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18 May 2020

Ms Louise Kerr
Director, Planning and Place
Northern Beaches Council
via email: louise.kerr@northernbeaches.nsw.gov.au

Dear Louise,

RESPONSE TO ADDITIONAL REQUEST FOR ADDITIONAL INFORMATION DA/2019/1190

1. INTRODUCTION

We write to you on behalf of the Manly Warringah Sea Eagles (MWSE) as the applicant to DA2019/1190 which seeks consent for the construction of a new grandstand and centre of excellence (COE) on the northern end of Brookvale Oval, located on Pittwater Road, Brookvale.

The purpose of this letter is to respond to the additional request for information received from Northern Beaches Council (the Council) on 6 May 2020 and another letter dated 7 May 2020 that specifically related to permissibility of the use. This letter responds to all items raised in Council's recent correspondence.

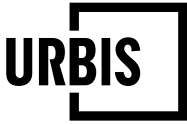
The following plans and reports have been prepared to address the matters raised by Council's internal specialists.

- Civil Responses prepared by TTW
- Waste truck swept path analysis prepared by TTW
- Stormwater and Site Works Concept Plan prepared by TTW

2. RESPONSE TO COUNCIL MATTERS

2.1. LOCAL GOVERNMENT ACT 1993

At the time of preparing this response, it is understood this matter has now been resolved on 12 May 2020 and it is agreed that the required steps to satisfy Action 53 of the Plan of Management (POM) has been satisfied and as a result the proposal is consistent with the POM and no further action or information is required on this aspect by the applicant.



2.2. PERMISSIBILITY IN THE RE1 PUBLIC RECREATION ZONE

Council Comment:

Council have made the following comments on the proposal in their letter of 6 May 2020:

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

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

Consequently, the development as submitted is considered to be prohibited within the RE1 Public Recreation zone. To enable further consideration of the proposal further justification from you as the applicant is required on why you believe that the administration office space is 'ancillary' to or subordinate to the other uses of the building.

In a subsequent letter dated 7 May 2020, Council provided additional detail on the issue of permissibility, which in essence required the applicant to provide further information and justification on why the administration office space should be considered as ancillary or subordinate to the other uses of the building.

Applicant Response:

The proposal comprises two main components; a 3,000 seat covered grandstand to replace the existing informal spectator grassed/standing space at the northern end of the stadium facility, and a new state of the art Centre of Excellence (CoE) sports facility, connected to the new seating.

Critically, and consistent with the expected needs of a professional sporting club, the building will enable the consolidation of the existing administration functions of the club at Brookvale Oval.

The centre of excellence building will be a multi-use facility with a purpose consistent with that expected at any professional sportsground, as well as consistent with that envisaged and 'authorised' in the Plan of Management for Brookvale Oval.

The centre of excellence building has the following key metrics:

Table 1 Key Numerical Measurements

Area	Size (Gross Floor Area)
Total Building Area (GFA)	3,870 sqm
Use components of the primary areas within CoE:	3,342sqm (86.4%)
▪ Gym and rehabilitation areas	
▪ Stores and utility rooms	
▪ Video review theatre and analysis space	

Area	Size (Gross Floor Area)
<ul style="list-style-type: none"> ▪ Players tunnel and field access lobby ▪ Change rooms and showers / amenities ▪ Premium seating and corporate space 	
Administration office space, including: <ul style="list-style-type: none"> ▪ Football/NRL Office Space ▪ Women's Academy Office Space 	528 sqm (13.6%)
Under grandstand roof unenclosed area (footprint of seating area)	2,090 sqm

As outlined in the Statement of Environmental Effects, the proposal was sought to be defined under the two following land use definitions within the Warringah Local Environmental Plan 2011 (WLEP 2011).

recreation facility (major) means a building or place used for large-scale sporting or recreation activities that are attended by large numbers of people whether regularly or periodically, and includes theme parks, sports stadiums, showgrounds, racecourses and motor racing tracks.

recreation facility (indoor) means a building or place used predominantly for indoor recreation, whether or not operated for the purposes of gain, including a squash court, indoor swimming pool, gymnasium, table tennis centre, health studio, bowling alley, ice rink or any other building or place of a like character used for indoor recreation, but does not include an entertainment facility, a recreation facility (major) or a registered club.

The intention being, to consider the seating and grandstand component of the proposal as recreation facility (major), and to define the CoE as recreation facility (indoor).

To assist in considering the matter of permissibility with respect to the ancillary office component of the centre of excellence facility, regard has been had to *Toner Design Pty Ltd v Newcastle City Council [2013] NSWCA 410* which addressed the matter of ancillary development.

Specifically, the judgment found that:

“... for a development to be ‘ancillary to’ another development it must not merely coexist with, but must serve the purposes of, the other development ...”, and... “the concept of ‘ancillary to’ involves matters of size and scale”.

