

**3.14 Lot 1, Part Lot 1 & Lot 6 Pittwater Road, Brookvale – Brookvale Oval – Alterations and Additions to a Major Recreation Facility, Consisting of Extension of Existing Jane Try Stand to the East, West and North and Stormwater On-Site Detention Tanks**

**DEVELOPMENT ASSESSMENT REPORT**

**Assessment Report:** External Consultant – Geoff Goodyer , Symons Goodyer P/d

**Address / Property Description:** Lot 6, DP 785409, Lot B DP 966128, Part Lot 1, DP 114027 and Lot 1 DP 784268, Pittwater Road, Brookvale – Brookvale Oval.

**Description of Proposal:** Alterations and additions to a major recreation facility (Brookvale Oval) consisting of extension of existing Jane Try Stand to the east, west and north and stormwater on-site detention tanks.

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**Development Application No:** DA2011/0544

**Application Lodged:** 27 April 2011

**Plans Reference:** Drawings A100 (Issue J), A104 (Issue I), A105 (Issue A), A200 (Issue C) prepared by Smith & Tzannes

**Amended Plans:** Amended OSD tank design

**Applicant:** Warringah Council

**Owner:** Warringah Council

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**Locality:** F4 Brookvale Valley Locality

**Category:** Category 2

**Draft WLEP 2009 Permissible or Prohibited Land use:** Permissible (Recreation Facilities – Outdoor)

**Variations to Controls (Cl.20/Cl.18(3)):** YES

**Referred to ADP:** Yes

**Referred to WDAP:** No

**Land and Environment Court Action:** No

**SUMMARY**

**Submissions:** One (support)

**Submission Issues:** Requests cafe open outside football days

**Assessment Issues:** Building height

**Recommendation:** Approval

**Attachments:** Site and elevation plans

**LOCALITY PLAN** (not to scale)



**Subject Site:** Lot 6, DP 785409, Lot B DP 966128, Part Lot 1, DP 114027 and Lot 1, DP 784268, Pittwater Road, Brookvale – Brookvale Oval.

**Public Exhibition:** The subject application has been publicly exhibited in accordance with the EPA Regulation 2000, Warringah Local Environment Plan 2000 and Warringah Development Control Plan (adopted 13 December 2005). As a result, the application was advertised in the Manly Daily on 4 June 2011, notified to 152 adjoining land owners and occupiers for a period of 35 calendar days commencing on 3 June 2011 and being finalised on 7 July 2011 and a notice was placed upon the site.

**SITE DESCRIPTION**

The subject site is located on the northern side of Pittwater Road, Brookvale. Brookvale Park is also bounded by Alfred Road, Pine Street and Federal Parade. The subject site is located in an area incorporating a mix of residential, community and commercial development. Brookvale Park contains both a neighbourhood park and the well known Brookvale Sportsground. The Sportsground dominates the centre of the Park and includes three (3) stands along the western and southern side of the oval, uncovered seating, two open grass viewing areas and related facilities and amenities and lighting. A formal car parking area is located on the corner of Alfred and Pittwater Road adjacent to the proposed lift whilst the remainder of the Park combines to form the neighbourhood park.

The subject site is community land and the Brookvale Park Plan of Management was recently adopted to reflect the manner in which the facility may be utilised and developed.

## **SITE HISTORY**

Brookvale Park was officially opened in 1911. The Park was transformed into a showground within the first decade. In 1921, the Brookvale Show was established with the formation of the Warringah Agricultural, Horticultural, Amateur Sports and Athletic Association. Between 1919 and 1928 children from Brookvale School planted trees to commemorate Arbor Day and it was the setting for school sports days and Empire Day picnics.

During the Second World War Brookvale Park was utilised by the Defence Force for training purposes.

The Manly Warringah Rugby League team was elevated to the first grade in 1947 and it played its first game was played at Brookvale Oval. In 1970-71 the oval was reformed to a rectangular playing and spectator area.

Development consent 94/380 was granted on 22 August 1994 for Stage 1 of the Brookvale Oval Redevelopment, including construction of a grandstand for the seating of 7,700 people, erection of light towers, media and corporate box facilities, a function centre, public amenities and car parking. The consent was granted following an independent assessment of the development application as Warringah Council was the applicant, and was subject to a total of 53 conditions. The majority of the works were completed in 1995. Lighting appropriate to meet standards to televise night games was installed in early 2006.

## **PROPOSED DEVELOPMENT**

The proposal can be summarised as follows:

- Alterations and additions to the Jane Try Stand, extending it to the east, west and north.
- Demolition of the existing lower tier seating located adjacent to western side of the field of play (seating reused on site).
- Replacement of existing food and beverage outlets, toilet facilities and bin store located in the north-western portion of the site.
- Construction of a new corporate area, corporate boxes and a re-fit of the existing media boxes on Level 2 of the Jane Try Stand.
- Demolish existing amenities block adjacent to Alfred Road.
- Install additional on-site stormwater detention tanks, including 2 x 25,000 litre tanks under the Southern Stand.

The Jane Try Stand is extended by 20.28 metres to the north to provide two new “bays” of seating. A lift and circulation area is proposed extending 6.855 metres to the north of the Jane Try Stand. The height of the building is largely unchanged from the existing stand, with a maximum height of 17.65 metres to the top of the building and 16.6 metres to the underside of the highest ceiling.

The proposal results in an increase in the floor area of the Jane Try Stand and associated facilities from 1,055.9 m<sup>2</sup> to 1,574.3 m<sup>2</sup>.

The materials proposed to be used in the new building works complement the existing Jane Try Stand and comprise off form concrete for slabs and columns and metal cladding in grey, silver and maroon with a colorbond roof in woodland grey to match the existing roof.



## AMENDMENTS TO THE SUBJECT APPLICATION

Following advice from Council's Development Engineers, the plans for the OSD design were amended and resubmitted to Council on 22 September 2011. The amended plans have been reviewed by Council's Development Engineers and are considered satisfactory to enable an approved subject to conditions.

## STATUTORY CONTROLS

- a) Environmental Planning and Assessment Act 1979 (EPA Act 1979); and
- b) Environmental Planning and Assessment Regulations 2000.
- c) Local Government Act 1993.
- d) SEPP (Infrastructure) 2007.
- e) SEPP 55 – Remediation of Land.
- f) Warringah Local Environment Plan 2000.
- g) Warringah Development Control Plan (adopted 13 December 2005).
- h) Draft Warringah Local Environment Plan 2009.
- i) Brookvale Park Plan of Management, September 2002.

## PUBLIC EXHIBITION

The subject application has been publicly exhibited in accordance with the EPA Regulation 2000, Warringah Local Environment Plan 2000 and Warringah Development Control Plan (adopted 13 December 2005). As a result, the application was advertised in the Manly Daily on 4 June 2011, notified to 152 adjoining land owners and occupiers for a period of 35 calendar days commencing on 3 June 2011 and being finalised on 7 July 2011 and a notice was placed upon the site.

As a result of the public exhibition process one submission was received that supported the proposal and suggested that the food and beverages outlet also be open outside of football days.

## MEDIATION

Has mediation been requested by the objectors?	No
Has the applicant agreed to mediation?	No
Has mediation been conducted?	No

## LAND AND ENVIRONMENT COURT ACTION

The application is not subject to a Land and Environment Court appeal.

