

Parks, Reserves and Foreshores Referral Response

Application Number:	DA2023/1708
Proposed Development:	Demolition works and construction of a Recreation Facility (indoor) with signage
Date:	06/06/2024
To:	Maxwell Duncan
Land to be developed (Address):	Lot 2743 DP 752038 , 431 Pittwater Road NORTH MANLY NSW 2100

Reasons for referral

This application seeks consent for any application on land or land being adjoining or adjacent to any parks, reserves, beaches, or foreshore
And as such, Council's Parks, Reserves and Foreshores officers are required to consider the likely impacts of the proposal.

Officer comments

The development application is for the demolition of the existing site structures and the construction of a purpose-built gymnastics and multisport facility.

The development site is located within the District Park Plan of Management, and a Sports Community Club Facility is identified within the Landscape Concept Plan for District Park upon this site. It is noted that appropriate environmental set-backs are listed for consideration in the Landscape Concept Plan. The proposed development site adjoins the Nolan Reserve sporting fields utilised by sporting clubs including Manly Brothers Rugby League Football Club (formerly Christian Brothers) and various cricket clubs from the Northern Beaches Cricket Council, as well as informal recreational use. The land is zoned RE1 Public Recreation.

Parks Reserve and Foreshores Referral assess the application against Warringah Local Environmental Plan 2011 (WLEP) and the following Warringah Development Control Plan 2011 (WDCP) clauses (but not limited to): D6 Access to Sunlight; D9 Building Bulk; E7 Development on land adjoining public open space.

Updated comments:

Upon the review of updated Master Set Plans, and in assessment of the comments from Landscape Referral regarding an improved landscape buffer zone between the development and the public open space, subject to imposed conditions from Landscape Referral, it is considered that WDCP clauses D9 Building Bulk and E7 Development on land adjoining public open space, are able to be satisfied.

However the matter of WDCP clause D6 Access to Sunlight, remains of concern, as the development footprint casts significant shadow over public open space during the winter afternoon months, including the sports field, grassed areas beyond the sports field, and to the existing share path, all utilised by the community for active and passive recreation as raised in previous comments.

Parks Reserves and Foreshores Referral are unable to support the application due to the impact of development upon the community for active and passive recreation. Should the Assessing Planning Officer determine merit acceptance of the development scheme, Parks Reserves and Foreshores Referral provide standard conditions.

Previous comments:

The PLM2023/0053 Pre-lodgement notes expressed the following concerns from Parks Reserves and Foreshores Referral:

- The shadow resulting from the building is over the 'spectator area' utilised by the Manly Brothers Rugby League Football Club (formerly Christian Brothers) that occupy this area in large numbers impacting use and enjoyment for spectators, and does not consider D6.1 requirements that 'Development should avoid unreasonable overshadowing any public open space'.*
- The proposed development at the eastern lease alignment impacts upon the landscape character, public use, visual appearance, and enjoyment of the adjoining reserve sports field areas; and the building is prominent within the open space landscape character of the recreational areas of Nolan Reserve, in consideration of D9 and E7.*

Parks Reserve and Foreshores Referral, following on from issues raised in PLM2023/0053, and in review of the development application documents continue to raise concerns regarding the shadows from the proposed building structure over recreation land utilised by Manly Brothers Rugby League Football Club (formerly Christian Brothers) and other sporting groups. The winter shadows are cast over the full area from lease boundary to the football field sideline, and in particular afternoon periods, utilised by game officials and spectators watching competition rugby league games during the weekend and school competition games during school days. The current solar access enjoyed by sporting groups is therefore impacted and the proposal thus fails to achieve the objectives of WDCP clause D6.1 requirements that 'Development should avoid unreasonable overshadowing any public open space'.

Additionally the site planning layout of building and car parking does not respond to the recreational landscape setting of District Park, and rather the site planning provides an urban setting at the prominent road corridors of Kentwell Road and Pittwater Road that represents urban built form without adequate landscape setting transition, and visually dominates the open space interface with Nolan Reserve sport fields contrary to the objectives of WDCP clause E7. Any cafe proposal shall be connected to public open space and be accessible.

It is noted that recently scattered planted native trees are in place along the existing share path between the development site and the playing field however these are sited at a distance from the development site to not provide sufficient visual relief of the bulk and scale of the proposed building facade from the Nolan Reserve sporting fields.

WDCP clause D6.1 indicates that the building setback should increase irrespective of what landscape zone width requirement is advised.

To achieve a reasonable solution to meet the objectives and requirements of WDCP clauses D6, D9 and E7, the following advice is suggested:

- the eastern site boundary from the lease boundary to the building wall shall support a landscape zone that is not encroached by stairs, paths and any utility services, and the area is to support only vegetation including tree planting.*
- the eastern site boundary from the lease boundary to the building setback shall consider cast shadow impacts over the 'spectator area' utilised by the Manly Brothers Rugby League Football Club (formerly Christian Brothers) that may require building form alteration or building setback review.*

The proposal is therefore unsupported.

Note: Should you have any concerns with the referral comments above, please discuss these with the Responsible Officer.

Parks, Reserves and Foreshores Conditions:

CONDITIONS THAT MUST BE ADDRESSED PRIOR TO ANY COMMENCEMENT

Dilapidation Report of Land Owned or Managed by Council

A dilapidation report established at the commencement of the works shall contain a survey of pre-existing land features including photographic record of the Land under Council's care control and management adjoining the development (Lease area), detailing the physical condition of items such as, but not exclusively limited to, physical assets such as crossovers, driveways, footpaths, utilities, furniture, play equipment, trees, gardens, lawn areas, bushland, and any rock outcrops.

This dilapidation report shall be submitted to Council and the Certifier prior to commencement of works, and shall be the basis for rectification of any damage to Council's assets as listed in the Post Construction Dilapidation report submitted prior to the issue of the Occupation Certificate.

Any damage to these assets during the works must be replaced like for like to the satisfaction of the Certifier, and shall be subject to acceptance by Council.

The applicant may be held liable to any damage to public infrastructures in the vicinity of the site, where such damage is not accurately recorded under the requirements of this condition. In this regard, where required, the damage deposit lodged by the applicant may be used by Council to repair such damage on Council's property.

Reason: Protection of Council's assets.

CONDITIONS TO BE COMPLIED WITH DURING DEMOLITION AND BUILDING WORK

No Access Through Land Owned or Managed by Council

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

Reason: Public safety, landscape amenity and tree protection.

Storage of Materials on Land Owned or Managed by Council Prohibited

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

Reason: Public safety and environmental protection.

Protection of Council's Public Assets

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

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

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

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

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

Post-Construction Dilapidation Report of Land Owned or Managed by Council

Rectification works to Council's assets shall be contained in a Post Construction Dilapidation report submitted to Council prior to the issue of the Occupation Certificate.

The applicant is liable for any damage to public infrastructures in the vicinity of the site, where such damage is not accurately recorded under the requirements of this condition. In this regard, where required, the damage deposit lodged by the applicant may be used by Council to repair such damage on Council's property.

Reason: Protection of Council's assets.