

DEVELOPMENT APPLICATION ASSESSMENT REPORT

Application Number:	DA2021/2472
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Responsible Officer:	Maxwell Duncan
Land to be developed (Address):	Lot 10 DP 1177, 0 Pittwater Road MANLY NSW 2095 Lot 11 DP 1177, 0 Pittwater Road MANLY NSW 2095 Lot 12 DP 1177, 0 Pittwater Road MANLY NSW 2095 Lot 13 DP 1177, 0 Pittwater Road MANLY NSW 2095 Lot 14 DP 1177, 0 Pittwater Road MANLY NSW 2095 Lot 15 DP 1177, 0 Pittwater Road MANLY NSW 2095 Lot 16 DP 1177, 0 Pittwater Road MANLY NSW 2095 Lot 18 DP 1177, 0 Pittwater Road MANLY NSW 2095 Lot 3 DP 1079222, 0 Pittwater Road MANLY NSW 2095 Lot 1 DP 1079502, 0 Pittwater Road MANLY NSW 2095 Lot 2 DP 537807, 0 Pittwater Road MANLY NSW 2095 Lot 1 DP 177459, 0 Pittwater Road MANLY NSW 2095 Lot 8 DP 1177, 0 Pittwater Road MANLY NSW 2095 Lot 9 DP 1177, 0 Pittwater Road MANLY NSW 2095 Lot 19 DP 1177, 0 Pittwater Road MANLY NSW 2095 Lot 20 DP 1177, 0 Pittwater Road MANLY NSW 2095 Lot 5 DP 1177, 0 Pittwater Road MANLY NSW 2095 Lot 6 DP 1177, 0 Pittwater Road MANLY NSW 2095 Lot 7 DP 1177, 0 Pittwater Road MANLY NSW 2095 Lot 1 DP 535058, 0 Pittwater Road MANLY NSW 2095 Lot 1 DP 931708, 0 Pittwater Road MANLY NSW 2095 Lot 2 DP 928762, 0 Pittwater Road MANLY NSW 2095 Lot 17 DP 1177, 0 Pittwater Road MANLY NSW 2095
Proposed Development:	Use of land for a music event including temporary installation of a stage, fencing, toilets, bar and food stalls at Keirle Park, Manly
Zoning:	Manly LEP2013 - Land zoned RE1 Public Recreation Manly LEP2013 - Land zoned RE2 Private Recreation
Development Permissible:	Yes
Existing Use Rights:	No
Consent Authority:	Northern Beaches Council
Delegation Level:	NBLPP
Land and Environment Court Action:	No
Owner:	Northern Beaches Council
Applicant:	Zaccaria Concerts & Touring

Application Lodged:	21/12/2021
Integrated Development:	No
Designated Development:	No
State Reporting Category:	Other

Notified:	19/01/2022 to 16/02/2022
Advertised:	19/01/2022
Submissions Received:	0
Clause 4.6 Variation:	Nil
Recommendation:	Approval

Estimated Cost of Works:	\$ 253,000.00
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EXECUTIVE SUMMARY

The development application seeks approval to the temporary use of Keirle Park, Manly for a one day music event called "By the C". The event will have a patron capacity of up to 8,000 Persons. The event is scheduled to be held on Sunday 20 March 2022.

The subject site is zoned RE1 Public Recreation under the provisions of the Manly Local Environmental Plan 2013 (MLEP 2013), and the proposed development is permissible with consent.

The public exhibition period generated no submissions.

The application proposes to utilise Council land (Keirle Park). As the application proposes to operate on Council land, the application is referred to the Northern Beaches Local Planning Panel.

Council is currently awaiting outstanding external referral responses from NSW Police, Transport for NSW (TfNSW) and NSW Health. Council is satisfied that the proposed development can be supported, given previous responses from these referral bodies for outdoor music events at this site that have been considered in the assessment report. Any referral responses received prior to the Northern Beaches Local Planning Panel on the 2 March 2022 will be addressed via supplementary memo to the panel.

Accordingly, based on the detailed assessment contained in this report, it is recommended that the application be determined by way of approval.

PROPOSED DEVELOPMENT IN DETAIL

The proposal is for the use of the playing fields at Keirle Park for an outdoor music event called "By the C" on 20 March 2022.

Proposed Operational Details:

- Date: Sunday 20 March 2022
- Event Duration: 12pm - 10pm (Final musical act to finish 9pm)
- Bars and food serving: 12pm - 8:30pm
- Patron Capacity: 8,000.
- Staff: 400

Event bump-in works will be carried out in preparation for the event from 17 March to 19 March 2022. 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 services, provision of free water stations, and erection of temporary structures for medical services, box office and backstage rooms. Temporary fencing will be erected around the site of the music event.

Intermittent sound checking will occur from 5pm to 8pm on Saturday 19 March and from 10am on the day of the event (20 March).

Works will be carried out to remove all structures on 22 March 2022.

The proposal includes a COVID- 19 Safety Plan, Traffic Management Plan, Security Management Plan, Event Health Plan, Turf Protection Plan, Acoustic Report/Plan, Event Management Plan, Waste Management Plan, Flood Management Plan and Emergency Management Plan.

ASSESSMENT INTRODUCTION

The application has been assessed in accordance with the requirements of the Environmental Planning and Assessment Act 1979 and the associated Regulations. In this regard:

- An assessment report and recommendation has been prepared (the subject of this report) taking into account all relevant provisions of the Environmental Planning and Assessment Act 1979, and the associated regulations;
- A site inspection was conducted and consideration has been given to the impacts of the development upon the subject site and adjoining, surrounding and nearby properties;
- Notification to adjoining and surrounding properties, advertisement (where required) and referral to relevant internal and external bodies in accordance with the Act, Regulations and relevant Development Control Plan;
- A review and consideration of all submissions made by the public and community interest groups in relation to the application;
- A review and consideration of all documentation provided with the application (up to the time of determination);
- A review and consideration of all referral comments provided by the relevant Council Officers, State Government Authorities/Agencies and Federal Government Authorities/Agencies on the proposal.

SUMMARY OF ASSESSMENT ISSUES

Assessment - Concurrence – NSW Roads and Maritime Services - SEPP Infrastructure (cl 104 Traffic-generating development)

Manly Local Environmental Plan 2013 - 6.21 Noise impacts—licensed premises

Manly Development Control Plan - 3.4.2 Privacy and Security

Manly Development Control Plan - 3.8 Waste Management

SITE DESCRIPTION

Property Description:	Lot 10 DP 1177 , 0 Pittwater Road MANLY NSW 2095 Lot 11 DP 1177 , 0 Pittwater Road MANLY NSW 2095 Lot 12 DP 1177 , 0 Pittwater Road MANLY NSW 2095 Lot 13 DP 1177 , 0 Pittwater Road MANLY NSW 2095 Lot 14 DP 1177 , 0 Pittwater Road MANLY NSW 2095 Lot 15 DP 1177 , 0 Pittwater Road MANLY NSW 2095 Lot 16 DP 1177 , 0 Pittwater Road MANLY NSW 2095 Lot 18 DP 1177 , 0 Pittwater Road MANLY NSW 2095 Lot 3 DP 1079222 , 0 Pittwater Road MANLY NSW 2095 Lot 1 DP 1079502 , 0 Pittwater Road MANLY NSW 2095 Lot 2 DP 537807 , 0 Pittwater Road MANLY NSW 2095 Lot 1 DP 177459 , 0 Pittwater Road MANLY NSW 2095
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	<p>Lot 8 DP 1177 , 0 Pittwater Road MANLY NSW 2095</p> <p>Lot 9 DP 1177 , 0 Pittwater Road MANLY NSW 2095</p> <p>Lot 19 DP 1177 , 0 Pittwater Road MANLY NSW 2095</p> <p>Lot 20 DP 1177 , 0 Pittwater Road MANLY NSW 2095</p> <p>Lot 5 DP 1177 , 0 Pittwater Road MANLY NSW 2095</p> <p>Lot 6 DP 1177 , 0 Pittwater Road MANLY NSW 2095</p> <p>Lot 7 DP 1177 , 0 Pittwater Road MANLY NSW 2095</p> <p>Lot 1 DP 535058 , 0 Pittwater Road MANLY NSW 2095</p> <p>Lot 1 DP 931708 , 0 Pittwater Road MANLY NSW 2095</p> <p>Lot 2 DP 928762 , 0 Pittwater Road MANLY NSW 2095</p> <p>Lot 17 DP 1177 , 0 Pittwater Road MANLY NSW 2095</p>
<p>Detailed Site Description:</p>	<p>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.</p> <p>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.</p> <p>Keirle Park is owned by Northern Beaches Council and is classified as Community Land under the Local Government Act 1993.</p>