The above Court judgement provides valid guidance. In this respect the office/administration component of the COE facility satisfy the text of ‘ancillary’ development for the following reasons:

- The COE facility will directly support the sporting organisations that use the field.
- The COE facility will consolidate administrative functions existing within the sporting stadium into a central space.

- The administrative space will be used for the Manly Warringah Sea Eagles Club where Brookvale Oval is their home ground. Space will also be used for Women's Academy space to support women's football clubs in their use and training on the ground.
- Administrative offices are required to support the operation of the professional sporting club that utilises the ground.
- In terms of floor area, only 13.6% of the CoE floorspace is dedicated for administrative functions. That means the remaining 86.4% of the space is to be used for the primary functions of the CoE facility. The amount of floorspace dedicate for administrative use, based on the area, is therefore clearly subordinate to the primary space.
- When considering the scale of the 528sqm of administrative space across the entire sport stadium facility, taking into account corporate and other associated floor areas, the percentage compared to the overall existing facility would be much less than 10%. The stadium current contains large internal areas which would constitute GFA, particularly those in the southern stand.
- In terms of intensity of the use, the administrative offices would have a comparatively much lower intensity of the use of the sporting stadium compared to the people at the stadium on training (approximately 50 people) and game days 10,000 – 15,000 people). The operational impacts from such events which are normally run after hours and on weekends far outweigh those posed by small scale subordinate office space provided in conjunction with the development.

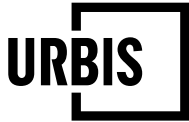
Having regard to the guidance on considering ancillary development, we believe the COE administrative uses clearly meet the test of ancillary development and therefore permissible with consent in conjunction with the development proposed.

Upon review of the above court judgment and to respond to Council's concerns regarding the permissibility of ancillary uses which are proposed, perhaps a simpler and clearer approach would be to define the proposal under the single land use of **recreation facility (major)**. The applicant considers this approach is justified on the following grounds:

- The use of the grandstand seating is clearly required and to be utilised in conjunction with large-scale sporting events held at the ground, providing enhanced spectator viewing for the community when attending games or events held at the oval.
- The CoE is physically linked (via player tunnel) and connected to the proposed stadium seating structurally required to enable the roof required to cover the seating, providing a physical connection whereby one cannot physically operate without the other.
- Furthermore, the uses contained within the CoE all directly relate to the site and its function as a sporting ground and thus the various needs to support the operation of the club and management of its players, corporate partners and spectators. These uses are all reasonably expected uses that can sit within the land use definition of recreation facility (major), in that the definition makes specific reference to sports stadiums.

While sports stadiums are not specifically defined, they are widely accepted and understood to accommodate a range of support functions like these proposed in the centre of excellence building.

Sports stadiums throughout Australia and globally provide consolidated home bases for professional sports clubs, while also providing a facility for enhanced spectator viewing. Its common, and in fact the growing trend, that stadiums which are home to professional sporting clubs do provide state of the art training and rehabilitation facilities above and beyond those in normal training facilities, while doing so in a controlled and closed environment. Further, it's not uncommon to base administration facilities at



the home stadium of the sporting club. The provision of minor administration facilities is undeniably intrinsically related to the running and operation of the professional sporting club to which they relate.

This primary use proposed in this development, being a recreation facility (major), clearly anticipates the use of the site as proposed by this development. The individual uses which make up the proposed development all fit within those reasonably expected to occur under the land use definition of recreation facility (major). The proposal will encourage the all-round use of the sportsground, while delivering other facilities required in a major sporting and event facility.

For the reasons above, we believe the proposal is permitted with consent under Warringah LEP.

2.3. PUBLIC INTEREST

Council comment:

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

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

The proposed community education space has a floor area of approximately 60m², representing a small percentage of the floor area of the building. Furthermore, the hiring of the space through MWSE does not ensure its continued availability to the public.

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

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

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

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

Response:

While it is acknowledged that the proposal is requiring the occupation of a large footprint of community land, the proposal provides clear and direct community benefit on a number of levels as outlined below:

- The proposal is directly related with the current and ongoing viability of Brookvale Oval. With no reference made in Council's Infrastructure Contributions Policy to receive future funding, it is unlikely the oval will receive the upgrades it has been so desperately needed for many years. Without direct investment from the club, it is likely the oval will continue to decline over time, which

will result in not only a physical deterioration of the oval and facilities but will result in an increased financial burden to Council and in term the community.

