. NSW Police recommendation is to limit the capacity to no more than 10,000 patrons due to the egress from this isolated site with limited infrastructure and transport modes as well as the event to only an over 18's event only. It is further noted that the NSW Police Notice and Request for Services and the St John NSW Management Plan, which also form part of the development proposal, provide

only for 7,000 patrons. The Traffic Management Plan provides for an “expected capacity” of 9,000 patrons. It is considered that these matters would also necessitate the imposition of a condition limiting the maximum number of patrons that may attend the festival.

As it is, the limit of 5,000 patrons is established by the Security Management Plan, as discussed above and a condition to this effect is included in the recommendation of this report.

3.4.2.3 Acoustic Privacy (Noise Nuisance)

The proposal includes a Noise Management Plan prepared by a qualified Acoustic Consultant. The Noise Management Plan identifies that the proposal will generate noise during the event (1.00pm to 10.00pm), and for system checks from 12.00pm to 6.00pm the day before the event and 10.00am to 1.00pm on the day of the event.

The Noise Management Plan adopts a maximum noise level of L_{max} of 75 dB (A) which has been adopted from the NSW Noise Guide for Local Government (NSW EPA, 2013). To address concerns over long periods of low frequency music noise the Noise Management Plan uses a level of L_{max} 95 dB(C) as an upper limit.

Noise will be monitored throughout the event at three nearby residential properties (1 Eurobin Avenue Manly, 1 Lakeside Crescent North Manly and 5 Addiscombe Road Manly Vale).

The Noise Management Plan includes a number of Noise Abatement Measures, including a complaints mechanism and the ability to provide additional noise monitoring in response to any complaints received during the event. An accredited Acoustic Consultant will monitor the event and be in two-way radio communication with the sound desk staff, production manager, sound engineers, event organiser and hotline staff. Council's Environmental Health Officer has reviewed the proposal and has raised no objections subject to conditions that are included in the recommendation of this report.

3.8 Waste Management

The proposal includes a Waste Management Plan that details the methods in which waste will be collected, stored and disposed of with an emphasis on maximising recycling. Waste Management contractors have been engaged for the event.

The proposal is now supported by the Waste Education Officer (Waste Management), subject to conditions included in the recommendation of this report.

THREATENED SPECIES, POPULATIONS OR ECOLOGICAL COMMUNITIES

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

POLICY CONTROLS

Manly Section 94 Development Contribution Plan

The proposal is not subject to the application of Council's Section 94 Development Contributions Plan.

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;
- Local Government Act 1993;
- All relevant and draft Environmental Planning Instruments;
- Manly Local Environment Plan 2013;
- Manly Development Control Plan 2013; and
- Codes and Policies of Council.

The proposal has been assessed against the relevant matters for consideration under Section 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, and does not result in any unreasonable impacts on surrounding, adjoining, adjacent and nearby properties subject to the conditions contained within the recommendation.

Noise and Traffic Impacts and Public Benefit

The proposal will result in impacts from noise and disruption to traffic. In assessing the proposal, these impacts need to be balanced with the public benefits that arise from a music event as a means of providing public entertainment.

In balancing the impacts versus the benefits of the proposal, consideration must also be given to the temporary nature of the annual event and that the impacts will be experienced over a relatively short period of time. In balancing the impacts and the benefits it is considered that the proposal merits approval.

It is considered that the site is suitable for the proposed use, the proposed use is consistent with the applicable planning controls and is recommended for approval.

RECOMMENDATION

That Council as the consent authority grant Development Consent to DA2019/1195 for the use of land for a music event including temporary installation of a stage, fencing, toilets, and bar at Keirle Park, Manly, subject to the conditions printed below:

DEVELOPMENT CONSENT OPERATIONAL CONDITIONS

1. Approved Plans and Supporting Documentation

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

a) Approved Plans

Architectural Plans - Endorsed with Council's stamp
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Drawing No.	Dated	Prepared By
Site Plan (Revision 3.1)	05.02.2019	J Stones
Licensed Area Plan (Revision 3)	05.02.2019	J Stones
Emergency Evac. Plan (Revision 3)	05.02.2019	J Stones
Aeromedical Retrieval Plan (Revision 1)	06.01.2020	J Stones
SS-STDDDET-FOH-01 (Revision B)	14.8.2016	Stageset
SS-DROP18-01-1 (Revision A)	21.3.2018	Stageset
SS-DROP18-01-2 (Revision A)	21.3.2018	Stageset
SS-DROP18-01-3 (Revision A)	21.3.2018	Stageset
SS-DROP18-01-4 (Revision A)	21.3.2018	Stageset
SS-DROP18-01-5 (Revision A)	21.3.2018	Stageset