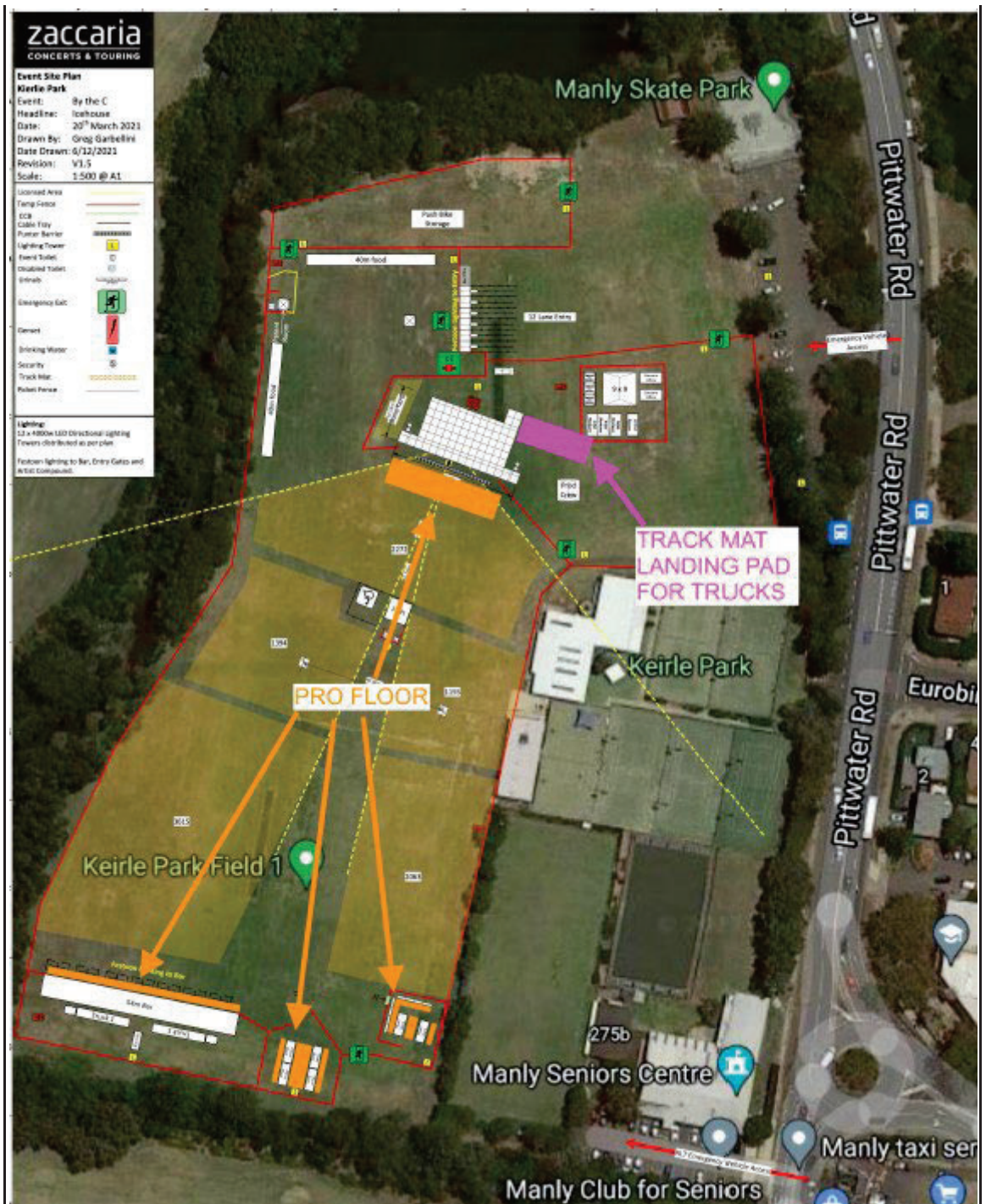


Image 1- Proposed concert area.

Map:



SITE HISTORY

The land has been used for community purposes for an extended period of time. A search of Council's records has revealed the following relevant history:

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.

On 6 March 2020 Council approved DA2019/1195 for the use of land for a music event including temporary installation of a stage, fencing toilets, bar and markets. The music event was known as "The Drop Festival".

ENVIRONMENTAL PLANNING AND ASSESSMENT ACT, 1979 (EPAA)

The relevant matters for consideration under the Environmental Planning and Assessment Act, 1979, 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	Draft State Environmental Planning Policy (Remediation of Land) seeks to replace the existing SEPP No. 55 (Remediation of Land). Public consultation on the draft policy was completed on

Section 4.15 Matters for Consideration	Comments
	13 April 2018. The subject site has been used for community purposes for an extended period of time. The proposed development retains the community use of the site, and is not considered a contamination risk.
Section 4.15 (1) (a)(iii) – Provisions of any development control plan	Manly Development Control Plan applies to this proposal.
Section 4.15 (1) (a)(iia) – Provisions of any planning agreement	None applicable.
Section 4.15 (1) (a)(iv) – Provisions of the Environmental Planning and Assessment Regulation 2000 (EP&A Regulation 2000)	<p><u>Division 8A</u> of the EP&A Regulation 2000 requires the consent authority to consider "Prescribed conditions" of development consent. These matters have been addressed via a condition of consent.</p> <p><u>Clause 50(1A)</u> of the EP&A Regulation 2000 requires the submission of a design verification certificate from the building designer at lodgement of the development application. This clause is not relevant to this application.</p> <p><u>Clauses 54 and 109</u> of the EP&A Regulation 2000 allow Council to request additional information. Additional information was requested in relation to waste management.</p> <p><u>Clause 92</u> of the EP&A Regulation 2000 requires the consent authority to consider AS 2601 - 1991: The Demolition of Structures. This clause is not relevant to this application.</p> <p><u>Clauses 93 and/or 94</u> of the EP&A Regulation 2000 requires the consent authority to consider the upgrading of a building (including fire safety upgrade of development). This clause is not relevant to this application.</p> <p><u>Clause 98</u> of the EP&A Regulation 2000 requires the consent authority to consider insurance requirements under the Home Building Act 1989. This clause is not relevant to this application.</p> <p><u>Clause 98</u> of the EP&A Regulation 2000 requires the consent authority to consider the provisions of the Building Code of Australia (BCA). This matter has been addressed via a condition of consent.</p> <p><u>Clause 143A</u> of the EP&A Regulation 2000 requires the submission of a design verification certificate from the building designer prior to the issue of a Construction Certificate. This clause is not relevant to this application.</p>
Section 4.15 (1) (b) – the likely impacts of the development, including environmental impacts on the natural and built environment	<p>(i) Environmental Impact</p> <p>The environmental impacts of the proposed development on the natural and built environment are addressed under the Manly Development Control Plan section in this report.</p>

Section 4.15 Matters for Consideration	Comments
and social and economic impacts in the locality	<p>(ii) Social Impact The proposed development will not have a detrimental social impact in the locality considering the character of the proposal.</p> <p>(iii) Economic Impact 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 considered suitable for the proposed development.
Section 4.15 (1) (d) – any submissions made in accordance with the EPA Act or EPA Regs	See discussion on “Notification & Submissions Received” 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.