- The proposal has been cognisant of this and has endeavoured to ensure that flexible community use space is included within the proposal in the form of community education space. While not finalised, it is further intended the facilities will be utilised for scholarship athletes once established. While the area of community education space represents a small percentage of the overall physical build, it is certainly not the only component of the proposal which will directly benefit the community. In addition to the community education space, a key element of the proposal is the provision of a minimum of 3,000 seats for community use. This seating will directly improve the seating experience when attending sporting matches or events, noting the current viewing area is an uncovered grass hill.
- It is further highlighted that during the extensive community consultation undertaken to inform the current Brookvale Plan of Management 2002, *“many people indicated they desire that Brookvale Park be development as a multipurpose and high standards sports and event facility which is available for use by a wide variety of groups through the entire year”*.

Comments received during community consultation undertaken prior to this DA lodgement overwhelmingly supported the proposal, suggesting the need to *‘get on with it’*, consistent with the theme from the POM some 18 years ago. It is undeniable that the community has been supportive of such a proposal for many years. The community has supported this project prior to this DA, and as was evident during public notification of the proposal still support the proposal. Multiple submissions made during the public notification of the proposal highlighted the clear public benefit that will result from the proposal.

- The Manly Warringah Sea Eagles have coordinated funding to upgrade Brookvale Oval for the betterment of the community (and Council) throughout the year. It is clear that when upgraded, the facility will be increasingly attractive to other sporting codes and events, which will in turn increase the opportunity for additional events to be held and Council and the community to benefit as a result.
- The centre of excellence will contain a Hall of Fame/memorabilia element within the reception area which will pay tribute the club’s presence on the Northern Beaches and the long legacy of significant events that have been held at Brookvale Oval. This element cannot be discounted as it will provide a significant level of pride within the community for the club and BO, which is definitely in the public interest.

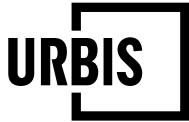
2.4. ACCESS FOR DISABLED PERSONS

Council comment:

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

Response

Currently, disabled viewing is not provided on either the northern, or eastern hill, given these remain grassy hills and are unsuitable for wheelchair access. Disabled viewing areas are currently located in the existing stands on the southern and western sides of the oval, noting that key access points for disabled entry is via the south-east entry point, the south-west (main) entry point, and from the northern entry points. The proposal does not seek to amend or alter these entry points, nor the existing viewing locations.



The proposal will deliver additional 38 formalized disabled viewing access locations on the concourse level of the proposal. This will account for more spaces than are current provided in the entire facility. This viewing area will be accessible via the existing on grade entry point from the north. As confirmed in the Accessibility Report which was prepared by McKenzie Group and included with the original DA documentation, access to the building and development has been provided in accordance with the required Australian standards.

2.5. LANDSCAPE OFFICER REFERRAL COMMENTS

The proposed offset planting approach has not been altered/updated and remains consistent with that provided in Urbis' initial response issued 24 March 2020.

2.6. HERITAGE OFFICER REFERRAL COMMENTS

The proposed offset planting approach has not been altered/updated and remains consistent with that provided in Urbis' initial response issued 24 March 2020.

2.7. PARKS, RESERVES AND FORESHORES COMMENTS

Council comment:

The Pine Ave access represents a safety issue for the users of the Brookvale Pre-School Centre carpark, who rely on the existing driveway to access the Pre-School carpark for drop-off and pick-up and for staff parking. The updated Preliminary Construction Environmental Management Plan indicates the use of this access driveway, and this will impact upon the Pre-School. Approval to use this access shall include at least a temporary access driveway to service the Pre-School, if this is possible with regards to traffic considerations including egress safety, swept paths and sightlines. Parks does not support restrictions on the operations of the Pre-School.

Response:

Access from Pine avenue is suggested for instances where the vehicles may be too large and would potentially damage the tree canopies to the west. It may be that this access is never required (however we are yet to appoint the builder and understand more detailed logistics). If required, Pine Avenue deliveries will be arranged in coordination with the Early learning centre and avoiding peak hours.

Council Comment:

The increased concentration of solid shadow from the built form upon the northern end of the playing surface from the 20m line northward to the in-goal and runoff area will be impacted over and above its current levels of shade from the existing trees. This will impact upon the quality of the playing surface unless increased maintenance activity is undertaken and budget expenditure by Council is increased, or an alternative turf is used to produce a high quality playing surface.

