



northern
beaches
council

31 January 2020



Urbis Pty Ltd
Level 8 123 Pitt Street
SYDNEY NSW 2000

Dear Sir/Madam,

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

I refer to your development application which has been assessed by an independent planning consultant (Mr Geoff Goodyer) given Council's ownership of the subject site. Mr Goodyer has conducted a preliminary assessment of the development application and has relied upon comments provided by internal and external referral bodies in conducting his assessment. The assessment has identified a substantial number of issues that require your attention, as well as the submission of additional information.

Given the number of issues that have been raised, it is recommended that a meeting be arranged with Council staff (including Mr Goodyer) and the applicant to discuss the application in more detail and determine whether some of the issues may be resolved through amendments to the application.

To assist in any future discussion the full list of issues that has been raised by Mr Goodyer and the referral bodies are outlined below.

Planning

The proposal is to construct seating and roofing over the northern hill and build the centre of excellence behind (north of) that. The centre of excellence measures approximately 108m x 17m and approximately 10m high.

The proposal involves the removal of 11 brush box trees. These trees are part of a heritage item comprising approximately 90 trees that were planted by local primary school students for Arbor Day between 1919 and 1928 and reflect the configuration of Brookvale Park at that time.

The impacts arising from the removal of the trees relate to heritage, landscape and public amenity:

Heritage

The trees are part of a listed heritage item. It is noted that Brookvale Park / Oval has evolved over time. It is also noted that the heritage report recommends mitigating measures, such as replacement tree planting (four in the avenue of trees and seven in the north-eastern corner of the oval), involving local school children in the replanting program, and reusing the wood from the removed trees as features. However, the justification for



the location of the development (northern hill as opposed to the eastern hill) is insufficient to permit the removal of the heritage listed trees.

Landscape

The trees are mature and in good health and contribute to the avenue of trees at the northern end of the oval.

Public Amenity

Adjoining the oval to the north is the “village green”. The loss of the trees and the proximity of the centre of excellence (due to its bulk and scale) will reduce the amenity of the public open space.

These concerns have been raised in referral comments from Council's Heritage, Landscape and Parks/Reserves officers. They were also raised during pre-lodgement discussions with the applicant.

Taken together, these impacts are significant and determinative in the absence of credible justification as to why the building needs to be located north of the oval and cannot be sited to the east of the oval where it would not have the negative impacts listed above.

It should also be noted that clause 10(3) of SEPP (Vegetation in Non-Rural Areas) 2017 requires the consent authority to be satisfied that “*the proposed activity is of a minor nature*” and “*would not adversely affect the heritage significance of the heritage item*”.

External Referrals

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

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

Internal Referrals

Heritage

The proposal seeks consent for the construction of a new grandstand and centre of excellence on the northern edge of Brookvale Oval. The proposal includes the removal of 11 heritage listed brush box trees, and proposes to replace them with 7 brush boxes and 4 tuckeroos.

The brush boxes are large trees that form part of the defined formal planting line around 3 sides of Brookvale Oval along with the Camphor Laurels. The trees are both of heritage significance and visual significance due to their size and important canopy coverage in an area of known low coverage. The heritage significance of the trees is enhanced by the easily read and defined planting line. Gaps in the northern line are noticeable, but they do not interrupt the legibility of the line or its significance, nor do they justify the removal of the remaining trees.



Photographic evidence from the Mayne-Wilson & Associates' Heritage Report on Brookvale Park (2005) indicates that the gaps in northern line are apparent by 1933 (pg 14) and are most likely deliberate due to existing buildings or for access purposes. The aerial photo from 1951 (pg 17) reinforces that these gaps have been established on the site for decades. It is further noted that the northern planting line shows the historical extent of Brookvale Park before the resumption of Federal Parade and its shift to the north. This provides physical evidence of the development and enlargement of the broader park over time.

The heritage significance and importance of these trees cannot be understated. While the park has been used for recreational purposes since 1911, over time its focus and facilities have changed. However, as noted in the 2005 report, 'The only fabric of heritage significance are the cultural plantings (mostly Brush Box trees around the eastern and western boundaries of the park, and along the northern boundaries of the rugby field'. As the only remaining fabric of heritage significance, all efforts must be made to ensure their retention and protection.

Turning to the proposed tree replacement planting option, it is considered to be a poor attempt to offset the loss of the heritage significant trees and is not acceptable. The proposed location of the 7 new brush boxes is impacted and constricted by the pedestrian ramp/access area and proposed sewerage and stormwater lines. The trees would never be able to grow to a sufficient size to match the existing trees proposed for removal. Additionally these trees are located behind a retained group of brush boxes and would not contribute to the re-establishment of the defined formal planting line. Further, these plantings would likely be removed by any future development of the eastern grandstand.