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 a special event and is consistent with the desired use of the site.

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 consistent with other provisions of the Keirle Park Plan of Management.

EXISTING USE RIGHTS

Existing Use Rights are not applicable to this application.

BUSHFIRE PRONE LAND

The site is not classified as bush fire prone land.

NOTIFICATION & SUBMISSIONS RECEIVED

The subject development application has been publicly exhibited from 19/01/2022 to 16/02/2022 in accordance with the Environmental Planning and Assessment Act 1979, Environmental Planning and Assessment Regulation 2000 and the Community Participation Plan.

As a result of the public exhibition of the application Council received no submissions.

REFERRALS

Internal Referral Body	Comments
Building Assessment - Fire and Disability upgrades	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 inclusion of the attached conditions to protect persons using/ attending the event and to facilitate their egress from the site in the event of an emergency or fire.
Environmental Health (Acid Sulphate)	<p>General Comments</p> <p>Application is a for a music festival. As such, Acid sulphate soils are unlikely to be disturbed.</p> <p>Recommendation</p> <p>Supported - no conditions</p>
Environmental Health (Industrial)	<p>General Comments</p> <p>Application is for a music festival on Sunday 20 March. Performances will run from 12.00 p.m. to 9.00 p.m with setup and system checks prior.</p> <p>The applicant has provided an Event Noise Management Plan by Lloyd George Acoustics Pty Ltd dated 25/11/21 (reference: 21116854-01). The Management Plan undertakes modelling of potential noise impacts and has set limits for the event and proposes a number of recommendations.</p> <p>Recommendation</p> <p>Supported - subject to conditions</p>
Environmental Health (Food Premises, Skin Pen.)	General Comments

Internal Referral Body	Comments
	<p>Application is for a music festival on Sunday 20 March.</p> <p>This referral response is specifically concerned with the planned food stalls and their requirement to comply with the relevant regulations ensure adequate food safety outcomes. To protect public health, Environmental Health also recommend appropriate conditions regarding sanitary facilities.</p> <p>The proposal is supported with the recommendation to include appropriate conditions of consent in the approval.</p> <p>Recommendation</p> <p>The proposal is Supported - subject to conditions</p>
NECC (Bushland and Biodiversity)	<p>The Biodiversity Referrals Body raises no objections to the proposal, subject to conditions.</p> <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). 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. The event proposal does not include any removal of native vegetation.</p> <p>Any perimeter fencing adjoining bushland along the northern, western and southern boundaries of the festival site must be a minimum of 5 metres from the dripline (canopy) of existing trees. Subject to recommended conditions, the proposal is unlikely to result in long-term impact to wildlife habitat or terrestrial biodiversity at the site.</p>
NECC (Coast and Catchments)	<p>This application was assessed in consideration of:</p> <ul style="list-style-type: none"> • Supplied plans and reports; • Coastal Management Act 2016; • State Environmental Planning Policy (Coastal Management) 2018 (clauses 13, 14 & 15); and • Relevant LEP and DCP clauses. <p>The application meets the requirements of the relevant Environmental Planning Instruments and policies.</p>
NECC (Riparian Lands and Creeks)	<p>This application has been assessed against relevant legislation and policy relating to waterways, riparian areas, and groundwater.</p> <p>As this site drains into Manly Lagoon , the development must not significantly impact on the biophysical, hydrological or ecological integrity of these waters, or on the quantity and quality of surface and ground water flows to creeks or the lagoon. No utilities or services are</p>

Internal Referral Body	Comments
	<p>to be placed in the riparian corridor, all services and utilities must remain within in the fenced area as illustrated in the Statement of Environmental Effects prepared by Zaccaria Concerts and Touring .</p> <p>This application, subject to conditions, is supported as it is unlikely to have an adverse effect on the integrity and resilience of the biophysical, ecological and hydrological environment of Manly Lagoon and its surrounding environment if conditions are adhered to.</p>
NECC (Stormwater and Floodplain Engineering – Flood risk)	<p>The proposed development is for the utilisation of Keirle Park for a music festival with up to 8,000 patrons. Keirle Park is subject to high levels of flood hazard.</p> <p>The applicant has provided a comprehensive Flood Risk Management Report prepared by Northern Beaches Consulting Engineers - dated 10 December 2021. Provided the recommendations of the Flood Risk Management Report are implemented the risk to life can be appropriately managed and the application is supported, subject to conditions.</p>
Parks, reserves, beaches, foreshore	<p>The development application is for the temporary use of Keirle Park for a music festival known as By The C. Keirle Park is public reserve land zoned RE1 Public Recreation.</p> <p>Under the Manly Local Environmental Plan 2013, the objectives of the zone include: 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; and to ensure that the height and bulk of any proposed buildings or structures have regard to existing vegetation, topography and surrounding land uses.</p> <p>Keirle Park is contained within public land bounded by Pittwater Road, Manly Lagoon and the creek foreshore, and the Manly Golf course.</p> <p>The proposal includes erection of 2 metre high fencing as indicated on the plans to create a safe work space and delineate the festival zone, and removal at the completion of the event. The fencing shall be aligned such that public access outside of the fencing is continuous and not interrupted from gaining access to the public reserve areas outside of the fencing. The event is predominately upon Keirle Park playing field No. 1.</p> <p>Various structures such as the stage, lighting tower, sheds, event facilities, and fencing are to be erected temporarily and the construction supports includes concrete blocks and otherwise pads that are placed on the existing surface, as illustrated in the Master Set and other associated structural design documents. No excavation of the existing ground surfaces is proposed nor permitted, and conditions of consent shall be imposed.</p>

Internal Referral Body	Comments
	<p>A Turf Protection Plan is submitted and the protection measures as outlined are acceptable and conditions of consent shall be imposed to protect the existing playing field grass surface, in accordance with the submitted Turf Protection Map.</p> <p>Parks Reserves and Foreshores Referral raise no concerns, subject to conditions of consent as imposed, including the requirement to apply for a Working and Access on Reserves Permit.</p>
Strategic and Place Planning (Heritage Officer)	HERITAGE COMMENTS
	Discussion of reason for referral
	<p>The proposal has been referred to Heritage as it is within the vicinity of heritage items</p>
	<p>I154 - Group of 2 storey residential flat buildings - Eurobin Avenue</p>
	<p>I166 - Row of Norfolk Island Pine Trees (Araucaria heterophylla) - Lagoon Park</p>
	<p>I214 - Former tram depot complex and associated buildings - Pittwater Road (corner of Balgowlah Road)</p>
	Details of heritage items affected
	<p>Details of the items as contained within the Manly inventory is as follows:</p>
	<p>Item I154 - Group of 2 storey residential flat buildings <u>Statement of significance:</u> A fine example of flat buildings.</p> <p><u>Physical description:</u> Two to three storey brick flats.</p>
	<p>Item - I166 - Row of Norfolk Island Pine trees (Araucaria heterophylla) <u>Statement of significance:</u> Listed for its aesthetic importance.</p> <p><u>Physical description:</u> A row of Norfolk Island Pine trees planted between the boundary of private allotments and the Lagoon Park. Visually prominent landscape elements.</p>
	<p>I214 - Former tram depot complex and associated buildings <u>Statement of Significance</u> Listed as a major significance due to its association with the development of trams/transport in Manly, the complex demonstrates the scale and facilities required in small tram depots. One of two sites remaining associated with trams.</p> <p><u>Physical Description</u></p>