Response:

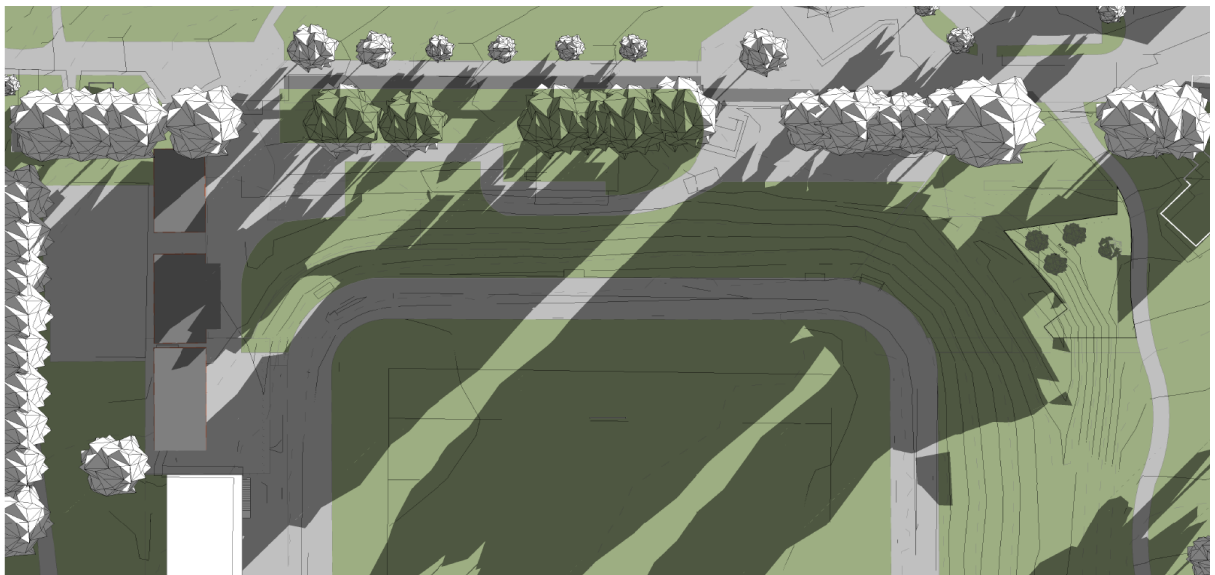
The applicant has liaised with the current Turf Consultant (SportsEng) who manages the maintenance of the field. SportsEng did not provide concern at the changes to shadows on the field which will result from the proposal, noting only to ensure the roof sheeting which is utilised is as transparent as possible. While some UV is filtered when transmitting through the material, primarily for enhanced spectator viewing, not all UV is filtered out. The material proposed to be used, as previously confirmed, is one of the most common used on stadiums throughout Sydney and globally.

It is however important to review the specific impact which will result from the proposal, noting that shown below is a 'worse case' scenario at a time during the year when there is very little UV radiation to begin with.

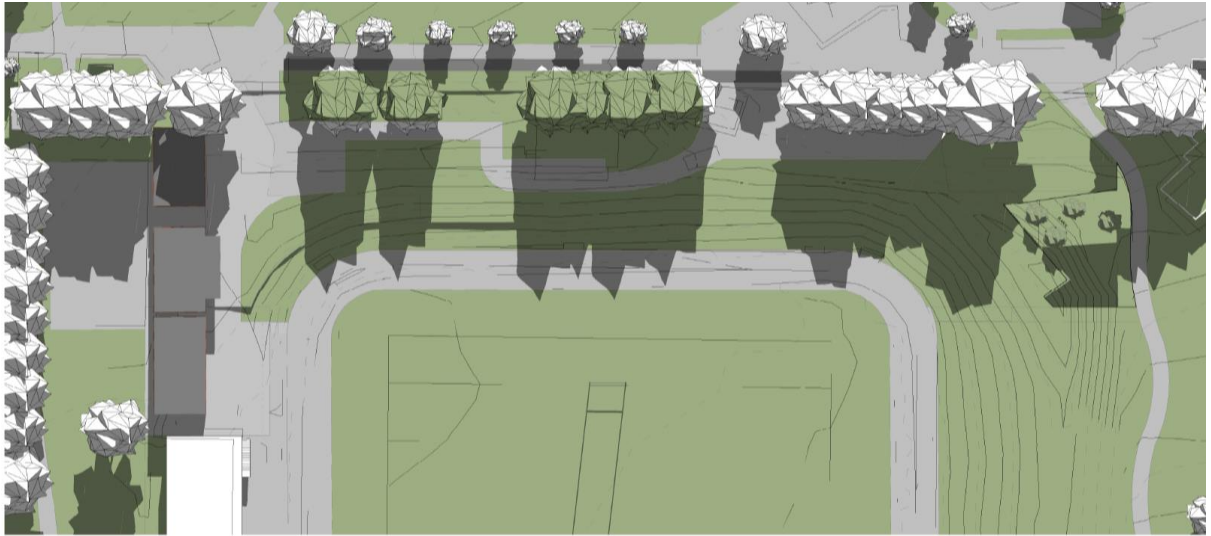
Figure 1 demonstrates the current shadow impact from the existing vegetation on site. It is important to note that current impacts on the turf exist throughout the day.