## REFERRALS

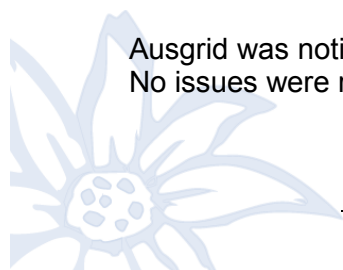
### External Referrals

#### Roads and Traffic Authority

The NSW Roads and Traffic Authority were notified of the development as required by Section 138 of the *Roads Act 1993*. No issues were raised subject to conditions included in the recommendation of this report.

## AUSGRID

Ausgrid was notified of the development according to the provisions of SEPP (Infrastructure) 2007. No issues were raised.



## **Internal Referrals**

### **Building Assessment and Compliance**

The referral has been assessed by Building Assessment and Compliance and there are no objections subject to the conditions.

### **Development Engineers**

The application was referred to Council's Development Engineers in relation to the proposed OSD requirement for the site. In response to this review by Council's Engineers, the OSD design to be incorporated with the new works were further refined and the proposal is considered acceptable subject to conditions of consent.

### **Environmental Health**

The referral has been assessed by Environmental Health and Protection and there are no objections subject to the conditions.

### **Heritage**

#### Listings

The subject site is not a listed item of heritage significance, however is within the vicinity of the following items of heritage significance, listed under WLEP 2000:

#### Brookvale Public School

##### Description

'Sandstock brick with sandstone foundations and hipped & gabled roof. The original building has been modified by the addition of classroom wings which appear to date from the 1920's. Located at the south eastern corner of the school site.'

##### Statement of Significance

'A good representative example of an early 20 Century school building, with a high degree of integrity and much original fabric. Historically the building provides evidence of the early growth of educational infrastructure.'

##### Consideration of the heritage impact

The alterations and additions maintain the existing use of the premises as a public recreation facility. No physical or direct visual relationship exists between the subject site and the Brookvale Public School site. Overall, the bulk and scale of the existing building when viewed from the Brookvale Public School site will be maintained.

Given the spatial separation between the two sites, there will be no visual or physical impacts to the c1920s masonry school building within the Brookvale Public School.

To this effect, no objection is raised to the proposed development on heritage grounds.

### **Landscape**

No objections subject to standard tree protection conditions.

### **Natural Environment**

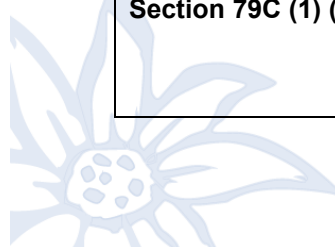
Council's Natural Environmental Unit raised no objection to the proposed development.



## ENVIRONMENTAL PLANNING AND ASSESSMENT ACT, 1979 (EPAA)

The relevant matters for consideration under Section 79C of the Environmental Planning and Assessment Act, 1979, are:

Section 79C 'Matters for Consideration'	Comments
<b>Section 79C (1) (a)(i) – Provisions of any environmental planning instrument</b>	See discussion on “Environmental Planning Instruments” in this report.
<b>Section 79C (1) (a)(ii) – Provisions of any draft environmental planning instrument</b>	See discussion on “Draft Environmental Planning Instruments” in this report.
<b>Section 79C (1) (a)(iii) – Provisions of any development control plan</b>	Warringah Development Control Plan applies to this proposal.
<b>Section 79C (1) (a)(iiia) – Provisions of any planning agreement</b>	None applicable.
<b>Section 79C (1) (a)(iv) – Provisions of the regulations</b>	<p>The EPA Regulations 2000 requires the consent authority to consider the provisions of the Building Code of Australia. This matter has been addressed via a condition of consent.</p> <p>Clause 92 of the EPA Regulations 2000 requires the consent authority to consider AS 2601 - 1991: <i>The Demolition of Structures</i>. This matter has been address via a condition of consent.</p> <p>Clause 94 of the EPA Regulation 2000 requires the consent authority to consider the fire safety upgrade of development. The proposed development has been reviewed by Council’s Building and Compliance Branch and found to comply with the BCA subject to conditions included in the recommendation of this report.</p>
<b>Section 79C (1) (b) – the likely impacts of the development, including environmental impacts on the natural and built environment and social and economic impacts in the locality</b>	<p>(i) The environmental impacts of the proposed development on the natural and built environment are addressed under the General Principles of Development Control in this report.</p> <p>(ii) The proposed development will have a positive social impact in the locality considering the character of the proposal, the improvement to the recreation facilities and the provision of improved access for all persons.</p> <p>(iii) The proposed development will not have a detrimental economic impact on the locality considering the nature of the existing and proposed land use.</p>
<b>Section 79C (1) (c) – the suitability of the site for the development</b>	The site is considered suitable for the proposed development.
<b>Section 79C (1) (d) – any submissions made in accordance with the EPA Act or EPA Regs</b>	See discussion on “Public Exhibition” in this report.
<b>Section 79C (1) (e) – the public interest</b>	The public interest is served by the provision of improved recreational facilities and access for all persons, including those with limited mobility, within a major public sporting facility.



## DRAFT ENVIRONMENTAL PLANNING INSTRUMENTS:

Draft Warringah Local Environmental Plan 2009 (Draft WLEP 2009)

Definition: Recreation facility (major)

Land Use Zone: RE1 Public Recreation

Permissible or Prohibited: Permissible with consent

Additional Permitted uses for particular land – Refer to Schedule 1: N/A

Principal Development Standards:

Development Standard	Required	Proposed	Complies	Clause 4.6 Exception to Development Standard
Minimum Subdivision Lot Size:	N/A	N/A	N/A	N/A
Rural Subdivision:	N/A	N/A	N/A	N/A
No Strata Plan or Community Title Subdivisions in certain rural and environmental zones:	N/A	N/A	N/A	N/A
Height of Buildings:	Not shown on Height of Buildings Map	17.65 metres	Yes	No

The proposed development is consistent with the aims and objectives of the Draft WLEP 2009.

## ENVIRONMENTAL PLANNING INSTRUMENTS (EPI's)

### State Environmental Planning Policies (SEPPs)

#### State Environmental Planning Policy No 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 recreational 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 proposed use.

#### State Environmental Planning Policy - BASIX

**A BASIX certificate is not required to be submitted with this development application.**

#### State Environmental Planning Policy - Infrastructure

Clause 45 of SEPP Infrastructure 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 5m 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 5m of an overhead electricity power line

The proposal is immediately adjacent to an electricity substation. The application was referred to Energy Australia who raised no objections to the proposal subject to conditions which have been included in the recommendation of this report.

## **Local Environment Plans (LEPs)**

### ***Warringah Local Environment Plan 2000 (WLEP 2000)***

#### **Clause 17 – Control of public open space**

The proposed development is on land that is identified as Public Open Space on the WLEP 2000 map. Under clause 17(4), any land use on Public Open Space (other than exempt development) is identified as Category 2 Development. Under Clause 17(2) public open space can be developed for any purpose that is consistent with a plan of management applying to that public open space. The *Brookvale Park Plan of Management* (“BPPM”) applies to this land. It is noted that Brookvale Park is not included in the Sportsgrounds Plan of Management which recognises that Brookvale Park is addressed in a specific plan of management.