Internal Referral Body	Comments
	<p>The remaining buildings on site are those constructed in 1911 as the office block and tram shed. The single storey brick office building on the east side of the depot has been substantially altered and partly re-roofed. The original roof with ridge tiles survives along the wing at the rear. The tram shed has been substantially altered - its northern and western walls and roof have been replaced, although the steel structure and other brick walls survive. All tram tracks appear to have been removed</p>
Other relevant heritage listings	
Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005	No
Australian Heritage Register	No
NSW State Heritage Register	No
National Trust of Aust (NSW) Register	
RAIA Register of 20th Century Buildings of Significance	No
Other	N/A
Consideration of Application	
<p>The proposal seeks consent for a musical festival at Keirle Park in Manly. This proposal includes the use of the space and the erection of temporary facilities such as fencing, the stage and related amenities. The heritage items are located to the east of the park, across Pittwater Road. The pine trees are within Lagoon Park while the heritage item in Eurobin Avenue covers all properties along the northern side of the street. The former tram depot is south of the other heritage items at the SE corner of Pittwater and Balgowlah Roads. As the musical festival is a temporary event and is separated from the heritage items via Pittwater Road, there is considered to be no impact to the heritage items or their significance.</p>	
Therefore Heritage raises no objections and requires no conditions.	
Consider against the provisions of CL5.10 of MLEP.	
Is a Conservation Management Plan (CMP) Required? No	
Has a CMP been provided? No	
Is a Heritage Impact Statement required? No	
Has a Heritage Impact Statement been provided? No	
Further Comments	
COMPLETED BY: Brendan Gavin, Principal Planner	
DATE: 5 January 2022	

Internal Referral Body	Comments
Traffic Engineer	<p>The Traffic Management Plan prepared by the Traffic Plan Professionals dated 15 November 2021 has been reviewed and compared to those for previous events held at this location. The TMP is divided into bump-in/bump-out and event plans address the various stages of the event.</p> <p>Several of the assumptions made in the proposed plan are not supported, but can be addressed through conditions of consent. There is to be no event parking in the local streets surrounding the event site, with the applicant to direct patrons to parking at various nearby locations, including but not limited to, Park'n'Ride Manly Vale, Council's public parking areas and pay parking stations in Manly and Dee Why.</p> <p>The bulk of patrons are to be directed to arrive by public transport services, and as such the applicant is to liaise with the transport providers to increase services to and from the event at appropriate frequency to manage the number of patrons expected at the event. Variable Message Signs are to be located on all approaches to the event site to the satisfaction of Council's Transport Manager with Concurrence from TfNSW.</p> <p>The application is supported subject to the compliance with the conditions provided.</p>
Waste Officer (Council Land)	<p>Updated Waste Services Referral (Based on correspondence with Applicant, council ref. 2022/066987)</p> <p>Recommendation – Support, subject to conditions:</p> <p>- Standard Northern Beaches Council Event Waste Management Guidelines plus:</p> <ul style="list-style-type: none"> · The sale or distribution of packaged water is prohibited. This includes water in steel and aluminium cans, plastic and glass bottles and cardboard tetra packs. · Festival hire water stations must be hired for the event with adequate capacity for the anticipated crowd size. · “Bio-plastic” or biodegradable plastic products must not be sold or distributed at the event such as cups, bowls, cutlery and straws. Paper/Cardboard serving ware is fine. Bamboo or wooden cutlery is fine. · Single use plastic glasses/cups (including wine glasses) are prohibited. All drinks served from bars throughout the event site are served in aluminium cans (excluding water) or paper cups or reusable system plastic cups such as Globelet. · Any item individually wrapped in plastic (including cutlery) is

Internal Referral Body	Comments
	<p>prohibited from being distributed.</p> <ul style="list-style-type: none"> · Coffee cannot be served with plastic lids, coffees to be sold without a lid or a paper pulp lid is to be sourced. · Two weeks or more prior to the event, the applicant must provide Council with a completed Waste management continuation sheet, which lists all stallholders, event sponsors and other onsite vendors etc. and their expected waste and recycling material. <p>The event organiser is supplying waste bins and associated servicing and removal of waste.</p>

External Referral Body	Comments
NSW Police – Crime Prevention Office (Local Command matters)	Council is yet to receive comment from NSW Police. The previous events approved at Keirle Park under DA2019/0054 and DA2019/1195 were both supported by NSW Police, subject to conditions. Previous conditions have been included as part of this recommendation, and any relevant conditions received before determination of this application will be included in a supplementary Memo.

ENVIRONMENTAL PLANNING INSTRUMENTS (EPis)*

All, Environmental Planning Instruments (SEPPs, REPs and LEPs), Development Controls Plans and Council Policies have been considered in the merit assessment of this application.

In this regard, whilst all provisions of each Environmental Planning Instruments (SEPPs, REPs and LEPs), Development Controls Plans and Council Policies have been considered in the assessment, many provisions contained within the document are not relevant or are enacting, definitions and operational provisions which the proposal is considered to be acceptable against.

As such, an assessment is provided against the controls relevant to the merit consideration of the application hereunder.

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

SEPP 55 - Remediation of Land

Clause 7 (1) (a) of SEPP 55 requires the Consent Authority to consider whether land is contaminated. Council records indicate that the subject site has been used for community purposes for a significant period of time with no prior land uses. In this regard it is considered that the site poses no risk of contamination and therefore, no further consideration is required under Clause 7 (1) (b) and (c) of SEPP 55 and the land is considered to be suitable for the community land use.

SEPP (Infrastructure) 2007

Ausgrid

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

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

Comment:

The proposal was referred to Ausgrid who raised no objections.

Roads and Maritime Service (RMS)

Clause 104 and Schedule 3 of the SEPP requires that the following development(s) are referred to the RMS as Traffic Generating Development:

Purpose of Development	Size or Capacity (Site with access to any road)	Size of Capacity (Site with access to classified road or to a road that connects to classified road if access is within 90m of connection, measured along alignment of connecting road)
Apartment or residential flat building	300 or more dwellings	75 or more dwellings
Commercial premises	10,000m ² in area	2,500m ² in area
Commercial premises and industry	15,000m ² in area	4,000m ²
Drive-in take away food outlets	200 or more motor vehicles	Any size of capacity
Educational establishments	50 or more students	Not applicable
Hospital	200 or more beds	100 or more beds
Industry	20,000m ² in area	5,000m ² in area
Land fill, recycling facilities, waste transfer station	Any size or capacity	Not applicable
Motor showrooms	200 or more motor vehicles	50 or more motor vehicles
Parking	200 or more motor vehicles	50 or more motor vehicles
Places of assembly or places of public worship	200 or more motor vehicles	50 or more motor vehicles

Premises licensed under the <i>Liquor Act 1982</i> or the <i>Registered Clubs Act 1976</i>	200 or more motor vehicles	50 or more motor vehicles
Refreshment rooms	200 or more motor vehicles	300m ²
Service stations (including service stations which have retail outlets)	200 or more motor vehicles	Any size or capacity
Shops	2,000m ²	500m ²
Shops and commercial premises	4,000m ²	1,000m ²
Subdivision of land	200 or more allotments where the subdivision includes the opening of a public road	50 or more allotments
Tourist facilities, recreation facilities, showgrounds or sportsgrounds	200 or more motor vehicles	50 or more motor vehicles
Transport terminals, bulk stores, container depots or liquid fuel depots	8,000m ²	Not applicable
Any other purpose	200 or more motor vehicles	

Note: Under Clause 104(2) of the SEPP, 'relevant size of capacity' is defined as meaning:

“(2) (a) in relation to development on a site that has direct vehicular or pedestrian access to any road - the size or capacity specified opposite that development in Column 2 of the Table to Schedule 3, or

(b) in relation to development on a site that has direct vehicular or pedestrian access to a classified road or to a road that connects to a classified road where the access (measured along the alignment of the connecting road) is within 90m of the connection - the size or capacity specified opposite that development in Column 3 of the Table to Schedule 3.”