Figure 2 demonstrates the proposed impact which will result from the proposal on the field. It is important to note that field including in goal area are subject to sunlight throughout the day at mid-winter, with the area which is subject to no sunlight being located behind the in goal area.

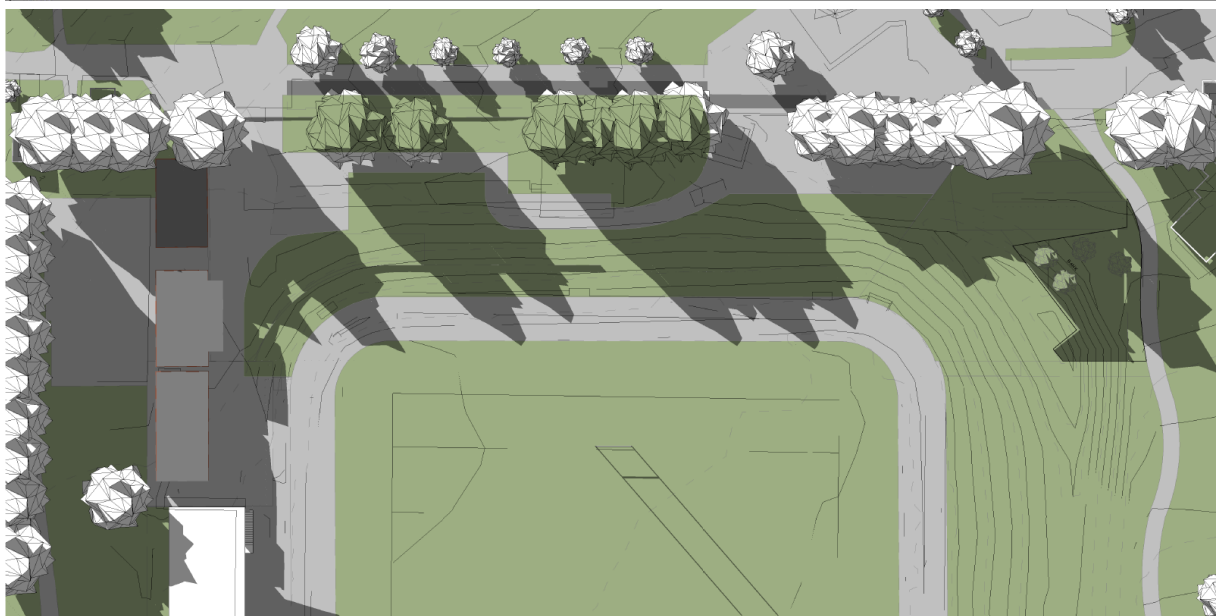
Figure 1 Existing Shadows from trees throughout day at mid-winter