The BPPM identifies in its Actions Table (Part 5.7) that a Performance Target (Strategy) is “to ensure all development and proposals adhere to appropriate legislation and take needs of stakeholders into account as well as ensuring that development is based on evident need”. Included in the Means of Achievement (Management Actions) is the following:

*“49. Develop architectural plans for the expansion and improvements of the existing Western Stand (Jane Try Stand).*

*Once the required development assessment procedures and relevant consultation has been undertaken the plans may be implemented.*

*Expansion and redevelopment is to include (but not be limited to) provision of extra seating, corporate and media boxes, amenities lift, new roof and disabled facilities.*

*Council should be satisfied that this development is viable, will not unduly impact on the neighbourhood and is necessary to the ongoing success of Brookvale Park.*

*Action 55 must be undertaken prior to implementation of this action.”*

The proposal is in conformity with the Management Action identified in the BPPM. Consultation has been undertaken, both as part of the public notification process of this development application and, before that, the consultation in 2010 that culminated in the *Straight Talk Report*. The expansion includes extra seating, corporate and media boxes, amenities, lifts and disabled facilities. The proposal is considered to be viable as the Statement of Environmental Effects says the proposal is funded 100% by grants. As detailed in this report, the proposal will not unduly impact on the neighbourhood and is necessary for the ongoing success of Brookvale Park.

Action 55 requires that Council investigate the condition of all Council owned buildings and facilities at Brookvale Park and develop a 5 year plus maintenance and refurbishment schedule to upgrade any buildings where necessary. Council completed this review in May 2010 when the “*Review of Future Maintenance and Upkeep Cost for Brookvale Oval*” was completed for Council by Waypoint Pty Ltd.



Table 5 of the BPPM lists “authorised development”, including:

*“Development authorised for up to an additional 50% of floor space. Expansion and redevelopment may include provision of extra seating, corporate and media boxes, amenities, storage, food and beverage outlet, lift, new roof, hospitality areas and disabled facilities. Development is to be no higher than existing Stand.”*

The proposal results in an increase in floor space of 49%, from 1,055.9m<sup>2</sup> to 1,574.9m<sup>2</sup>. It is no higher than the existing stand. The proposal is for the purposes identified as being authorised development in the BPPM.

The proposal will not disturb bushland on the public open space, so there is no need for a plan of management assessing bushland under clause 17(5) or Schedule 6 of Warringah Local Environmental Plan 2000.

Based on the above, the proposal satisfies the requirements of the General Principle.

### **Desired Future Character (DFC)**

The subject site is located in the F4 – Brookvale Valley Locality under Warringah Local Environmental Plan 2000.

The Desired Future Character Statement for this locality is as follows:

*“The Brookvale Valley locality will remain an area characterised by a mixture of detached style housing and apartment style housing interspersed with a range of complementary and compatible uses. In order to protect the bushland and scenic quality of the Valley and to maintain the water quality of Greendale Creek, the head of the Brookvale Valley, as shown cross-hatched on the map, will remain as undeveloped bushland except for the land at Lot 7, DP 236335 where a maximum of one dwelling may be erected provided the design and construction of that development has regard to the topography, potential slip and sensitive visual character of the land as well as potential loss of views to adjoining or nearby properties. The development of further apartment style housing will be confined to the “medium density areas” shown on the map.*

*Outside the “medium density areas”, future development will maintain the visual pattern and predominant scale of existing detached style housing in the locality. The streets will be characterised by landscaped front gardens and consistent front building setbacks. The spread of indigenous tree canopy will be protected throughout the locality and enhanced where possible. Unless exemptions are made to the housing density standard in this locality statement, any subdivision of land is to be consistent with the predominant pattern, size and configuration of existing allotments in the locality.*

*Any redevelopment of the Brookvale Brickworks is to assess the structural integrity of built elements of the Brickworks and their potential and viability for adaptive reuse and integration with future development. Any redevelopment of the site will contain meaningful interpretation of the heritage significance of the site. Such interpretation is to influence the design of future development.*

*Redevelopment of the Brickworks site will include the rehabilitation of Greendale Creek (where it passes through the site) and will regard the Creek to be an important landscape feature and focal point of the development. The maintenance and restoration of riparian zones of the creek will be required as part of any development of the Brickworks site. This riparian zone is required to adequately filter sediment, prevent bank erosion, ensure a sustainable mix of different plant species for genetic diversity, provide unique habitats and to act as a corridor function linking larger areas of remnant vegetation. The siting and design of*



*buildings and landscaping treatment of the Brickworks site is to achieve a transition between development and surrounding bushland. In this regard, canopy trees and other landscaping used on the site is to predominantly be of species found on the bushland slopes shown cross-hatched on the map.”*

The proposed development is defined as a “recreation facility” under the WLEP 2000 dictionary. “Recreation Facilities” are identified as Category Two development in this locality.

Clause 12(3)(a) of WLEP 2000 requires the consent authority to be satisfied that the proposed development is consistent with the Locality’s DFC statement.

Accordingly, an assessment of consistency of the proposed development against the locality’s DFC is provided hereunder:

**Requirement:**

***“The Brookvale Valley locality will remain an area characterised by a mixture of detached style housing and apartment style housing interspersed with a range of complementary and compatible uses. In order to protect the bushland and scenic quality of the Valley and to maintain the water quality of Greendale Creek, the head of the Brookvale Valley, as shown cross-hatched on the map, will remain as undeveloped bushland except for the land at Lot 7 DP 236335 where a maximum of one dwelling may be erected provided the design and construction of that development has regard to the topography, potential slip and sensitive visual character of the land as well as potential loss of views to adjoining or nearby properties. The development of further apartment style housing will be confined to the “medium density areas” shown on the map.”***

**Comment:** The proposal will enhance the recreational facility in Brookvale Park which is a complementary and compatible use in the F4 Locality. Further, the subject site is not located within the cross hatched area referred to in the locality statement and will have no impact on these areas.

**Requirement:**

***“Outside the “medium density areas”, future development will maintain the visual pattern and predominant scale of existing detached style housing in the locality. The streets will be characterised by landscaped front gardens and consistent front building setbacks. The spread of indigenous tree canopy will be protected throughout the locality and enhanced where possible. Unless exemptions are made to the housing density standard in this locality statement, any subdivision of land is to be consistent with the predominant pattern, size and configuration of existing allotments in the locality.”***

**Comment:** The proposed development relates specifically to Brookvale Park and is not subject to the same visual constraints applicable to the surrounding detached style development.

The proposal does not involve the removal of any trees. The proposed works do not seek to subdivide.

**Requirement:**

***“Any redevelopment of the Brookvale Brickworks is to assess the structural integrity of built elements of the Brickworks and their potential and viability for adaptive reuse and integration with future development. Any redevelopment of the site will contain meaningful interpretation of the heritage significance of the site. Such interpretation is to influence the design of future development.”***

**Comment:** The proposed development does not form part of the Brookvale Brickworks. Accordingly, this requirement is not applicable to the subject development.



**Requirement:**

*“Redevelopment of the Brickworks site will include the rehabilitation of Greendale Creek (where it passes through the site) and will regard the Creek to be an important landscape feature and focal point of the development. The maintenance and restoration of riparian zones of the creek will be required as part of any development of the Brickworks site. This riparian zone is required to adequately filter sediment, prevent bank erosion, ensure a sustainable mix of different plant species for genetic diversity, provide unique habitats and to act as a corridor function linking larger areas of remnant vegetation. The siting and design of buildings and landscaping treatment of the Brickworks site is to achieve a transition between development and surrounding bushland. In this regard, canopy trees and other landscaping used on the site is to predominantly be of species found on the bushland slopes shown cross-hatched on the map.”*

**Comment:** The proposed development does not form part of the Brookvale Brickworks. Accordingly, this requirement is not applicable to the subject development.