Comment:

Council is yet to receive a written response from TfNSW, despite this Council notes that the previous two outdoor concerts at Kierle Park were supported by TfNSW. Any comment from TfNSW received before determination of this application will be incorporated into the Council's final recommendation and a separate memo will be prepared for the LPP.

SEPP (Coastal Management) 2018

The site is subject to SEPP Coastal Management (2018). Accordingly, an assessment under the SEPP has been carried out as follows:

13 Development on land within the coastal environment area

- (1) *Development consent must not be granted to development on land that is within the coastal environment area unless the consent authority has considered whether the proposed development is likely to cause an adverse impact on the following:*
 - (a) *the integrity and resilience of the biophysical, hydrological (surface and groundwater) and ecological environment,*
 - (b) *coastal environmental values and natural coastal processes,*

- (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,*
- (d) *marine vegetation, native vegetation and fauna and their habitats, undeveloped headlands and rock platforms,*
- (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,*
- (f) *Aboriginal cultural heritage, practices and places,*
- (g) *the use of the surf zone.*

Comment:

The proposal has been assessed against the above. The application is unlikely to have any significant impact upon coastal environmental values and water quality. Nor will it have any adverse impact upon adjoining or nearby public open spaces including the beach and foreshore.

- (2) *Development consent must not be granted to development on land to which this clause applies unless the consent authority is satisfied that:*
 - (a) *the development is designed, sited and will be managed to avoid an adverse impact referred to in subclause (1), or*
 - (b) *if that impact cannot be reasonably avoided—the development is designed, sited and will be managed to minimise that impact, or*
 - (c) *if that impact cannot be minimised—the development will be managed to mitigate that impact.*

Comment:

The proposal is considered to have minimal or no impact in any of these areas.

14 Development on land within the coastal use area

- (1)
 - (a) *has considered whether the proposed development is likely to cause an adverse impact on the following:*
 - (i) *existing, safe access to and along the foreshore, beach, headland or rock platform for members of the public, including persons with a disability,*
 - (ii) *overshadowing, wind funnelling and the loss of views from public places to foreshores,*
 - (iii) *the visual amenity and scenic qualities of the coast, including coastal headlands,*
 - (iv) *Aboriginal cultural heritage, practices and places,*
 - (v) *cultural and built environment heritage, and*
 - (b) *is satisfied that:*
 - (i) *the development is designed, sited and will be managed to avoid an adverse impact referred to in paragraph (a), or*
 - (ii) *if that impact cannot be reasonably avoided—the development is designed, sited and will be managed to minimise that impact, or*
 - (iii) *if that impact cannot be minimised—the development will be managed to mitigate that impact, and*
 - (c) *has taken into account the surrounding coastal and built environment, and the bulk, scale and size of the proposed development.*

Comment:

The proposed development is not of a permanent nature and is unlikely to have any significant impact on the points listed above.

15 Development in coastal zone generally—development not to increase risk of coastal hazards

Development consent must not be granted to development on land within the coastal zone unless the consent authority is satisfied that the proposed development is not likely to cause increased risk of coastal hazards on that land or other land.

Comment:

The proposed works are considered to have a negligible impact on the surrounding environment and is unlikely to cause an increased risk of coastal hazards on the subject land or other land.

As such, it is considered that the application does not comply / complies with the requirements of the State Environmental Planning Policy (Coastal Management) 2018.

Manly Local Environmental Plan 2013

Is the development permissible?	Yes
After consideration of the merits of the proposal, is the development consistent with:	
aims of the LEP?	Yes
zone objectives of the LEP?	Yes

Compliance Assessment

Clause	Compliance with Requirements
5.21 Flood planning	Yes
6.1 Acid sulfate soils	Yes
6.2 Earthworks	Yes
6.6 Riparian land and watercourses	Yes
6.12 Essential services	Yes
6.21 Noise impacts—licensed premises	Yes

Detailed Assessment

6.21 Noise impacts—licensed premises

The application proposes to serve alcohol through to patrons through pop-up bars from 12pm to 8:30pm on the day of the event. The proposal incorporates acoustic measures as part of the development, as detailed in the plans and Acoustic Report. The mitigation measures are summarised as follows:

- System checks will only occur during a prescribed time-period
- The Event will finish at a prescribed time to minimise impact to residential premises (last music act finishing at 9pm, gates closing at 10pm)

- A sound level meter will be located at the front-of-house mixing desk showing the actual and allowable noise levels;
- The event management will nominate a person responsible for ensuring the noise limits are adhered to. The production crew will be instructed to ensure that any request to reduce the PA volumes by the nominated person is acted upon immediately;
- An information sheet will be sent to affected residents. Residents within the 65 dB LAeq(5min) contour (Figure 3-1) is generally used. The information provided to residents will state the start and finish times for the Event; the noise monitoring program being undertaken; and details of the noise complaints and information line.

Council's Environmental Health Officer has reviewed the proposal, including the Acoustic Report, and considers appropriate measures are included to prevent noise nuisance. As such, the proposal is supportable in relation to noise impacts, subject to the recommended conditions of consent.

Manly Development Control Plan

Compliance Assessment

Clause	Compliance with Requirements	Consistency Aims/Objectives
3.4 Amenity (Views, Overshadowing, Overlooking /Privacy, Noise)	Yes	Yes
3.4.2 Privacy and Security	Yes	Yes
3.5 Sustainability - (Greenhouse Energy Efficiency, Thermal Performance, and Water Sensitive Urban Design)	Yes	Yes
3.6 Accessibility	Yes	Yes
3.8 Waste Management	Yes	Yes
3.9 Mechanical Plant Equipment	Yes	Yes
3.10 Safety and Security	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 proposal includes an acoustic report prepared by a qualified Acoustic Consultant (Lloyd George Acoustics). The Acoustic report identifies that the proposal will generate noise during the event (12:00pm to 10:00pm), and for system checks from 3:00pm to 6:00pm the day before the event and 10:00am to 12:00pm on the day of the event.

The report 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.

The residential property that are at most risk of noise impact during the event is shown to be the residential flat building at 1 Eurobin Street, Manly to the east of Keirle Park.



Image 1 - Maximum noise levels (dB (a)) during event and impact to neighbouring residential properties. Image taken from Acoustic Report

The Acoustic report includes a number of Noise mitigation recommendations, which include a complaints mechanism and the ability to provide additional noise monitoring in response to any complaints received during the event. As noted previously within the report, 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 has been reviewed Waste Officer, Council's waste officer supports the proposal, 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.

CRIME PREVENTION THROUGH ENVIRONMENTAL DESIGN

The proposal is consistent with the principles of Crime Prevention Through Environmental Design.

POLICY CONTROLS

Northern Beaches Section 7.12 Contributions Plan 2021

The proposal is subject to the application of Northern Beaches Section 7.12 Contributions Plan 2021.

A monetary contribution of \$2,530 is required for the provision of new and augmented public infrastructure. The contribution is calculated as 1% of the total development cost of \$253,000.

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

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.

In consideration of the proposal and the merit consideration of the development, the proposal is considered to be:

- Consistent with the objectives of the DCP
- Consistent with the zone objectives of the LEP
- Consistent with the aims of the LEP
- Consistent with the objectives of the relevant EPIs
- Consistent with the objects of the Environmental Planning and Assessment Act 1979

An assessment of the proposed development has found the proposal has sufficient merit, has addressed the relevant planning and environmental issues and is a suitable and appropriate development for the site and locality.

The proposal is assessed as being consistent with Manly LEP 2013 and the general principles of Manly DCP 2013 as well as the relevant SEPP's.

The report addresses all relevant considerations within this report and conditions have been imposed in relation to the operational aspects of the music event to ensure the event takes place in line with the public interest.

It is considered that the proposed development satisfies the appropriate controls and that all processes and assessments have been satisfactorily addressed.