Reports / Documentation – All recommendations and requirements contained within:		
Report No. / Page No. / Section No.	Dated	Prepared By
Adverse Weather Plan	14.12.2019	Jeremy Stones
Safety Management Plan	12.2.2020	Jeremy Stones
Event Management Plan	05.02.2020	Jeremy Stones
Grass Protection Plan	23.9.2019	Jeremy Stones
Statement of Environmental Effects	17.2.2020	Jeremy Stones
Traffic Management Plan	07.02.2020	Assure Safety
Transport Management Plan	Undated	The Drop
Risk Management Plan	17.09.2019	Jeremy Stones
Emergency Response Plan	05.02.2020	Jeremy Stones
Health Management Plan	12.02.2020	Jeremy Stones
Medical Plan	03.02.2020	St John Ambulance Australia (NSW)
Operations Plan	September 2019	Dancewize NSW
Alcohol Plan of Management	13.2.2020	Justin Tynan
Security Deployment Plan	14.02.2020	ISEC
Noise Management Plan	19.12.2019	Noise Consulting and Management Pty Ltd
Flood Risk Management Plan	04.12.2019	NB Consulting
Waste Management Plan	06.01.2020	Clean Vibes

- b) Any plans and / or documentation submitted to satisfy the Conditions of this consent.
- c) No construction works (including excavation) shall be undertaken prior to the release of the Construction Certificate.

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

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

2. 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	Dated/Received
NSW Police	Referral Response – NSW Police	24/02/2020
Roads and Maritime Services	Referral Response – RMS	
NSW Health	Referral Response – NSW Health	19/12/2019

(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.

3. 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.

Reason: Legislative Requirement

4. General Requirements

- (a) Unless authorised by Council:

Building construction and delivery of material hours are restricted to:

- 7 am to 10.00 pm

Demolition and removal of materials/buildings/structures works are restricted to:

- 7.00 am to 8.00 pm.

- (b) At all times after the submission the Notice of Commencement to Council, a copy of the Development Consent and Construction Certificate is to remain onsite at all times until the issue of a final Occupation Certificate. The consent shall be available for perusal of any Authorised Officer.
- (c) Onsite toilet facilities for workers are to be provided for construction sites at a rate of 1 per 20 persons.
- (e) Prior to the release of the Construction Certificate payment of the Long Service Levy is required. This payment can be made at Council or to the Long Services Payments Corporation. Payment is not required where the value of the works is less than \$25,000. The Long Service Levy is calculated on 0.35% of the building and construction work. The levy rate and level in which it applies is subject to legislative change. The applicable fee at the time of payment of the Long Service Levy will apply.
- (f) The applicant shall bear the cost of all works associated with the development that occurs on Council's property.
- (g) Demolition materials and builders' wastes are to be removed to approved waste/recycling centres.
- (i) 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.

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

5. Sale of food and drink

All food vendors of any food and drink for sale (or given away as promotion) shall apply in advance (14 days' min) of the event for food vending approval from Councils Environmental Health Team. Application forms are available on line at Councils Web site. "Temporary Food Stalls" Any packaged foods must be appropriately labelled- see NSW Food Authority web site for requirements.

Reason: To comply with Food Legislation

6. Building materials, sedimentation

No building materials or other materials and waste are to be placed on or enter areas of bushland, wetland, saltmarsh, seagrass or riparian vegetation. Appropriate sediment fencing is to be installed.

Reason: Environmental Protection

7. Community Notification

The event organisers are required to notify all residents, businesses and relevant sporting clubs within a minimum 500 metre radius of the event (from the main stage). The notification is to include the following:

- Bump in dates and times
- Event date and times
- Bump out dates and times
- A contact number that is accessible the whole length of the event from bump in to bump out.

Reason: To ensure clear public communication and notification of the event.