As detailed above the proposed development is considered to be consistent / inconsistent with the Locality’s DFC statement.

**Built Form Controls (Development Standards)**

The following table outlines compliance with the Built form Control of the above locality statement:

<b>Built Form Compliance Table</b>				
<b>Built Form Standard</b>	<b>Required</b>	<b>Approved Development</b>	<b>Proposed Development</b>	<b>Compliance</b>
Building Height	8.5 metres	17.65 metres	17.65 metres	NO – refer to Clause 20 Assessment
Front setback	6.5 metres	Greater than 6.5 metres	Greater than 6.5 metres	YES
Rear setback	N/A			N/A
Side setbacks	0.9 metres	Greater than 0.9 metres	Greater than 0.9 metres	YES
Side boundary envelope	N/A			N/A

The proposed development does not comply with the Locality’s Building Height Built Form Control, accordingly, further assessment is provided against the provisions of Clause 20(1) hereunder.

**Clause 20(1) stipulates:**

*“Notwithstanding clause 12 (2) (b), consent may be granted to proposed development even if the development does not comply with one or more development standards, provided the resulting development is consistent with the general principles of development control, the desired future character of the locality and any relevant State environmental planning policy.”*

In determining whether the proposal qualifies for a variation under Clause 20(1) of WLEP 2000, consideration must be given to the following:

**(i) General Principles of Development Control**

The proposal is generally consistent with the General Principles of Development Control and accordingly, qualifies to be considered for a variation to the development standards, under the provisions of Clause 20(1) (See discussion on “General Principles of Development Control” in this report for a detailed assessment of consistency).



**(ii) Desired Future Character of the Locality**

The proposal is consistent with the Locality's Desired Future Character Statement and accordingly, qualifies to be considered for a variation to the development standards, under the provisions of Clause 20(1) (See discussion on "Desired Future Character" in this report for a detailed assessment of consistency).

**(iii) Relevant State Environmental Planning Policies**

The proposal has been considered consistent with all applicable State Environmental Planning Policies. (Refer to earlier discussion under 'State Environmental Planning Policies'). Accordingly the proposal qualifies to be considered for a variation to the development standards, under the provisions of Clause 20(1).

**Description of variations sought and reasons provided:**

**Building Height Built Form Control**

*Required:* Maximum height 8.5 metres

*Proposed:* Maximum height 17.65 metres

*Response:* The applicant has provided a Clause 20 Statement, as follows:

*"The proposed works can largely be considered infill to the existing Jane Try stand which is approximately 17 metres in height. This is an appropriate height for a spectator stand within a sporting facility. The proposed works will result in a more cohesive built form, where now many uses are fragmented on the site.*

*The existing tree planting along Alfred Street and Pittwater Road reduce the visibility of the proposed development from the street, and the proposed development is treated architecturally in a consistent manner with the existing development.*

*The Locality Statement does not make any reference to Brookvale Oval or the structures on the oval and the height control is not appropriate for a sporting facility. The proposed Stage 4 works are consistent with the BPPM.*

*It is unreasonable and unnecessary in this instance for the provisions of the building height standard to apply to a sporting structure, and a variation under clause 20 WLEP is considered appropriate."*

In assessing this non-compliant element of the proposal, the following considerations have been applied in the assessment of the Building Height Control:

***Ensure that development does not become visually dominant by virtue of its height and bulk.***

**Comment:** The additions complement the existing grandstand building and is commensurate in height. The use of matching finished materials and the relative scale of the lift to the existing buildings ensures that the additions do not become visually dominant.

***To preserve the amenity of the surrounding land.***

**Comment:** The lift will not result in light, noise or glare that will affect surrounding land. The structure is partially screened by existing vegetation and will not have a significant impact on outlook from any surrounding land or the public domain.



**To ensure development responds to site topography.**

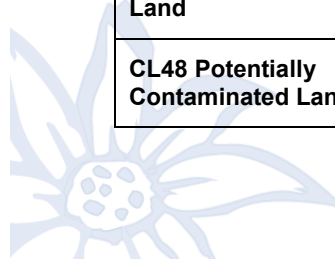
**Comment:** The site is relatively level. The additions are proposed to rise from existing ground level with minimal excavation or filling required.

As detailed above the proposed development is considered to satisfy the requirements to qualify for consideration under Clause 20(1), in addition the proposal is considered to be consistent with the underlying objectives of the Building Height Built Form Control. It is for these reasons that the variation to the Building Height Built Form Control (Development Standard) pursuant to Clause 20(1) is supported.

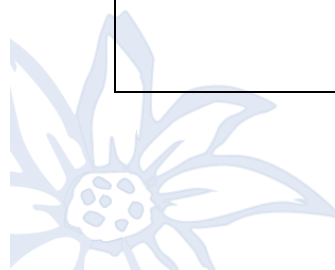
**General Principles of Development Control**

The following General Principles of Development Control as contained in Part 4 of Warringah Local Environmental Plan 2000 are applicable to the proposed development:

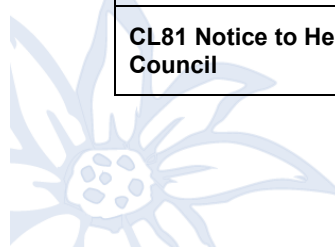
General Principles	Applies	Comments	Complies
<b>CL38 Glare &amp; reflections</b>	YES	The additions to the Jane Try Stand are separated and screened by vegetation from residential properties to the west and north such that any light from within the building will have minimal impact.	YES
<b>CL39 Local retail centres</b>	NO	No comment	N/A
<b>CL40 Housing for Older People and People with Disabilities</b>	NO	No comment	N/A
<b>CL41 Brothels</b>	NO	No comment	N/A
<b>CL42 Construction Sites</b>	YES	A condition of consent is to be imposed requiring the submission of a Construction Management Program to control future construction activities and to ensure the provision for access to the site during construction and the maintaining of adequate pedestrian and traffic access around the site. Construction waste is to be disposed of in accordance with the relevant requirements.  Following discussions with the applicant it is proposed that the construction area and storage of materials not extend over the cricket nets in the north-western corner of the site so that the cricket nets remain available for public use during the construction period. A condition of consent is included in the recommendation of this report in this regard.	<b>YES – subject to conditions</b>
<b>CL43 Noise</b>	YES	The additions to the Jane Try Stand will not give rise to any perceptible noise in addition to that which is currently generated by the use of Brookvale Park as a sporting facility.	YES
<b>CL44 Pollutants</b>	NO	No comment	N/A
<b>CL45 Hazardous Uses</b>	NO	No comment	N/A
<b>CL46 Radiation Emission Levels</b>	NO	No comment	N/A
<b>CL47 Flood Affected Land</b>	NO	No comment	N/A
<b>CL48 Potentially Contaminated Land</b>	NO	No comment	N/A