RECOMMENDATION

THAT the Northern Beaches Local Planning Panel, on behalf of Northern Beaches Council as the consent authority grant Development Consent to DA2021/2472 for Use of land for a music event including temporary installation of a stage, fencing, toilets, bar and food stalls - Keirle Park on land at Lot 10 DP 1177, 0 Pittwater Road, MANLY, Lot 11 DP 1177, 0 Pittwater Road, MANLY, Lot 12 DP 1177, 0 Pittwater Road, MANLY, Lot 13 DP 1177, 0 Pittwater Road, MANLY, Lot 14 DP 1177, 0

Pittwater Road, MANLY, Lot 15 DP 1177, 0 Pittwater Road, MANLY, Lot 16 DP 1177, 0 Pittwater Road, MANLY, Lot 18 DP 1177, 0 Pittwater Road, MANLY, Lot 3 DP 1079222, 0 Pittwater Road, MANLY, Lot 1 DP 1079502, 0 Pittwater Road, MANLY, Lot 2 DP 537807, 0 Pittwater Road, MANLY, Lot 1 DP 177459, 0 Pittwater Road, MANLY, Lot 8 DP 1177, 0 Pittwater Road, MANLY, Lot 9 DP 1177, 0 Pittwater Road, MANLY, Lot 19 DP 1177, 0 Pittwater Road, MANLY, Lot 20 DP 1177, 0 Pittwater Road, MANLY, Lot 5 DP 1177, 0 Pittwater Road, MANLY, Lot 6 DP 1177, 0 Pittwater Road, MANLY, Lot 7 DP 1177, 0 Pittwater Road, MANLY, Lot 1 DP 535058, 0 Pittwater Road, MANLY, Lot 1 DP 931708, 0 Pittwater Road, MANLY, Lot 2 DP 928762, 0 Pittwater Road, MANLY, Lot 17 DP 1177, 0 Pittwater Road, 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		
Drawing No.	Dated	Prepared By
Event Site Plan	6 December 2021	Greg Garbellini
Event Evacuation Plan	1 December 2021	Greg Garbellini
Event Site Plan	6 December 2021	Greg Garbellini
Sh-1/ ISO Skeleton Render/ Front Skeleton Render	14 August 2017	H. McConchie
Sh-2/ ISO Skinned Render/ Front Skinned Render	14 August 2017	H. McConchie
Sh-3/ leg Dimensions/Apex Dimensions	14 August 2017	H. McConchie
Sh-4/ Stage Deck Dimensions/ Trim Heights	14 August 2017	H. McConchie
Sh-5/ Expanded Top/ Expanded Front	14 August 2017	H. McConchie
Sh-6/ Section plan below stage	14 August 2017	H. McConchie
Sh-7/ Roof frame plan	14 August 2017	H. McConchie
Sh-8/ Front Elevation	14 August 2017	H. McConchie
Sh-9/ Side Elevation	14 August 2017	H. McConchie
Elevations/ Revision 2	6 October 2010	Nomad Modular Building
Wall frame layout/ Revision 2	6 October 2010	Nomad Modular Building
Plan/ Revision 2	6 October 2010	Nomad Modular Building

Reports / Documentation – All recommendations and requirements contained within:		
Report No. / Page No. / Section No.	Dated	Prepared By
Traffic Management Plan	15 November 2021	Traffic Plan Professionals
Security Consultant Plan	N/A	Ashleigh Brett
Risk Management Plan	N/A	Zaccaria Concerts and Touring
Event Noise Management/ Reference: 21116854-01	N/A	Lloyd George Acoustics
Flood Risk Management Report	10 December 2021	Hannah Stublely
Event Management Plan	23 July 2021	Zaccaria Concerts and Touring
Event Health Plan	N/A	Event Health Management
Emergency Management and Evacuation Plan	N/A	Zaccaria Concerts and Touring
Covid-19 Safety Plan for Large Events	N/A	Event Health Management

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

d) The development is to be undertaken generally in accordance with the following:

Waste Management Plan		
Drawing No/Title.	Dated	Prepared By
Waste Management Plan	25 November 2021	Clean Vibes Pty Ltd

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. 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.

In this clause, allotment of land includes a public road and any other public place.

Reason: Legislative requirement.

3. **General Requirements**

(a) Unless authorised by Council:

Building construction and delivery of material hours are restricted to:

- 7.00 am to 5.00 pm inclusive Monday to Friday,
- 8.00 am to 1.00 pm inclusive on Saturday,
- No work on Sundays and Public Holidays.

Demolition and excavation works are restricted to:

- 8.00 am to 5.00 pm Monday to Friday only.

(Excavation work includes the use of any excavation machinery and the use of jackhammers, rock breakers, excavators, loaders and the like, regardless of whether the activities disturb or alter the natural state of the existing ground stratum or are breaking up/removing materials from the site).

- (b) Should any asbestos be uncovered on site, its demolition and removal must be carried out in accordance with WorkCover requirements and the relevant Australian Standards.
- (c) 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.
- (d) Where demolition works have been completed and new construction works have not commenced within 4 weeks of the completion of the demolition works that area affected by the demolition works shall be fully stabilised and the site must be maintained in a safe and clean state until such time as new construction works commence.
- (e) Onsite toilet facilities (being either connected to the sewer or an accredited sewer management facility) for workers are to be provided for construction sites at a rate of 1 per 20 persons.
- (f) 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.
- (g) The applicant shall bear the cost of all works associated with the development that occurs on Council's property.
- (h) No skip bins, building materials, demolition or excavation waste of any nature, and no hoist, plant or machinery (crane, concrete pump or lift) shall be placed on Council's footpaths, roadways, parks or grass verges without Council Approval.
- (i) Demolition materials and builders' wastes are to be removed to approved waste/recycling centres.
- (j) No trees or native shrubs or understorey vegetation on public property (footpaths, roads, reserves, etc.) or on the land to be developed shall be removed or damaged during construction unless specifically approved in this consent including for the erection of any fences, hoardings or other temporary works.

- (k) 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.
- (l) A "Road Opening Permit" must be obtained from Council, and all appropriate charges paid, prior to commencement of any work on Council property. The owner/applicant shall be responsible for all public utilities and services in the area of the work, shall notify all relevant Authorities, and bear all costs associated with any repairs and/or adjustments as those Authorities may deem necessary.
- (m) The works must comply with the relevant Ausgrid Network Standards and SafeWork NSW Codes of Practice.
- (n) Requirements for new swimming pools/spas or existing swimming pools/spas affected by building works.
- (1) Child resistant fencing is to be provided to any swimming pool or lockable cover to any spa containing water and is to be consistent with the following;

Relevant legislative requirements and relevant Australian Standards (including but not limited) to:

 - (i) Swimming Pools Act 1992
 - (ii) Swimming Pools Amendment Act 2009
 - (iii) Swimming Pools Regulation 2018
 - (iv) Australian Standard AS1926 Swimming Pool Safety
 - (v) Australian Standard AS1926.1 Part 1: Safety barriers for swimming pools
 - (vi) Australian Standard AS1926.2 Part 2: Location of safety barriers for swimming pools.
 - (2) A 'KEEP WATCH' pool safety and aquatic based emergency sign, issued by Royal Life Saving is to be displayed in a prominent position within the pool/spa area.
 - (3) Filter backwash waters shall be conveyed to the Sydney Water sewerage system in sewered areas or managed on-site in unsewered areas in a manner that does not cause pollution, erosion or run off, is separate from the irrigation area for any wastewater system and is separate from any onsite stormwater management system.
 - (4) Swimming pools and spas must be registered with the Division of Local Government.