The 4 tuckeroos proposed for in the Village Green would also not grow to a sufficient size to match the brush boxes, nor would they contribute to the important defined heritage tree line. A 'one for one' approach is also not acceptable for the replacement of heritage significant and visually important trees, given potential losses while trees establish themselves.

The proposal has also not considered key actions of the Brookvale Oval Plan of Management 2002 (PoM). The plan catered for eventual development of the eastern and northern stands, however Action 53 specifically requires investigation and justification for their development, and for this to be provided in any development application. There has been no consideration of the eastern end in the proposal. Given the larger width and length of the eastern side, it would be considered possible to accommodate all the desired facilities on this side without having to remove any of the heritage trees in this area along Pine Street.

It is considered that there is the potential to further explore additional design options that retain the heritage listed trees. This could include the construction of a basement level on the northern side, reallocation of spaces and a shrinking of the building width. An option exploring a reduction in the size of the area behind the dead ball line on the southern end and shifting the entire field down should also be considered. It is noted that the proposal has already included this for the northern end and adopting a similar approach on the southern end would give additional space to construct the grandstand and retain the heritage listed trees.

There are also some further actions in the PoM that have not been addressed including:



- Action 47 to investigate the heritage significance of the two northern ticket booths
- Action 75 to retain mature trees on Alfred Street, Pine Street and Federal Parade.

Concerns are also raised in relation to the proposed stormwater and sewerage piping lines. Heritage would suggest that the proposed lines be amended to exit the site between trees 59 and 60 on the Pine Street frontage, given the larger gap here between plantings.

The proposed concrete ramp on the eastern end of the northern grandstand is also likely to heavily impact upon the structural root zone of tree 35, as will the proposed waste storage area. The proposed construction method for pier and beam construction as detailed in the arborist report is considered unlikely to be feasible in this area given the proposed concrete ramp. The design approach in this area should be reviewed to minimize impacts upon tree 35. Additionally, the proposed waste storage area should be moved to minimize impacts upon trees 35 and 34.

The design of the additional 18 car parking spaces on Alfred Road should also be revised to minimize impacts upon the heritage trees. The outward facing spaces should be removed. Any parking loss can be compensated by extending the car park to the north along the fence line.

Heritage does not object to the external design or presentation of the northern grandstand, only its location.

However, Heritage cannot support the proposal given the impact of the loss of the trees on the heritage significance of the overall item, the inadequacy of the tree replacement plan and the failure to address key actions of the Brookvale Oval Plan of Management 2002.

There are potential design solutions that should be furthered explored that will allow for the construction of the required facilities while still retaining the heritage significant trees, such as construction on the eastern end of the field.

Development Engineers

The following comments have been provided:

1. Provision of On Site Stormwater Detention and Design documentation.
 - a. As required by clause 3.3 a Drains model has not been submitted for Councils review. Summary information regarding the OSD design has not been presented as detailed in appendix 9.
 - b. The minimum information as required by section 3.3 has not been provided.
2. Proposed Council stormwater line diversion
 - a. The proposed grandstand is located over Council stormwater infrastructure being a 600mm pipe.



Council advised in the pre lodgement notes that the stormwater drainage lines can be re diverted around the proposed grandstand development however the following information which is also required has not been submitted:

1. The applicant is to provide an overland flow study to demonstrate that the diverted and upgraded stormwater line is in accordance with councils Water Management policy PL850 and Section 6 Building over or adjacent to Council Systems and easements.
2. The hydrological and hydraulic study is to be prepared by a Civil Engineer registered on the National Engineers register (NER) . The preferred Council model is DRAINS.
3. Councils piped drainage system is to cater for all storms up in excess of the 1 in 20 year AEP up to and including the 1 in 100 year AEP. Any overland flow paths are to have safe velocity versus depth ratios in accordance with Australian rainfall and runoff.
4. Demonstration that all habitable floor levels are to have a minimum 500mm freeboard above the adjoining 100 year flow path top water levels.
5. Hydraulic and Hydrological parameters are to be in accordance with the requirements of Auspec One D5 Stormwater Drainage Design are to be used in the preparation of the Hydraulic design plans and report.
6. There is to be no increases to overland flows levels upstream and downstream of the development in all storm events up to and including the 1 in 100 year ARI.
7. The proposed new stormwater line is to be a reinforced concrete pipe to take the superimposed design service loads.

Landscaping

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The plans indicate removal of a row of eleven significant *Lophostemon conferta* (Brush Box Trees) long the northern end of Brookvale Oval. The trees form part of a listed Item of Environmental Heritage in Warringah LEP 2011.

The only reason for removal of the trees is to construct the proposed building. Alternate designs should be sought that enables retention of the trees.

In view of the status afforded them by WLEP2011, the trees should be a significant design constraint on any development proposed.