General Principles	Applies	Comments	Complies
<b>CL49 Remediation of Contaminated Land</b>	NO	No comment	N/A
<b>CL49a Acid Sulfate Soils</b>	NO	No comment	N/A
<b>CL50 Safety &amp; Security</b>	NO	No comment	N/A
<b>CL51 Front Fences and Walls</b>	NO	No comment	N/A
<b>CL52 Development Near Parks, Bushland Reserves &amp; other public Open Spaces</b>	YES	The proposal will improve the access, use and enjoyment of the public open space.	YES
<b>CL53 Signs</b>	NO	No comment	N/A
<b>CL54 Provision and Location of Utility Services</b>	NO	No comment	N/A
<b>CL55 Site Consolidation in 'Medium Density Areas'</b>	NO	No comment	N/A
<b>CL56 Retaining Unique Environmental Features on Site</b>	NO	No comment	N/A
<b>CL57 Development on Sloping Land</b>	NO	No comment	N/A
<b>CL58 Protection of Existing Flora</b>	YES	No trees are proposed to be removed.	YES
<b>CL59 Koala Habitat Protection</b>	NO	No comment	N/A
<b>CL60 Watercourses &amp; Aquatic Habitats</b>	NO	No comment	N/A
<b>CL61 Views</b>	YES	There will be no significant impact on views in terms of the principle established by the Land and Environment Court in <i>Tenacity Consulting v Warringah Council</i> [2004] NSWLEC 140.	YES
<b>CL62 Access to sunlight</b>	YES	The proposed additions will not create overshadowing of any residential properties.	YES
<b>CL63 Landscaped Open Space</b>	NO	No comment	N/A
<b>CL63A Rear Building Setback</b>	NO	No comment	N/A
<b>CL64 Private open space</b>	NO	No comment	N/A
<b>CL65 Privacy</b>	YES	The additions to the Jane Try Stand are located opposite a property used as a school and are separated and screened from residential properties. The proposal will not result in any privacy impacts.	YES



General Principles	Applies	Comments	Complies
<b>CL66 Building bulk</b>	YES	The additions to the Jane Try Stand maintain the height of the existing grandstand. The building bulk is considered to be reasonable for this type of facility.	YES
<b>CL67 Roofs</b>	YES	The proposed additions have a pitched roof that matches the existing roof is appropriate for its form and function.	YES
<b>CL68 Conservation of Energy and Water</b>	NO	No comment	N/A
<b>CL69 Accessibility – Public and Semi-Public Buildings</b>	YES	An Access Report has been submitted with the development application (Macutex, April 2011). It concludes that <i>“the proposed Stage 4 works will, or are capable of, providing upgrade to Stands and external site works that will significantly improve access to and within Brookvale Oval”</i> . It includes an assessment of the proposal under the <i>Disability Discrimination Act 1992, Building Code of Australia 2011</i> , and relevant sections of Australian Standards AS1428.1-2009, AS1735.12-1999 and AS2890.6-2009.	YES
<b>CL70 Site facilities</b>	NO	No comment	N/A
<b>CL71 Parking facilities (visual impact)</b>	NO	No comment	N/A
<b>CL72 Traffic access &amp; safety</b>	NO	No comment	N/A
<b>CL73 On-site Loading and Unloading</b>	NO	No comment	N/A
<b>CL74 Provision of Carparking</b>	NO	No comment	N/A
<b>CL75 Design of Carparking Areas</b>	NO	No comment	N/A
<b>CL76 Management of Stormwater</b>	YES	On-site stormwater detention is proposed, including 2 x 25,000 litre tanks underneath the southern stand. These tanks will not have a significant visual impact subject to a condition in the recommendation regarding the use of muted, non-reflected colours.  Council’s Development Engineers have raised no objections to the size and location of the proposed OSD tanks subject to conditions.	YES
<b>CL77 Landfill</b>	NO	No comment	N/A
<b>CL78 Erosion &amp; Sedimentation</b>	YES	Standard conditions will ensure that erosion and sedimentation are controlled during and after construction.	YES – subject to conditions
<b>CL79 Heritage Control</b>	YES	See comments above from Council's Heritage Officer.	YES
<b>CL80 Notice to Metropolitan Aboriginal Land Council and the National Parks and Wildlife Service</b>	NO	No comment	N/A
<b>CL81 Notice to Heritage Council</b>	NO	No comment	N/A



General Principles	Applies	Comments	Complies
CL82 Development in the Vicinity of Heritage Items	YES	See comments above from Council's Heritage Officer.	YES
CL83 Development of Known or Potential Archaeological Sites	NO	No comment	N/A

### Other Relevant WLEP 2000 Clauses

## SCHEDULES

### Schedule 5 - State Policies

<b>Bushland In Urban Areas</b>	The proposal does not require the removal of any trees. The site retains many substantial trees.
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### Schedule 6 - Preservation of Bushland

<b>Preservation of Bushland</b>	The proposal does not require the removal of any trees. The site retains many substantial trees.
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### Schedule 8 - Site analysis

<b>Site Analysis</b>	The Planning Report submitted with the development application includes an analysis of the local context and is considered to be satisfactory.
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## POLICY CONTROLS

### Warringah Section 94A Development Contribution Plan (adopted 14 November 2006)

Section 94A contributions are not applicable to this development as Council is the applicant.

## OTHER MATTERS FOR CONSIDERATION

## CONCLUSION

The proposed development for demolition works, alterations and additions to a recreational facility and use of premises as a shop (Kiosk) at Lot 6, DP 785409, Lot B DP 66128, Part Lot 1, DP 114027 and Lot 1 DP 784268, Pittwater Road, Brookvale, known as Brookvale Oval has been considered against the relevant matters for consideration under Section 79C of the EP&A Act 1979. 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 any conditions contained within the recommendation.

The additions to the Jane Try Stand maintain the existing building height, which exceeds the Building Height built form control for the locality. In this regard but a variation under Clause 20 of WLEP 2000 is appropriate as it is consistent with the desired future character for the locality, the





general principles of development control, and relevant state policies. The height, bulk and scale are appropriate given the context of the additions in relation to the existing grandstand.

The additions to the Jane Try Stand and the other works that are proposed will provide improved amenity and access to a major public sporting facility and, for this reason, is considered to be in the public interest.

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

As a direct result of the application and the consideration of the matters detailed within this report it is considered that Council as the consent authority should grant approval to the development application.

## RECOMMENDATION - APPROVAL

THAT Council as the consent authority grant Development Consent to DA 2011/0544 for alterations and additions to a major recreation facility (Brookvale Oval) consisting of an extension of existing Jane Try Stand to the east, west and north at Lot 6, DP 785409, Lot B DP 966128, Part Lot 1 DP 114027 and Lot 1, DP 784268, Pittwater Road, Brookvale subject to the conditions printed below:

### GENERAL CONDITIONS

### CONDITIONS THAT IDENTIFY APPROVED PLANS

#### 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:

Architectural Plans - Endorsed with Council's stamp				
Drawing No.	Revision	Drawing Name	Dated	Prepared By
11_007 A100	J	Level 0 Plan	22/09/2011	Smith & Tzannes
11_007 A104	I	Level 1 Plan	22/09/2011	Smith & Tzannes
11_007 A105	A	Level 0 South Stand	02/09/2011	Smith & Tzannes
11_007 A200	C	North, East & West Elevations	02/09/2011	Smith & Tzannes

No construction works (including excavation) shall be undertaken prior to the release of the Construction Certificate.