8. Flood Emergency Response Requirements

- 1) All recommendations of the Flood Risk Management Report prepared by Northern Beaches Consulting Engineers Revision C prepared 4 December 2019 must be complied with for the duration of the proposed festival, including bump in, festival day and bump out.
- 2) An appropriately qualified engineer with experience in floodplain management must be engaged by the applicant to provide advice and interpret appropriate response action if the 'Flood Watch' alert threshold is reached for Bump In, Day of Event or Bump Out.
- 3) Sufficient copies of the approved Flood Risk Management Report prepared by Northern Beaches Consulting Engineers Revision C prepared 4 December 2019 must be made available on-site during Bump In, Day of Event and Bump Out.
- 4) The Flood Evacuation Coordinator and Flood Evacuation Assistant must be fulfilling their responsibilities outlined in the Flood Risk Management Report prepared by Northern Beaches Consulting Engineers Revision C prepared 4 December 2019 at all times.

Reason: To ensure that the requirements of the Flood Risk Management Report are adhered to and that flood risk to life is appropriately managed.

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

9. 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.

10. Structure Footings

Any structures that require footings are to utilise the weight plate and ballast footing solution as outlined in the 'Structures fixing solutions' plan, as shown on page 10 of the Site Survey Plan document.

Reason: To protect existing irrigation infrastructure from damage.

11. Flooding

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

Storage of Goods – D1

Hazardous or potentially polluting materials shall not be stored below the Flood Planning Level of 3.7m AHD unless adequately protected from floodwaters in accordance with industry standards.

Notification of Emergency Services

The applicant must demonstrate that they have notified the relevant NSW State Emergency Service personnel of the proposed event and have provided a copy of the approved Flood Risk Management Report prepared by Northern Beaches Consulting Engineers Revision D prepared 4 December 2019.

Flood Refuge Access Arrangements

In addition to written permission the applicant must demonstrate that they have appropriate access arrangements established for the identified flood refuge locations.

Roles and Responsibilities

Prior to the issue of the construction certificate the applicant must nominate the names and contact details for the Flood Evacuation Coordinator and Flood Evacuation Assistant

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

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

CONDITIONS THAT MUST BE ADDRESSED PRIOR TO ANY COMMENCEMENT

12. Tree protection

- (a) Existing trees which must be retained
 - i) All trees located on the subject site
 - ii) All trees located on adjoining land
- (b) Tree protection
 - i) No tree roots greater than 25mm diameter are to be cut from protected trees unless authorised by a qualified Arborist on site.
 - ii) All structures are to bridge tree roots greater than 25mm diameter unless directed otherwise by a qualified Arborist on site.
 - iii) All tree protection to be in accordance with AS4970-2009 Protection of trees on development sites, with particular reference to Section 4 Tree Protection Measures.
 - iv) All tree pruning within the subject site is to be in accordance with WDCP2011 Clause E1 Private Property Tree Management and AS 4373 Pruning of amenity trees
 - v) All tree protection measures, including fencing, are to be in place prior to commencement of works.

Reason: To ensure compliance with the requirement to retain and protect significant planting on the site.

13. Bushland Protection Fencing

Prior to the commencement of any onsite building works, the boundary between the natural bushland zone and the festival construction area as shown on the submitted plans - is to be surveyed and marked clearly on the ground.

A temporary 1.8 metre steel mesh fence is to be erected between the natural bushland zone and the construction area for the duration of festival works. The fencing must be a minimum of 5m from the dripline (canopy) of existing trees along the northern, western and southern boundaries of the festival grounds.

Details demonstrating compliance, including photographic evidence, is to be submitted to the Principal Certifying Authority prior to commencement of works.

Reason: To ensure that the vegetation in the restricted development area is protected during and after construction.

14. Physical Barrier to be placed at Landward Edge of Riparian Zones

Prior to commencement, temporary fencing must be provided to the rear of the portable toilets along the waterway, a minimum distance of 5m from vegetation. The physical barrier shall be constructed of non-combustible materials and shall not be less than 1.8 metres in height in order to prevent entry into environmentally sensitive areas.

Details demonstrating compliance are to be submitted to the Certifying Authority prior to commencement.

Reason: To promote the long-term sustainability of ecosystem functions.

15. Bunding or relocation of portable toilet area adjacent to waterway

A bunded area must be provided to the downstream area of the portable toilets adjacent to the waterway in order to prevent any waste entering the environment.

Alternatively, the portable toilets are to be located a minimum of 20m from any waterway/drainage line.

Reason: Protection of waterways from the impacts of pollution.

16. Working on Reserves Permit

Works (undertaken by principal contractors working without Council supervision) on land under Council's care control and management require a "Working on Reserves" permit prior to commencement. Applications can be obtained from Council's website or the Parks and Recreation business unit.