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

4. **Limitation on this Consent – One Event Only**

This consent is for a one off event, being "By the C" to be held during the following dates:

- (a) Bump-in (start to end of set-up) from 17 to 19 March 2022.
- (b) Event date - 20 March 2022
- (c) Bump-out (finish, removal of all structures and departure) from 22 March 2022

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

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

FEES / CHARGES / CONTRIBUTIONS

5. **Policy Controls**

Northern Beaches 7.12 Contributions Plan 2021

A monetary contribution of \$2,530.00 is payable to Northern Beaches Council for the provision of local infrastructure and services pursuant to section 7.12 of the Environmental Planning & Assessment Act 1979 and the Northern Beaches Section 7.12 Contributions Plan 2021. The monetary contribution is based on a development cost of \$253,000.00.

The monetary contribution is to be paid prior to the issue of the first Construction Certificate or Subdivision Certificate whichever occurs first, or prior to the issue of the Subdivision Certificate where no Construction Certificate is required. If the monetary contribution (total or in part) remains unpaid after the financial quarter that the development consent is issued, the amount unpaid (whether it be the full cash contribution or part thereof) will be adjusted on a quarterly basis in accordance with the applicable Consumer Price Index. If this situation applies, the cash contribution payable for this development will be the total unpaid monetary contribution as adjusted.

The proponent shall provide to the Certifying Authority written evidence (receipt/s) from Council that the total monetary contribution has been paid.

The Northern Beaches Section 7.12 Contributions Plan 2021 may be inspected at 725 Pittwater Rd, Dee Why and at Council's Customer Service Centres or alternatively, on Council's website at www.northernbeaches.nsw.gov.au

This fee must be paid prior to the issue of the Construction Certificate. Details demonstrating compliance are to be submitted to the Principal Certifying Authority.

Reason: To provide for contributions in accordance with the Contribution Plan to fund the provision of new or augmented local infrastructure and services.

6. **Security Bond**

A bond (determined from cost of works) of \$1,500 and an inspection fee in accordance with Council's Fees and Charges paid as security are required to ensure the rectification of any damage that may occur to the Council infrastructure contained within the road reserve adjoining the site as a result of construction or the transportation of materials and equipment to and from the development site.

An inspection fee in accordance with Council adopted fees and charges (at the time of payment) is payable for each kerb inspection as determined by Council (minimum (1) one inspection).

All bonds and fees shall be deposited with Council prior to Construction Certificate or demolition

work commencing, and details demonstrating payment are to be submitted to the Certifying Authority prior to the issue of the Construction Certificate.

To process the inspection fee and bond payment a Bond Lodgement Form must be completed with the payments (a copy of the form is attached to this consent and alternatively a copy is located on Council's website at www.northernbeaches.nsw.gov.au).

Reason: To ensure adequate protection of Council's infrastructure.

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

7. **Flooding**

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

Storage of Goods – G1

Storage areas for hazardous or potentially polluting materials shall not be located 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 dated 10 December 2021.

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. The contact details must be provided to Council.

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.

8. **Traffic Management Plan**

As a result of the site constraints, limited vehicle access and parking, a Traffic Management Plan (TMP) and report shall be prepared by an RMS accredited person and submitted to and approved by the Northern Beaches Council Local traffic Committee prior to issue of any Construction Certificate.

Due to heavy traffic congestion adjoining the site, truck movements will be restricted during the major commuter peak times being 8.00-9.30am and 4.30-6.00pm. Truck movements must be agreed with Council's Traffic prior to submission of the TMP.

The TMP must address following:

- i. Make provision for parking onsite.
- i. Temporary truck standing/ queuing locations in a public roadway/ domain in the vicinity

- of the site are not permitted unless approved by Council
- i Include a Traffic Control Plan(s) prepared by a person with suitable RMS accreditation for any activities involving the management of vehicle and pedestrian traffic
- i The proposed manner in which adjoining property owners will be kept advised of the timeframes for completion of each phase of development/construction process. It must also specify that a minimum Fourteen (14) days notification must be provided to adjoining property owners prior to the implementation of any temporary traffic control measure
- i Proposed protection for Council and adjoining properties
- i Location and capacity of rideshare pick up and drop off (PUDO) zones and the management of these areas.
- i Pedestrian management plans to address the peak event discharge on closing.
- i Public Transport Management plans endorsed by TfNSW and Keolis Downer (service provider region 8).

The TMP shall be prepared in accordance with relevant sections of Australian Standard 1742 – “Manual of Uniform Traffic Control Devices”, RMS’ Manual – “Traffic Control at Work Sites”.

All fees and charges associated with the review of this plan is to be in accordance with Council’s Schedule of Fees and Charges and are to be paid at the time that the Traffic Management Plan is submitted.

Reason: To ensure public safety and minimise any impacts to the adjoining pedestrian and vehicular traffic systems.

9. **Sanitary Facilities**

The minimum number of sanitary facilities to be provided is to be in accordance with Event Starter Guide, NSW Department of Premier and Cabinet (2018). Details demonstrating compliance to be provided to the Principal Certifying Authority.

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

10. **Utilities and Services**

Utility and service lines are not to be located within riparian zones, unless they:

- a) Do not require access tracks for maintenance or other purposes; and
- b) Do not restrict existing vegetation or rehabilitation.

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

Reason: Protection of waterways and riparian lands.

11. **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.

CONDITIONS THAT MUST BE ADDRESSED PRIOR TO ANY COMMENCEMENT

12. Working and Access on Reserves Permit

Works (undertaken by principal contractors working without Council supervision) on land owned or managed by Council require a "Working on Reserves" permit prior to commencement.

Applications can be obtained from Council's website or the Parks and Recreation business unit.

Council reserves the right to cancel the event should weather conditions occur that are likely to damage the playing fields and surrounds such that proceeding use of the land by organised sports competitions are impacted.

The Working and Access on Reserves Permit from Council shall either provide a calculated Bond for any damage to Council's assets, or alternatively at Council's discretion, Council shall rectify damaged assets, and require a monetary contribution for the application for all such works.

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

Reason: Public safety and the protection of Council infrastructure.

13. 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.

14. Erection of Temporary Fencing for Event

Temporary 2 metre high fencing shall be erected along the alignment as shown in the approved Master Set plans and associated structural design documents. The fencing shall be aligned such that public access outside of the fencing is continuous and not interrupted from gaining access to the public reserve areas outside of the fencing.

All fence panels are to be supported by base pads as illustrated on the design documents, and no excavation of the existing ground surface is permitted.

The applicant shall remove the fencing at the completion of the event in accordance with the proposed dates as identified in the Statement of Environmental Effects, and any damage to the existing ground surface shall be rectified to the satisfaction of Council.

15. Traffic Management Plan

The developer shall apply for a Road Occupancy Licence (ROL) from the RMS Transport Management Centre (TMC) prior to commencing work within the classified road reserve or within 100m of traffic signals. The application will require a Traffic Management Plan (TMP) to be prepared by a person who is certified with 'Prepare a Work Zone Traffic Management' accreditation or equivalent. Should the TMP require a reduction of the speed limit, a Direction to Restrict will also be required from the TMC.

Reason: To inform the relevant Roads Authority of proposed disruption to traffic flows.

16. **Registration of Food Businesses**

All food business trading at the event must:

a: Be in possession of a current and valid approval issued by Northern Beaches Council under section 68 of the Local Government Act 1993,

or

b: lodge the relevant application form (and pay the prescribed application fee) to Northern Beaches Councils Environmental Health Team for approval to trade at the event no less than fourteen (14) days from the date of the event.

Event organiser to provide a list of all the food premises trading at the event no less than seven (7) days from the date of the event to Northern Beaches Council's Environmental Health Team.

Reason: Food premises are required to be registered with the Appropriate Regulatory Authority.

CONDITIONS TO BE COMPLIED WITH DURING DEMOLITION AND BUILDING WORK

17. **Erection of Event Structures and protection of existing Ground Surfaces**

The erection of the proposed structures including Stage, Lighting Tower, Sheds and other associated structures shall be in accordance with the approved Master Set and associated structural design documents, including structure support by concrete blocks and other pads that are placed on the existing surface. No excavation of the existing ground surfaces is permitted.