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

**Reason:** To ensure the work is carried out in accordance with the determination of Council and approved plans.



## 2. Compliance with External Department, Authority or Service Requirements

The development must be carried out in compliance with the following:

External Department, Authority or Service	E-Services Reference	Dated
AUSGRID	Response Ausgrid Referral	4 May 2011

**(NOTE: For a copy of the above referenced document/s, please see Council's 'E-Services' system at [www.warringah.nsw.gov.au](http://www.warringah.nsw.gov.au) )**

**Reason:** To ensure the work is carried out in accordance with the determination and the statutory requirements of External Department, Authority or Bodies.

## 3. Prescribed Conditions

- (a) All building works must be carried out in accordance with the requirements of the Building Code of Australia (BCA).
- (b) BASIX affected development must comply with the schedule of BASIX commitments specified within the submitted BASIX Certificate (demonstrated compliance upon plans/specifications is required prior to the issue of the Construction Certificate);
- (c) 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.

- (d) Development that involves an excavation that extends below the level of the base of the footings of a building on adjoining land, the person having the benefit of the development consent must, at the person's own expense:
  - (i) protect and support the adjoining premises from possible damage from the excavation, and
  - (ii) where necessary, underpin the adjoining premises to prevent any such damage.
  - (iii) must, at least 7 days before excavating below the level of the base of the footings of a building on an adjoining allotment of land, give notice of intention to do so to the owner of the adjoining allotment of land and furnish particulars of the excavation to the owner of the building being erected or demolished.
  - (iv) the owner of the adjoining allotment of land is not liable for any part of the cost of work carried out for the purposes of this clause, whether carried out on the allotment of land being excavated or on the adjoining allotment of land.

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

**Reason:** Legislative Requirement.



#### 4. 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) 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.
- (c) 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.
- (d) 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.
- (e) 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.
- (f) The applicant shall bear the cost of all works associated with the development that occurs on Council's property.
- (g) No building, demolition, excavation or material of any nature shall be placed on Council's footpaths, roadways, parks or grass verges without Council Approval.
- (h) All sound producing plant, equipment, machinery or fittings will not exceed more than 5dB(A) above the background level when measured from any property boundary and will comply with the Environment Protection Authority's NSW Industrial Noise Policy. )
- (i) No trees or native shrubs or understorey vegetation on public property (footpaths, roads, reserves, etc.) 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.

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



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

### 5. On-site Stormwater Detention

An On-site Stormwater Detention system must be designed and constructed in accordance with Council's current On-site Stormwater Detention Technical Specification, and generally in accordance with the concept drainage plans prepared by Smith & Tzannes, drawing number 11\_007 A100 Issue J, dated 22/09/11, A104 Issue I, dated 22/09/11, A105 Issue A, dated 02/09/11 and A200 Issue C, dated 02/09/11.

Detailed drainage plans are to be prepared by a suitably qualified Civil Engineer, who has membership to the Institution of Engineers Australia, National Professional Engineers Register (NPER) and registered in the General Area of Practice for civil engineering.

The drainage plans must address the following:

- (a) The permissible site discharge is to be limited to 67 litres per second for the 5 year ARI storm event, 95 litres per second for the 20 year ARI storm event and 123 litres per second for the 100 year ARI storm event for a developed site area of 2345 square metres.
- (b) The minimum detention storage volume is to be 74,500 litres with an inclusive maximum allowable reuse volume of 10,000 litres.

Detailed drainage plans confirming the above requirements have been satisfied and complying with Council's current On-site Stormwater Detention Technical Specification, are to be submitted to the Council for approval.

**Reason:** To ensure appropriate provision for the disposal of stormwater and stormwater management arising from the development.

### 6. 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.

**Advice to Applicants:** At the time of determination in the opinion of Council, the following (but not limited to) Australian Standards are considered to be appropriate:

- (a) AS2601.2001 - Demolition of Structures\*\*
- (b) AS4361.2 - Guide to lead paint management - Residential and commercial buildings\*\*
- (c) AS4282:1997 Control of the Obtrusive Effects of Outdoor Lighting\*\*
- (d) AS 4373 - 2007 'Pruning of amenity trees' (Note: if approval is granted) \*\*
- (e) AS 4970 - 2009 'Protection of trees on development sites'\*\*
- (f) AS/NZS 2890.1:2004 Parking facilities - Off-street car parking\*\*
- (g) AS 2890.2 - 2002 Parking facilities - Off-street commercial vehicle facilities\*\*



- (h) AS 2890.3 - 1993 Parking facilities - Bicycle parking facilities\*\*
- (i) AS 2890.5 - 1993 Parking facilities - On-street parking\*\*
- (j) AS/NZS 2890.6 - 2009 Parking facilities - Off-street parking for people with disabilities\*\*
- (k) AS 1742 Set - 2010 Manual of uniform traffic control devices Set\*\*
- (l) AS 1428.1 - 2009\* Design for access and mobility - General requirements for access - New building work\*\*
- (m) AS 1428.2 - 1992\*, Design for access and mobility - Enhanced and additional requirements - Buildings and facilities\*\*

**\*Note:** *The Australian Human Rights Commission provides useful information and a guide relating to building accessibility entitled "the good the bad and the ugly: Design and construction for access". This information is available on the Australian Human Rights Commission website [http://www.humanrights.gov.au/disability\\_rights/buildings/good.htm](http://www.humanrights.gov.au/disability_rights/buildings/good.htm)*

**\*\*Note:** the listed Australian Standards is not exhaustive and it is the responsibility of the applicant and the Certifying Authority to ensure compliance with this condition and that the relevant Australian Standards are adhered to.

## 7. Sewer / Water Quickcheck

The approved plans must be submitted to a Sydney Water Quick Check agent or Customer Centre prior to works commencing to determine whether the development will affect any Sydney Water asset's sewer and water mains, stormwater drains and/or easement, and if further requirements need to be met. Plans will be appropriately stamped.

Please refer to the website [www.sydneywater.com.au](http://www.sydneywater.com.au) for:

- Quick Check agents details - see Building Developing and Plumbing then Quick Check; and
- Guidelines for Building Over/Adjacent to Sydney Water Assets - see Building Developing and Plumbing then Building and Renovating.
- Or telephone 13 20 92.

**Reason:** To ensure compliance with the statutory requirements of Sydney Water.

## 8. Construction Management Program

A Construction Management Program shall be prepared which includes the following:

- (a) The proposed method of access to and egress from the site for demolition, excavation and construction vehicles, including access routes through the Council area and the location and type of temporary vehicular crossing for the purpose of minimising traffic congestion and noise in the area, with no access across public parks or reserves being allowed;
- (b) The proposed method of loading and unloading, demolition, excavation and construction machinery, excavation and building materials, formwork and the erection of any part of the structure within the site. Wherever possible mobile cranes should be located wholly within the site;
- (c) The location and operation of any on site crane; and

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

**Reason:** To ensure appropriate measures have been considered for site access, storage and the operation of the site during all phases of the construction process in a manner that respects adjoining owner's property rights and protects amenity in the locality, without unreasonable inconvenience to the community.



## 9. Submission of Engineering Plans

Engineering plans are to be submitted to the Certifying Authority for approval. The submission is to include four (4) copies of Civil Engineering plans for the design of the works the subject of this development consent which are to be generally in accordance with the civil design approved with the Development Application and Council's specification for engineering works - AUS-SPEC #1 and or Council's Minor Works Policy.