Reason: Public Safety and the protection of Council infrastructure.

17. Public Liability Insurance - Works on Public Land

Any person or contractor undertaking works on public land must take out Public Risk Insurance with a minimum cover of \$20 million in relation to the occupation of, and approved works within Council's road reserve or land under Council's care, control and management, as approved in this consent. The Policy is to note, and provide protection for Northern Beaches Council, as an interested party and a copy of the Policy must be submitted to Council prior to commencement of the works. The Policy must be valid for the entire period that the works are being undertaken on public land.

Reason: To ensure the community is protected from the cost of any claim for damages arising from works on public land.

CONDITIONS TO BE COMPLIED WITH DURING DEMOLITION AND BUILDING WORK

18. Disposal of waste from catering outlets

All catering outlets must dispose of their waste (including liquid) in accordance with approved waste management practices. Rinsing out of any items, sink drainage and the like must not be allowed to drain to the environment. In the event waste is being disposed of to the environment, the event organisers must order this to cease immediately and to contact Council for further investigation.

Reason: To ensure protection of waterways from the impacts of pollution.

19. Trees Condition

During the construction period the applicant is responsible for ensuring all protected trees are maintained in a healthy and vigorous condition. This is to be done by ensuring that all identified tree protection measures are adhered to. In this regard all protected plants on this site shall not exhibit:

- (a) A general decline in health and vigour.
- (b) Damaged, crushed or dying roots due to poor pruning techniques.
- (c) More than 10% loss or dieback of roots, branches and foliage.
- (d) Mechanical damage or bruising of bark and timber of roots, trunk and branches.
- (e) Yellowing of foliage or a thinning of the canopy untypical of its species.
- (f) An increase in the amount of deadwood not associated with normal growth.
- (g) An increase in kino or gum exudation.
- (h) Inappropriate increases in epicormic growth that may indicate that the plants are in a stressed condition.
- (i) Branch drop, torn branches and stripped bark not associated with natural climatic conditions.

Any mitigating measures and recommendations required by the Arborist are to be implemented.

The owner of the adjoining allotment of land is not liable for the cost of work carried out for the purpose of this clause.

Reason: Protection of Trees.

20. Removal of All Temporary Structures/Material and Rubbish

At the conclusion of the event, during the bump out timeframe from Sunday 15th - Monday 16th March, all temporary fencing, structures and rubbish are to be removed from the site.

Reason: To preserve reserve amenity and maintain public safety.

21. 2019 Bump-in/out Operations

Truck movements associated with the Bump-In/Bump-Out are to be restricted to between 9:30am and 3:30pm.

Reason: To avoid truck movements during the peak network traffic periods (DACTREDW1)

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

22. Implementation of Flood Risk Management Report recommendations

The applicant must demonstrate that they have implemented the recommendations outlined in the Flood Risk Management Report prepared by Northern Beaches Consulting Engineers Revision C prepared 4 December 2019. This includes but is not limited to:

- Installation of on-site rainfall monitoring equipment
- Installation of appropriate flood warning signage

Reason: To ensure that the applicant has implemented the relevant recommendations from the Flood Risk Management Report prepared by Northern Beaches Consulting Engineers Revision C prepared 4 December 2019.

23. Structural Certification

Upon erection of the proposed stage, certification is required to be provided to Council from a qualified structural engineer prior to the use of the building.

Such certification should also indicate any restrictions on the acceptable loadings for the structure.

Reason: To ensure adequate provision is made for building occupant safety.

24. Registration of Food Business (temporary food premises – stalls)

The food businesses must be registered with Council as Temporary Food Premises 1 (one) month prior to the event and be issued with or hold already an approval permit for the sale of food (including drink).

Reason: To ensure Food premises/stalls are approved by Council to maintain food safety standards.

25. Food Standards

All Temporary and Mobile Food premises are to comply with the Food Act 2003 and NSW food Authority Guidelines for Mobile and Temporary food stalls.

Reason: To maintain Food standards

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

26. Cleaning and maintenance of toilets during the event

- A dedicated cleaner shall be allocated to ensure continual service, cleaning and maintenance of the event toilets to minimise, blockages and spills, and ensure adequate water supply, toilet paper and liquid soap at all times.
- Toilets are to be provided on the minimum basis of 1:60 patrons.
- Should a toilet block leak/fail a contingency plan shall be in place to ensure land and or water pollution is avoided and adequacy of toilet numbers is maintained.