EXISTING SHADOWS - JUNE 22nd - SOLAR 0900
1:500



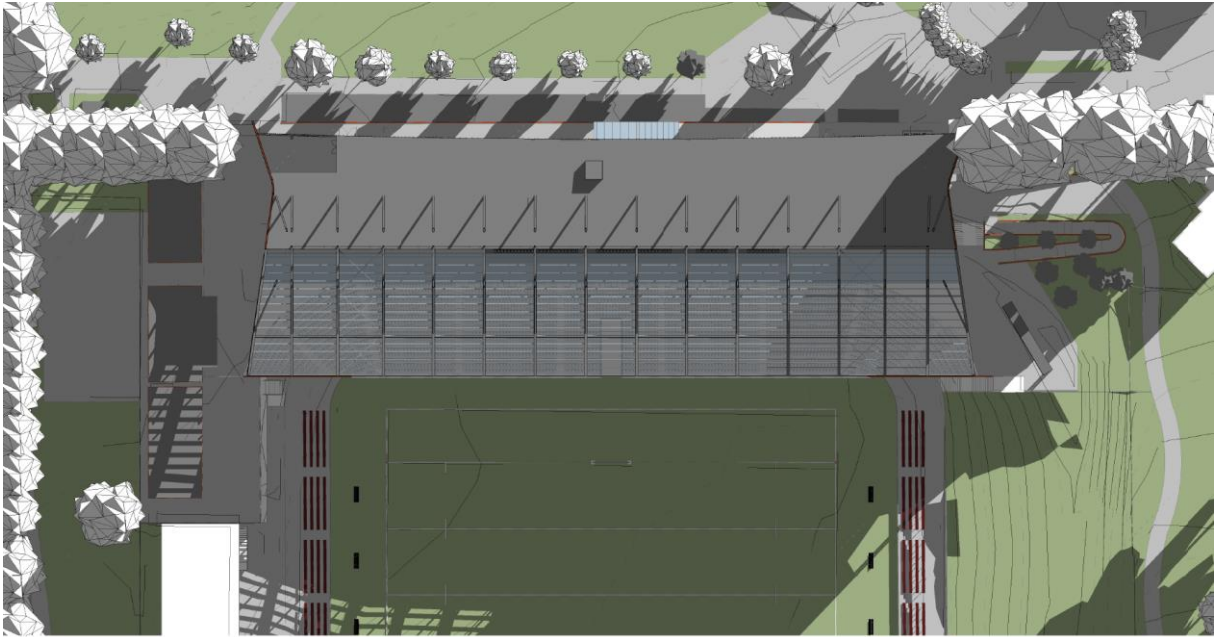
EXISTING SHADOWS - JUNE 22nd - SOLAR 1200
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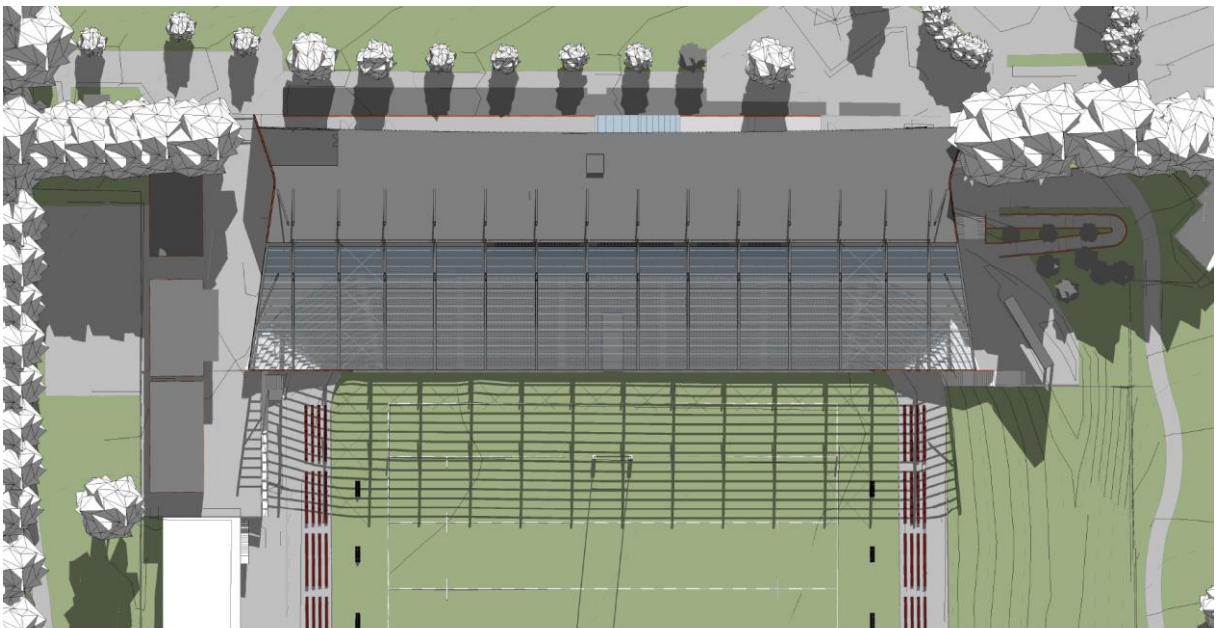
EXISTING SHADOWS - JUNE 22nd - SOLAR 1500
1:500