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

**Reason:** To ensure compliance with Council's specification for engineering works.

## 10. Food premises

The premises shall comply with the requirements of Australian Standards 4674 (Design, Construction and Fit Out of Food Premises).

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

**Reason:** To ensure compliance with the applicable food standards.

## 11. Asbestos and Hazardous Material

In relation to the demolition of the existing building (or part of a building) on the site:

- a) A report prepared by an appropriately qualified person (such as an occupational hygienist or environmental consultant) is to be submitted to the Principal Certifying Authority [prior to the commencement of works / with the Construction Certificate application], detailing whether any asbestos or hazardous materials exist on the site that are affected by the proposed building works (e.g. lead in paints and ceiling dust or asbestos).

**Note:** If no hazardous materials are identified, the demolition may proceed in accordance with Australian Standard AS2601 - The Demolition of Structures and the following conditions, including dust control and WorkCover requirements.

- b) Should any hazardous materials be identified as per item (a), a Hazardous Substances Management Plan (HSMP) shall be submitted to the Principal Certifying Authority at least seven (7) working days prior to work commencing. The HSMP must satisfy the requirements of Chapters 6 & 8 of the Occupational Health and Safety Regulation 2001 and Australian Standard AS2601 - The Demolition of Structures. The report shall contain details regarding:
  - (i) The type of hazardous material
  - (ii) The level or measurement of the hazardous material in comparison to National Guidelines;
  - (iii) Proposed methods of containment; and
  - (iv) Proposed methods of disposal;
  - (v) Details of signage to be provided on the site to comply with the provisions of the Occupational Health and Safety Regulation 2001, to ensure persons are warned, by the use of signs, labels or other similar measures, of the presence of asbestos or asbestos containing material in a place at which construction work is being carried out.



- c) Where unacceptably high levels of lead are found in a premises to be demolished, item (b) is to be followed, and if directed by the appropriately qualified person, the soil sample from site is to be tested by a NATA Registered laboratory before and after demolition and the results submitted to the Principal Certifying Authority. This will determine whether remediation of the site is necessary.
- d) The demolition must be undertaken in accordance with Australian Standard AS2601 – The Demolition of Structures.

Details demonstrating compliance with these requirements are to be approved by the Principal Certifying Authority [prior to the commencement of works and submitted with the Construction Certificate application].

**Reason:** To ensure the long term health of workers on site and occupants of the building is not put at risk unnecessarily

## 12. Finished colours and materials of OSD tanks

All above ground on-site stormwater detention tanks approved in this development consent are to be finished in muted colours and non-reflective materials.

**Reason:** To mitigate the visual impact of above ground OSD tanks.

## CONDITIONS THAT MUST BE ADDRESSED PRIOR TO ANY COMMENCEMENT

### 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 \$10 million in relation to the occupation of, and approved works within Council's road reserve or public land, as approved in this consent. The Policy is to note, and provide protection for Warringah 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.

**Reason:** To ensure the community is protected from the cost of any claim for damages arising from works on public land.

## CONDITIONS THAT MUST BE COMPLIED WITH DURING DEMOLITION AND BUILDING WORK

### 14. Cricket nets to remain available

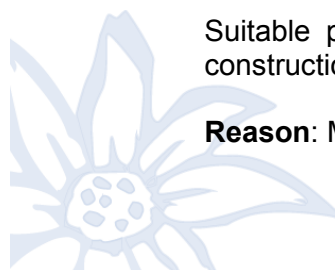
The cricket nets located in the north-western corner of the site adjacent to Alfred Road are to remain available for use during the construction period. In this regard the location of construction fencing is to ensure a clear and safe separation between the cricket nets and the construction site.

**Reason:** To maintain the availability of the cricket nets throughout the construction period.

### 15. Construction / demolition vehicles

Suitable provision must be made on site for all construction / demolition vehicles as a construction zone will not be permitted on Pittwater Road.

**Reason:** Maintain traffic flow in accordance with RTA requirements.



#### **16. Works at no cost to Roads and Traffic Authority**

All works associated with the proposed shall be at no cost to the Roads and Traffic Authority.

**Reason:** To comply with RTA requirements.

#### **17. Installation and Maintenance of Sediment Control**

Sediment and erosion controls must be installed in accordance with Landcom's 'Managing Urban Stormwater: Soils and Construction' (2004).

Techniques used for erosion and sediment control on site are to be adequately maintained and monitored at all times, particularly after periods of rain, and shall remain in proper operation until all development activities have been completed the site is sufficiently stabilised with vegetation.

**Reason:** To protect the environment from the effects of sedimentation and erosion from the site.

#### **18. Maintenance of Road Reserve**

The public footways and roadways adjacent to the site shall be maintained in a safe condition at all times during the course of the work.

**Reason:** Public Safety.

#### **19. Dust emission and air quality**

Materials must not be burnt on site.

Vehicles entering and leaving the site with soil or fill material must be covered.

Dust suppression measures must be carried out to minimise wind-borne emissions in accordance with the Landcom's Managing Urban Stormwater: Soils and Construction (The 'Blue Book'). Odour suppression measures must be carried out so as to prevent nuisance occurring at neighbouring properties.

**Reason:** To ensure residential amenity is maintained in the immediate vicinity.

#### **20. Disposal of hazardous and intractable wastes**

Hazardous or intractable wastes arising from the demolition process shall be removed and disposed of in accordance with the requirements of WorkCover NSW and the Environment Protection Authority, and with provisions of:

- Occupational Health and Safety Act 2000;
- Occupational Health and Safety Regulation 2001;
- Protection of the Environment Operations Act 1997 (NSW); and
- Environment Protection Authority's Environmental Guidelines: Assessment, Classification and Management of Liquid and Non-Liquid Wastes (1999).

**Reason:** To ensure that the land is suitable for the proposed development and that contaminating material required to be removed from the property is removed in accordance with the prescribed manner.





## 21. Protection of trees

During the construction period the applicant is responsible for ensuring all protected trees are maintained in a healthy and vigorous condition. This is to be done by ensuring that all identified tree protection measures are adhered to. In this regard all protected plants on this site shall not exhibit:

- (a) A general decline in health and vigour.
- (b) Damaged, crushed or dying roots due to poor pruning techniques.
- (c) More than 10% loss or dieback of roots, branches and foliage.
- (d) Mechanical damage or bruising of bark and timber of roots, trunk and branches.
- (e) Yellowing of foliage or a thinning of the canopy untypical of its species.
- (f) An increase in the amount of deadwood not associated with normal growth.
- (g) An increase in kino or gum exudation.
- (h) Inappropriate increases in epicormic growth that may indicate that the plants are in a stressed condition.
- (i) Branch drop, torn branches and stripped bark not associated with natural climatic conditions.

Any mitigating measures and recommendations required by the Arborist are to be implemented.

The owner of the adjoining allotment of land is not liable for the cost of work carried out for the purpose of this clause.

**Reason:** Protection of Trees.

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

## 22. Fire Safety Matters

At the completion of all works, a Fire Safety Certificate will need to be prepared which references all the Essential Fire Safety Measures applicable and the relative standards of Performance (as per Schedule of Fire Safety Measures). This certificate must be prominently displayed in the building and copies must be sent to Council and the NSW Fire Brigade.

Details demonstrating compliance are to be submitted to the Certifying Authority prior to the issue of the Interim / Final Occupation Certificate.

Each year the Owners must send to the Council and the NSW Fire Brigade an annual Fire Safety Statement which confirms that all the Essential Fire Safety Measures continue to perform to the original design standard.

