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21 July 2020

Ms Kim Holt
Project Officer
Planning Panels Secretariat
Via email: enquiry@planningpanels.nsw.gov.au

Dear Kim,

PPSSNH-47: CLARIFICATION & ADDITIONAL INFORMATION

INTRODUCTION

We write on behalf of the Manly Warringah Sea Eagles as the applicant for DA2019/1190 to be heard before the Sydney North Planning Panel (Panel) on Wednesday 29 July 2020.

We understand that the Northern Beaches Council (Council) assessment report dated 15 July 2020 recommends refusal on the following grounds:

- *Satisfaction of the requirements of section 35 of the Local Government Act 1993 as it relates to the Brookvale Oval Plan of Management (POM).*
- *The need to remove 11 heritage listed trees due to the location of the proposal.*

The applicant understands that Council may write to the Panel under separate cover on the matter of the proposal's consistency with the POM, so therefore it is not the intent of this letter to provide additional information on that matter.

We wish to provide clarification relating to the information upon which Council has conducted their assessment, particularly as it relates to the item of tree removal as a reason for refusal. Council's report includes assessment provided by various Council internal referrals. Upon our review, it appears that Council's final independent assessment has not been wholly based on the most recent information provided to Council staff by the applicant, thus leading to inconsistencies.

DISCUSSION

Specifically, the following two items with regard to the assessment report are noted with responses provided.

1. Page 15 to 19: Council's heritage officer has noted that the proposal seeks to offset the proposed removal of 11 heritage listed trees with 7 brush box trees and 4 tuckeroos. The assessment goes on to note, "*Turning to the proposed tree replacement planting option, it is considered to be a poor attempt to offset the loss of the heritage significant trees and is not acceptable. The proposed*

location of the 7 new brush boxes is impacted and constricted by the pedestrian ramp/access area and proposed sewerage and stormwater lines."

The assessment further notes, *"It is considered that there is the potential to further explore additional design options that retain the heritage listed trees. This could include the construction of a basement level on the northern side, reallocation of spaces and a shrinking of the building width. An option exploring a reduction in the size of the area behind the dead ball line on the southern end and shifting the entire field down should also be considered."* Consequently, the assessment concludes that Council's heritage team is unable to support the proposal, noting that there remains the potential to relocate the proposal elsewhere on the site to enable the retention of the heritage item.

Response:

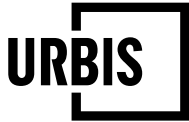
Council's heritage officer has failed to review and assess the documentation provided to Council titled Brookvale Clarifications Pack, dated 18.03.2020 prepared by Hassell. This documentation outlines an improved offset strategy developed in consultation with Council during a subsequent meeting on 27 February 2020. During this meeting, it was discussed with Council that a row planting was critical to pursue if the location of the proposal was unable to be moved. Additionally, this documentation provides clear justification on the location which does not appear to have been considered in Council's independent assessment, while it has been acknowledged and accepted by other internal referrals.

2. Council's landscape officer's assessment is included on page 19 to 22. The assessment notes the following. *"Review of the proposed works in accordance with AS4970-2009 Protection of trees on development sites indicates significant impacts on Trees T47, T48 and T49 which would render them unsuitable for retention."* The assessment provides the incursions into the TPZ of each tree as identified in the Arborist report, being T47 (38%), T48 (47%), and T49 (37%).

Response:

The applicant worked extensively with Council's landscape officer regarding the cumulative impact on trees 47, 48 and 49. Following a redesign of minor and major stormwater infrastructure, an updated Arborist Letter dated 16 June 2020 was provided to Council. This letter was supported by a consolidated stormwater infrastructure technical drawing providing details on the proposed infrastructure forming part of the development to enable a clear assessment on the likely impact to these trees. It was agreed that the revised documents confirmed the trees were able to be retained if sensitive construction techniques were incorporated. It is evident however that this additional information has not been included in Council's independent assessment report, which notes these trees are to be removed as a result of the proposal.

Additionally, the applicant would like to acknowledge condition 31 of Council's draft conditions of consent issued to the applicant on 15 July 2020 which if the Panel were to support the proposal, would require the undergrounding of power lines and changing of tree species. This condition has been included by Council as it improves the offset planting strategy by replacing the trees which are being removed as part of the proposal by the same species as those being removed. The trees would remain in alignment with the current offset strategy along the northern boundary of the site to ensure that the curtilage planting around Brookvale oval remains, reducing the impact to the heritage item.



The applicant has read this draft condition and confirms that they would accept this requirement if the Panel resolved to approve the development.

We believe that this condition requirement, coupled with the proposed replanting tree offset strategy provided to Council on 18 March 2020 would constitute an appropriate outcome that would sufficiently address the loss of tree merit issue raised in the assessment report as a reason for refusal.

For reference and as referenced above, see attached the following information previously provided to Council which does not appear to have formed the basis for their assessment.

- Brookvale Clarifications Pack, dated 18.03.2020 prepared by Hassell
- Arborist Letter, dated 16 June 2020 prepared by Tree Management Strategies

SUMMARY

The intent of this letter is to provide greater context to the Panel in undertaking their assessment and draw attention to information Council officers were provided during the assessment period.

For the reasons outlined above, we are concerned that the assessment of the proposal in respect of the tree loss and the subsequent replanting strategy has not been based on the latest information provided to Council. Therefore, the assessment does not reasonably reflect the amended proposal as issued to Council which is of such significance that it could alter the assessment recommendation of this aspect of the report.

Finally, as stated above, we wish to formally advise the Panel that the applicant would accept the condition to bare the costs of undergrounding the overhead powerlines along the sites frontage to enable replanted advanced grown trees to grow unimpeded and allow a denser canopy to establish. We consider this constitutes an appropriate balancing of the impacts and merits of the proposed centre of excellence facility which will be a significant training, administration and community facility for the Manly Warringah Sea Eagles and women's sporting development and growth.

We look forward to discussing these matters further with you at next week's meeting.

Yours sincerely,

A handwritten signature in black ink that reads "Stephen White". The signature is written in a cursive, flowing style.

Stephen White
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