- Forklifts will be as compact as possible, and fitted with grass tyres when achievable to prevent tearing up of the turf.
- Golf buggies with utility trays shall be utilised on site for site crew.
- Track matting shall form a landing pad at the back of Stage, and in areas that require heavy vehicle movement during bump in/out.
- A dedicated matting track zone shall be provided for the material delivery for the Stage structures and materials, that shall start at the point for the emergency vehicle access area within the carpark and to the Stage area zone required for movement of structures and materials .
- Pro-Floor shall be placed in areas with heavy foot traffic such as in front of Toilets, Bars and front of Stage.

18. **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 playing field surfaces, linemarking, 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.

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

19. **Protection of Habitat Features**

All natural landscape features, including any rock outcrops, native vegetation and/or watercourses, are to remain undisturbed.

Details demonstrating compliance are to be provided to the Principal Certifying Authority prior to issue of any Occupation Certificate.

Reason: To protect wildlife habitat.

20. **Disabled Parking Spaces**

Where disabled parking spaces are provided they must be in accordance with AS2890.6:2009.

Details demonstrating compliance are to be submitted to the Principal Certifying Authority prior to the issue of any Occupation Certificate.

Reason: To ensure compliance with Australian Standards.

21. **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 prepared 10 December 2021. 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 prepared 10 December 2021

22. **Provision of adequate public transport capacity**

The applicant is to provide suitable capacity for access by either event shuttle services or additional public transport service capacity on route services operating in the vicinity.

The applicant is to cater for at least 60% of attendees arriving by and 75% of attendees departing the site by public transport.

Written confirmation of compliance with this requirement from an approved transport service provider is to be submitted to, and approved by Council prior to the issue of any occupation certificate.

Reason: Reduce the impact on parking around the perimeter of the event site

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

23. **Temporary Lighting**

All temporary lighting is to be orientated so that direct illumination of vegetation areas is avoided and light spill minimised. Shielding of lights to reduce unnecessary light spill should be considered.

Photographic evidence of compliance is to be provided to the Principal Certifying Authority.

Reason: To minimise light pollution impacts on nearby wildlife and their habitats.

24. **Rectification of damaged existing Council Assets and Playing Field Surfaces**

At the conclusion of the Event, all temporary fencing, signage, structures, sediment controls and rubbish are to be removed from the site.

Handover following conclusion of the Event is subject to acceptance from Council. Any identified damage to the existing Council assets and ground surfaces as determined by Council shall be rectified by the applicant to the satisfaction of Council, and all associated rectification costs shall be borne by the applicant.

25. **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, Council's Transport Manager and directions from NSW Police.

A physical barrier is to be placed along the Pittwater Road corridor to prevent pedestrians crossing the road at points other than the authorised crossing control points.

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

26. **Existing Bus Stop - operation and management**

Location of existing bus stop on Pittwater Road adjacent to the site frontage must remain in their current locations. Marshals are to be provided to manage the arrival and departure at the event site.

Reason: To ensure services are not relocated at any stage during the event and queues are managed effectively.

27. **Road Occupancy Licence (ROL) from Roads and Maritime Services**

The developer shall apply for a Road Occupancy Licence (ROL) from the RMS Transport Management Centre (TMC) prior to commencing work within the classified road reserve or within 100m of traffic signals. The application will require a Traffic Management Plan (TMP) to be prepared by a person who is certified with 'Prepare a Work Zone Traffic Management' accreditation or equivalent. Should the TMP require a reduction of the speed limit, a Direction to Restrict will also be required from the TMC.

Reason: To inform the relevant Roads Authority of proposed disruption to traffic flows.

28. **Fire Safety Matters and Emergency Egress**

1. The event organisers are to provide suitable fire extinguishers and fire blankets (and where required, other firefighting essential services), on site for the duration of each event day. Such fire safety provisions are to be located in key areas around the outdoor event space (ie. Stages, Screens, Bars, Offices, Generators, and Mobile Food Stalls etc), and be placed in all high risk areas, be well signposted, and in key locations as per the applicants Fire Safety Plan.

2. All exits and pathways to exits are to be clearly marked, accessible at all times and 'site wardens' are to be engaged to ensure clear pathways are maintained in the event of an emergency occurring.

3. A back-up emergency lighting system should be made available to ensure lighting is provided to the degree necessary, for all required 'egress pathways and exits'.

Reason: To protect persons using/attending the event and to facilitate their egress from the site

in the event of an emergency or fire and to restrict the spread of fire.

29. **Structural Certification**

Prior to use of the temporary stage and associated roofing, the temporary lighting and speaker towers and the temporary fencing system, a Structural Engineers Certificate is to be provided to Council certifying that these structures have been erected in compliance with the design documents and in accordance with the Building Code of Australia and any relevant Australian Standards.

30. **Noise Management**

The Event must comply with the following noise requirements:

1. Amplified music to cease at 9pm;
2. A Council allocated officer is to be provided with a contact name and 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; and
3. Compliance with all recommendations contained within the Acoustic Assessment and Noise Management Plan by Noise Consulting & Management Pty Ltd ref 3520 21 Jan 2019 and Section 5.1 within the Statement of Environmental Effects (SEE) submitted with the DA including but not limited to the following requirements:
 - i Resident notification letter to be sent out with contact details for feedback and hotline number as per the area suggest in the Noise Management Plan;
 - i Noise to be limited to 75 dB LAeq(5min) & 90 dB LCeq(5min), as measured at any residential receiver;
 - i Dedicated and monitored hotline set up for event day with all calls being logged;
 - i Noise monitoring on event day by a qualified acoustic engineer at FOH and affected areas;
 - i The event management to nominate a person responsible for ensuring the noise limits are adhered to. Any request to reduce the PA volumes by the nominated person are to be acted upon immediately;
 - i Sound checks are to be performed ahead of time to ensure acceptable limits are adhered to;
 - i A sound level meter is to be located at the front-of-house mixing desk showing the actual and allowable noise levels; and
 - i A report it to be submitted to Northern Beaches Council post event with the results of noise monitoring and any complaints received.

Reason: To minimise the noise impact on residential receivers. (DACHPGOG5)

31. **Food Storage**

As per Northern Beaches Council Temporary Food Stall Requirements, for events that will last 4 hours or longer Cool rooms are to be provided for the storage of potentially hazardous food that is unable to be stored in powered refrigerators/freezers. A maximum of two stalls to share a cool room within 5 metres of entry point of stall.

Reason: Food Safety.

32. **Cleaning and maintenance of toilets during the event**

Dedicated cleaner(s) 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.

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

33. **Perimeter Fencing**

Perimeter fencing is to be erected between the festival area and vegetation on the northern, western and southern boundaries of the reserve. The fencing must be a minimum of 5m from the dripline (canopy) of existing trees.

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

Reason: Protection of native vegetation including threatened ecological communities.

34. **Flood Emergency Response Recommendations**

1) All recommendations of the Flood Risk Management Report prepared by Northern Beaches Consulting Engineers prepared 10 December 2021 should 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 should 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 prepared 10 December 2021 should be made available on-site during Bump In, Day of Event and Bump Out. The Flood Risk Management Report prepared by Northern Beaches Consulting Engineers prepared 10 December 2021 should be attached the event's Emergency or Evacuation Plan.

4) The Flood Evacuation Coordinator and Flood Evacuation Assistant should be fulfilling their responsibilities outlined in the Flood Risk Management Report prepared by Northern Beaches Consulting Engineers prepared 10 December 2021 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.

35. **Maximum capacity**

The maximum number of patrons permitted at the event is 8,000 persons.

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

36. **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:

- i Bump in dates and times
- i Event date and times
- i Bump out dates and times
- i 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.