Source: Hassell

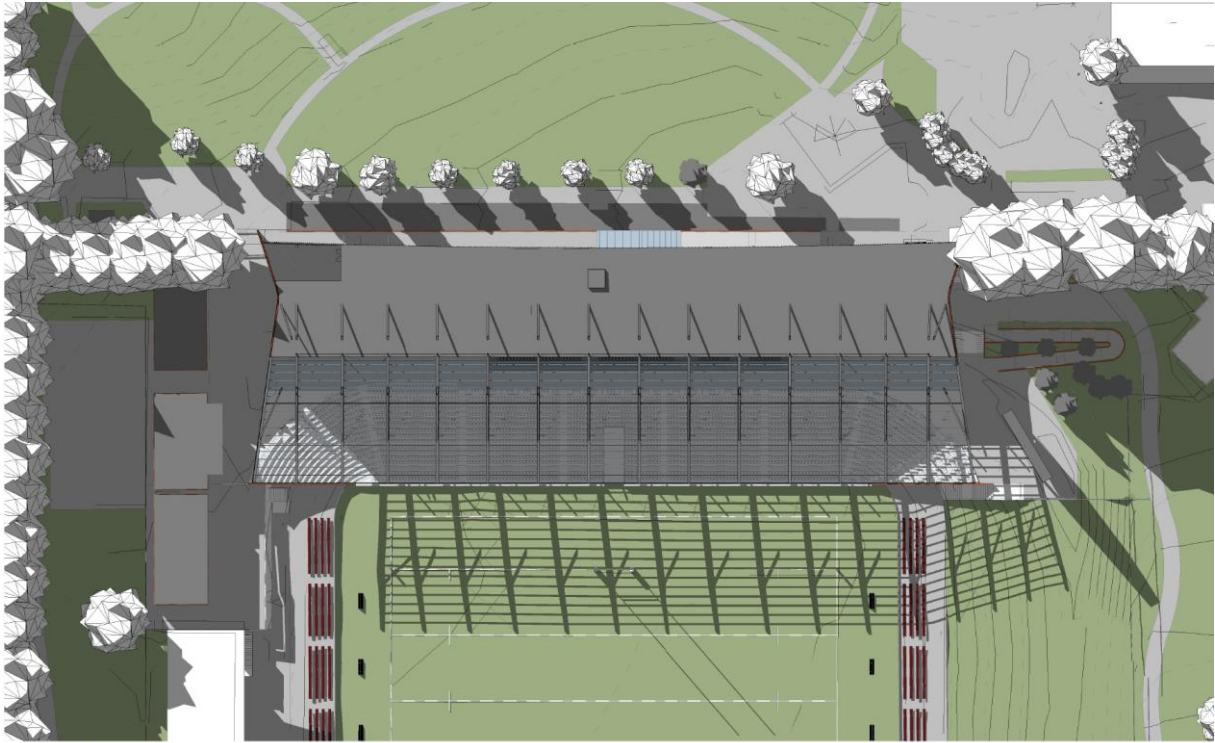
Figure 2 Proposed Solar Impacts to Oval



PROPOSED SHADOWS - JUNE 22nd - SOLAR 0900



PROPOSED SHADOWS - JUNE 22nd - SOLAR 1200



PROPOSED SHADOWS - JUNE 22nd - SOLAR 1500

Source: Hassell

2.8. TRAFFIC ENGINEER REFERRAL COMMENTS

Please refer to Table 2 below for responses to Council's traffic engineer.

Table 2 Response to Council's Traffic Engineer

Item	Response
<p>In accordance with the RMS Guide to Traffic Generating Developments, the parking provision shall be identified based on a comparison study on an existing similar use. The applicant has failed to provide a comprehensive comparison study.</p>	<p>The staff survey was conducted of both the existing site and the Narrabeen facility. This survey was open to both staff and players who are both considered as 'staff' of the facility. As the respondents to the survey will be the end users of the proposed facility it is considered to be an appropriate comparison site in which to gain insight into future travel patterns.</p> <p>Although existing staff indicated an 83% private vehicle usage rate, it is noted that in the current arrangement staff may be required to make vehicle trips between the Narrabeen Facility and Lottoland throughout the day which will result in a higher rate of private vehicle usage. This is</p>

Item	Response
	<p>reflected in the reduced private vehicle usage rate in Journey to Work results.</p> <p>The 20% travel mode rate of active travel modes was assumed based on how staff indicated they would travel to the Lottoland site. This is likely due to the location of the site being closer to the residences of staff than the current Narrabeen Facility and the improved active transport connections to the Lottoland site. Postcode survey results indicated a third (33%) of respondents lived in an immediate suburb to Brookvale Oval (Brookvale, Dee Why, Allambie Heights, Narrabeen and Curl Curl), with a total of 60% of respondents indicating they lived within the Northern Beaches. As staff and players have indicated they live nearby, this travel mode split is considered appropriate.</p> <p>A travel mode survey was conducted of patrons on a game day to assess the travel mode of these users. These results indicated a much lower vehicle usage rate (57%) which was discussed in Section 2.6.3 of the report. This lower rate was not applied to non-game day projections.</p> <p>Overall, encouraging lower vehicle usage and uptake of active travel modes and public transport is in line with the Northern Beaches Transport Strategy 2038. It is noted that this Strategy indicates a target usage rate of 25% for public transport and 35% for private vehicle. Aiming for a reduction in private vehicle use and increase in active travel and public transport therefore aligns with Council's overall plans for future transport.</p>
<p>Despite the result of staff survey which indicates that motorcycle is the second mode of travel for the existing Brookvale Oval staff, no provision of motorcycle parking is proposed.</p>	<p>Motorcycle spaces can easily be added by expanding the proposed gravel area. If required, this can be accepted by way of condition of consent.</p>
<p>The applicant has failed to provide bicycle spaces in compliance with Warringah DCP. The bicycle spaces are to be designed and provided in</p>	<p>Bicycle parking is provided internal to the CoE building, noting. Additional outdoor bicycle parking is not provided as part of the proposal.</p>