Further impacts on three additional. listed *L.conferta* trees, Trees 47. 48 and 49 (as identified in the Arborist's Report) caused by the need to excavate for a new stormwater drainage diversion. construction of retaining walls and bioretention swale are of concern. Drawings SKC05 - Storm Water and Site Works Concept Plan and SKC15 - Bulk Earthwork Plan prepared by TTW also indicate significant works around the Tree Protection Zone of these trees on the eastern side of the building and Tree 35 on the



western side of the building. The combined impacts on these trees is considered likely to adversely affect their retention.

Concern is also raised regarding tree 24 and 25 on the Alfred Road side of the existing toilet block which appear to be removed on the Drawing A_0400 Site Plan prepared by Hassell and Drawing CS100 - Combined Services Site Plan prepared by LCI Consultants to accommodate proposed Authority water meter, Authority gas meter and fire hydrant booster assembly for the Centre of Excellence. Trees 74 and 75 *Cinnamomum camphora* (Camphor Laurel Trees) on the Pine Avenue side of the ground appear significantly affected by the new sewer line required for the Centre of Excellence as indicated on Drawing CS100 - Combined Services Site Plan prepared by LCI Consultants

The removal of and high potential for damage to the listed trees as significant Cultural Landscape items is not supported.

Further, the proposal to remove the trees does not appear permissible under Part 3 Clause 10 of the State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017 which states (emphasis added):

Part 3 Clause 10

10 Council may issue permit for clearing of vegetation

(3) A permit under this Part cannot allow the clearing of vegetation—

(a) that is or forms part of a heritage item or that is within a heritage conservation area, or

(b) that is or forms part of an Aboriginal object or that is within an Aboriginal place of heritage significance,

unless the council is satisfied that the proposed activity—

(c) is of a minor nature or is for the maintenance of the heritage item, Aboriginal object, Aboriginal place of heritage significance or heritage conservation area, and

(d) would not adversely affect the heritage significance of the heritage item, Aboriginal object, Aboriginal place of heritage significance or heritage conservation area.

The proposed replanting of some trees within the site and adjoining parkland is not considered suitable to compensate for the loss of the trees proposed and the locations indicated bear no resemblance to the existing formal avenue planting that would be removed. The proposed locations, particularly those in the narrow area between the ramp structure on the eastern side, are not likely to enable growth to maturity.

Parks and Reserves



Further information and clarification on the following items is required:

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

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

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

It is unclear if the translucent roof material will deflect the heat from spectators and the grass, or otherwise due to product selection and/or the distance between the glass and the playing surface. Clarification is required on the material used for the cantilevered roof, in terms of its radiate heat impact to the grass playing surface. The documents provide a shadow analysis generated from the building mass and structural roof elements only.

Of concern is the lack of information surrounding the construction methodology. The Construction Management Plan does not indicate if construction activity will be contained within Brookvale Oval (existing field and embankment hills), or are to include open space park areas of Brookvale Park, which are utilised year round by the public. The loss of public access to the park areas is not supported, and the existing day care facility, children's playground, parkland, and outdoor gym must be available to the public to the extent it is now available. The stated introduction of loading vehicles to the northern concourse area of the proposed grandstand during a non-game day, creates a potential conflict with pedestrian access and general park use by the public.

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

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

The park asset amenity value to the community, as a 'village green' is reduced with the loss of such mature trees, that currently offers a visual and physical segregation between varying recreational land uses, with the passive recreation of the Park within the northern



area separated from the active recreation of the Oval. The northern portion of the Park contains various community assets such as the Day Care, and recreational activity such as the children's playground, outdoor gym area, parkland and pedestrian access throughout.

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

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

Urban Design

The applicant should address the following issues:

1. The feasibility study provided does not consider the eastern side hill slope seating section of the site as a logical location for the new proposal – where cutting down of 11 mature heritage trees and encroachment into the football pitch area will not be an issue as the eastern side area is wider and longer than the northern side. Both sides have been identified by the management plan as sites for future developments.
2. The community benefits delivered by locating the grandstand on the eastern side far outweighs the northern side:
 - a. As a football game viewing position, the eastern side grandstand will be a better vantage location.
 - b. It is also closer to Pittwater Road which is the main transport corridor for public access and egress.
 - c. It will also have minimal impact on the village green which is a highly used community space.
 - d. Mature trees will not have to be cut down thereby reducing the existing tree canopy coverage required to reduce urban heat island effect. Brookvale is already considered having a low tree canopy coverage currently being an industrial area.
3. The proposed built form can generally be supported with the planning layout and proposed material finishes but not in the current location.



Waste

No response has been received from Council's Waste Team.

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

Advice for the Applicant

As earlier advised, given the significance of the issues that have been identified in the assessment it is recommended that council (independent planning consultant) and the applicant meet to discuss the application. Please contact Felicity Schmidt, EA to Director Planning and Place on 9942 2949 to arrange a suitable meeting time.

Yours faithfully

Louise Kerr
Director, Planning and Place