Reason: To provide hygienic sanitary services and protect public health.

27. Toilet Facilities and Sanitation

The number of toilets facilities must be a minimum of:

- Males 16 water closets plus 50 urinals and females 60 water closets (minimum of 126 toilets)
- Separate toilets with hand wash facilities must be available for food handlers.
- There must be hand washing facilities with soap in close proximity to the toilets.
- There must be adequate sanitary disposal facilities.
- Toilets must be monitored, kept clean and provided with toilet paper.

28. Noise Management

1. Compliance with all recommendations contained within the Acoustic Assessment and Noise Management Plan by Noise Consulting & Management Pty Ltd ref 3518 20 Sept 2019 and the Statement of Environmental Effects (SEE) undated submitted with the DA.
2. All residential premises within 500m of the location be informed by letter box drop at least 48 hours in advance of the Event by the organiser advising of the event and hours, a contact phone number should be provided for enquiries/complaints.
3. A Council allocated officer is to be provided with a contact name phone number to the sound management staff/contractor on the day to ensure direct communication to deal with any complaints or issues that may arise during the event and after the event until 12 midnight.
4. A report containing the results of the noise monitoring, any complaints, the effectiveness of the noise control is to be presented to Council within 30 days of the event.

Reason: To minimise the noise impact on residential receivers.

29. Lighting - glare

Lighting is to be used so as to minimise glare to neighbouring residential premises.

Reason: To maintain amenity of surrounding residential properties.

30. NSW Public Health Requirements

The recommendations of NSW PUBLIC HEALTH for Major Events shall be complied with as specified for the event.

Reason: To ensure Public Health is not compromised by the event and activities.

31. Dead or Injured Wildlife – Manly LEP Clause 6.5

If construction activity or event activities 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 manage/mitigate potential impacts to native wildlife.

32. Access to site for lessees and licence's

Access to the site should be maintained for the lessees and licences of the buildings on the site at all times during operation, set up and take down of the music festival.

Reason: To ensure regular users of the buildings are not unduly inconvenienced by the festival.

33. ??2019 Traffic Management

Traffic, parking and pedestrian safety is to be managed in accordance with the Traffic Management Plan submitted by Traffic Plan Professionals Pty Ltd, recommendations of the Local Traffic Committee, Councils Traffic Engineer(s) and directions from NSW Police.

Reason: To ensure safety and safe movement of vehicles and pedestrians.

34. Extinguishment of flood-lighting

Flood-lighting is to cease within 30mins of the work(s)/setup/setdown hours. On the event night (14 March) flood-lighting is to cease within 1 hour of the conclusion of the concert (11pm). Flood-lighting is to be provided from Keirle Park to Queenscliff Bridge (via the pedestrian pathway through Lagoon Reserve).

Reason: Pedestrian safety and amenity of surrounding residential properties.

35. Post Event Performance Report

A post event performance report is to be produced within two (2) weeks after the conclusion of the event and is to be submitted to Northern Beaches Council and NSW Police by 30 March 2020. A briefing by the applicant, security and event management is to be completed with the Northern Beaches Council and NSW Police within four (4) weeks after the event (13 April 2020).

Reason: To improve on future event(s) and address issues/concerns raised during the event.

36. Limitation on this Consent – One Event Only

This consent is for a one off event, being The Drop Festival to be held during the following dates:

- (a) Bump-in (start to end of set-up) from 10 to 13 March 2020
- (b) Event date - 14 March 2020
- (c) Bump-out (finish, removal of all structures and departure) from 15 to 16 March 2020

Any future event will need to be the subject of a separate development application.

Reason: To ensure compliance with the terms of this consent.

37. Maximum capacity

The maximum number of patrons permitted at the event is 5,000 persons.

Reason: To limit the patronage at the site in accordance with the documentation submitted with the development application.

38. Security fencing

2.4m high fencing is to be provided around the entire event to discourage unlawful entry to the site.

Reason: To enhance security on the site and neighbouring sites.

39. Waste Management Plan

Waste management is to be in accordance with the Northern Beaches Council Event Waste Management Guidelines and include the following:-

- Single use plastic or carton bottled water must not be sold or distributed at the event,
- All drinks served from bars throughout the event site are served in reusable system plastic cups such as Globelet, Aluminium Cans or paper cups.
- “Bio-plastic” or biodegradable plastic products must not be sold or distributed at the event such as cups, bowls, cutlery and straws.

Reason: Waste management