Item	Response
compliance with Australian Standard AS2890.3- Bicycle Parking Facilities.	
The report has failed to provide thorough information on the expected additional trip generation.	<p>As noted previously the travel mode survey results for staff included player responses.</p> <p>As discussed in Section 3.2.2, the community member demand will occur outside of the commuter peak times during the evening hours when a large portion of staff have already departed work. As a result, the worst case scenario is represented by the staff and player vehicle peak.</p>
The intersection of Alfred Road and Pittwater Road can be sensitive to additional right and left turns onto Pittwater Road which is to be addressed in the report.	<p>While noting the sensitivity of the intersection, as stated in the report Pittwater Road traffic is in the order of 2,500 vehicles. As a result, the traffic generated represents less than 1% of the existing peak traffic flows along Pittwater Road.</p> <p>Further, postcode survey results indicate that staff and players residences are distributed from both the north and south approaches to the Oval, with 55% approaching the site from the South and 45% approaching from the North. Given the low traffic generation and varied distribution of trips, it is anticipated that limited impact will occur to the Alfred Road and Pittwater Road intersection.</p>
Further extension to the proposed car parking area to accommodate all car spaces required for the staff and patrons driving to the site. The minimum parking requirements will be 72 car spaces in accordance with the result of survey undertaken on the existing staff at Brookvale Oval.	<p>Refer previous response on parking demand above.</p> <p>If justified and required by Council, the applicant is willing to accept a condition of consent for the preparation of a Green Travel Plan detailing measures to encourage sustainable travel to the site.</p>
Provision of bicycle parking spaces in accordance with the DCP and Australian Standards AS2890.	These spaces have been added to Landscape plan at the East end of the building nearby the ticket booth.
Provision of thorough information on the total traffic generating by the site and addressing any potential	See response above for the intersection of Alfred Road and Pittwater Road.

Item	Response
adverse impact on the intersection of Alfred Road and Pittwater Road.	Community use facilities will operate outside of peak periods (business day hours and game days), and will not result in a cumulative impact above those of peak period times.
Improve pedestrian and bicycle connectivity to and from the site by construction of shared path along Federal Parade and Alfred Road.	This is well beyond the scope of this project and the project works does not front any roads and therefore does require footpath and road verge upgrade works.

2.9. DEVELOPMENT ENGINEER REFERRAL COMMENTS

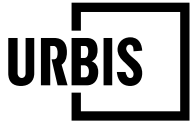
Please refer to the Appendix A for complete response package prepared by TTW.

2.10. WASTE OFFICER REFERRAL COMMENTS

Please refer to responses to Council's items in Table 3 below.

Table 3 Response to Council's Waste Officer

Item	Response
<p>Council contractors use a 3 axle heavy rigid vehicle that is 12 metres long to service the bins.</p> <p>The applicant must demonstrate that this size of vehicle can enter and leave the area between the new grandstand/centre of excellence and the bin shed in a forward motion. That is, drive in forwards, turn around using only one reverse motion, and leave in a forward motion. Please provide appropriate swept path analysis to demonstrate compliance.</p>	<p>A swept path drawing of a 12m rigid vehicle has been conducted and shows that the waste vehicle can enter and exit the site boundary in a forward direction. The waste collection is proposed to occur by the existing driveway from Alfred Road.</p> <p>Note: Typically, the 'forward only motion' is only required off a main road access point – we are accessing from an existing driveway that is already off the road.</p>
<p>The applicant is to demonstrate that vehicles still have suitable access to this compound. Particularly with regards to reversing trailers from the landing area into the compound.</p>	<p>The existing access to this area has been maintained and is not impacted. The proposed location is between the existing trees out of the line of existing access way.</p>
<p>Access to the concourse/pitch level from the bin shed.</p>	<p>No ramp facilitating this operation is currently provided at the venue within the area of the</p>



Item	Response
A ramp needs to be provided to allow cleansing staff to wheel bins to and from the bin shed to the concourse/pitch level. The gradient of the ramp is to be greater than 1 in 8.	project works and is beyond the scope of this project. The existing situation has been maintained.
Is this a room or bay? Does it have a roof? Council requires this facility to be a secure room with floor waste connected to the sewer, suitably ventilated and vermin proof.	The plans provided with the original application material designate the construction of a new waste storage area, noting the room will be designed in accordance with Council's Waste Management Guidelines. For clarity, the existing waste facilities on site will remain operational and able to service the site on game days as capacity of game days is not increasing. The new waste room will only be used for the CoE and office/administration outside of game days.

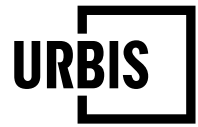
Yours sincerely,

Stephen White
Director
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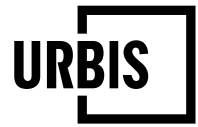
APPENDIX A

CIVIL RESPONSES



APPENDIX B

WASTE TRUCK SWEPT PATH ANALYSIS



APPENDIX C

STORMWATER AND SITE WORKS CONCEPT PLAN