**Reason:** Statutory requirement under Part 9 Division 4 & 5 of the Environmental Planning and Assessment Regulation 2000.

## 23. Notification of the food premises

The proprietor of a food business must notify the NSW Food Authority of the details of the business prior to commencement of trading.

Notification may be done either online at [www.foodnotify.nsw.gov.au](http://www.foodnotify.nsw.gov.au) <<http://www.foodnotify.nsw.gov.au>> or by lodging a completed NSW Food Authority notification form to the NSW Food Authority or Council.



Note: A fee in accordance with Warringah Council's Fees and Charges applies when lodging notification forms with Council.

The proprietor of a food business must also contact an Environmental Health Officer of Council to inform them of their notification number and business details prior to trading.

**Reason:** To ensure compliance with the Australian Food Standards Code.

#### **24. Authorisation of Legal Documentation Required for On-site Stormwater Detention**

The original completed request forms (Department of Lands standard forms 13PC and/or 13RPA) must be submitted to Council, with a copy of the Works-as-Executed plan (details overdrawn on a copy of the approved drainage plan), hydraulic engineers certification and Compliance Certificate issued by an Accredited Certifier in Civil Works.

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

**Reason:** To create encumbrances on the land. (DACENF01)

#### **25. Registration of Encumbrances for On-site Stormwater Detention**

A copy of the certificate of title demonstrating the creation of the positive covenant and restriction for on-site storm water detention as to user is to be submitted.

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

**Reason:** To identify encumbrances on land. (DACENF02)

#### **26. Restriction as to User for On-site Stormwater Detention**

A restriction as to user shall be created on the title over the on-site stormwater detention system, restricting any alteration to the levels and/or any construction on the land. The terms of such restriction are to be prepared to Council's standard requirements, (available from Warringah Council), at the applicant's expense and endorsed by Council prior to lodgement with the Department of Lands. Warringah Council shall be nominated as the party to release, vary or modify such restriction.

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

**Reason:** To ensure modification to the on-site stormwater detention structure is not carried without Council's approval. (DACENF04)

#### **27. On-Site Stormwater Detention Compliance Certification**

Upon completion of the on-site stormwater detention (OSD) system, certification from a consulting engineer and a "work as executed" (WAE) drawing certified by a registered surveyor and overdrawn in red on a copy of the approved OSD system plans are to be provided to Council. Additionally a Compliance Certificate is to be issued by an Accredited Certifier in Civil Works registered with the Institute of Engineers Australia, stating that the works are in accordance with the approved plans.

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

**Reason:** To ensure stormwater disposal is constructed to Council's satisfaction. (DACENF10)



## 28. Positive Covenant for On-site Stormwater Detention

A positive covenant shall be created on the title of the land requiring the proprietor of the land to maintain the on-site stormwater detention structure in accordance with the standard requirements of Council. The terms of the positive covenant are to be prepared to Council's standard requirements, (available from Warringah Council), at the applicant's expense and endorsed by Warringah Council's delegate prior to lodgement with the Department of Lands. Warringah Council shall be nominated as the party to release, vary or modify such covenant.

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

**Reason:** To ensure ongoing maintenance of the on-site stormwater detention system. (DACENF12)

## 29. Creation of Positive Covenant and Restriction as a User

Where any conditions of this Consent require the creation of a positive covenant and/or restriction as a user, the original completed request forms, (Department of Lands standard forms 13PC and/or 13RPA), shall be submitted to Warringah Council for authorisation.

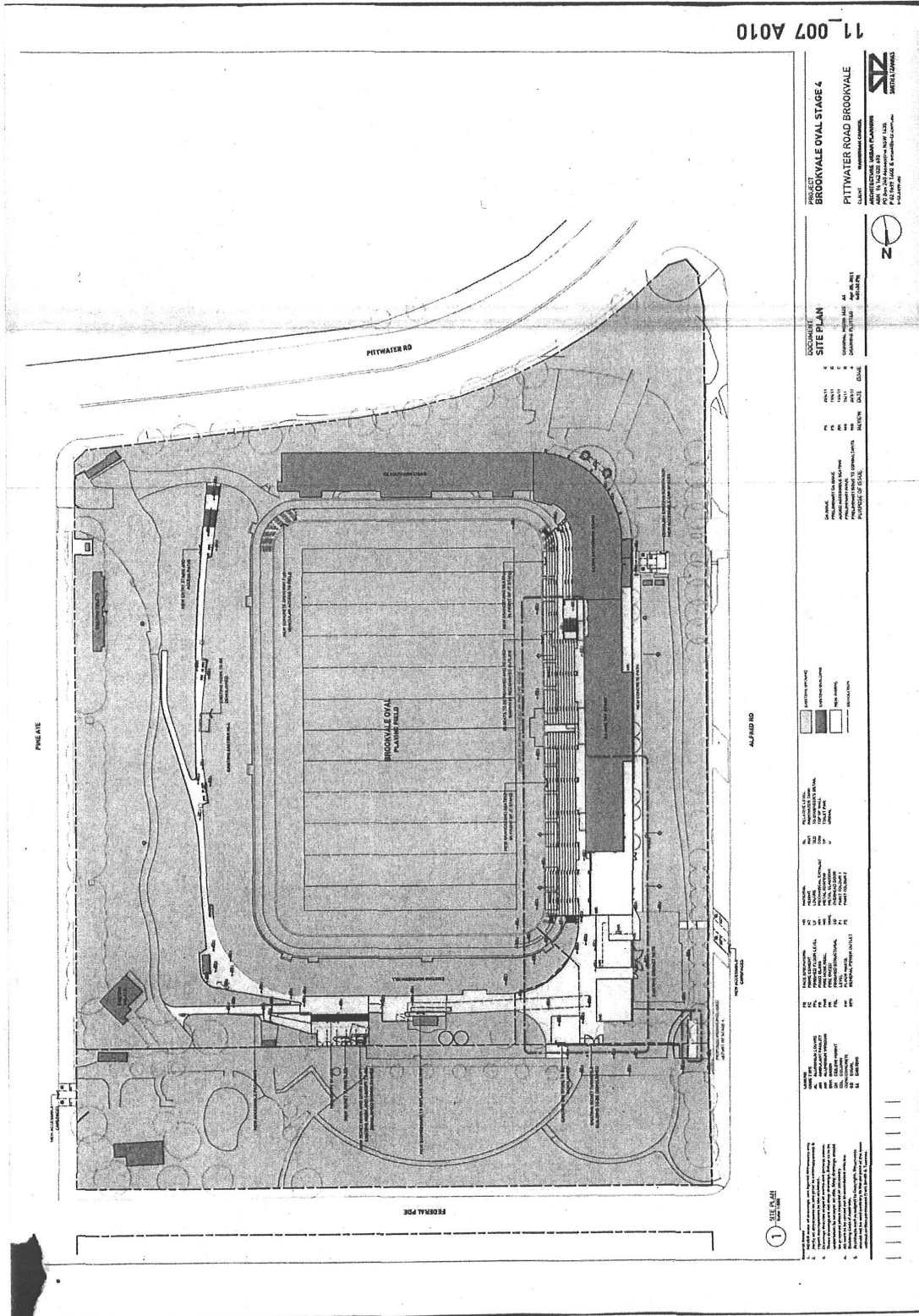
A certified copy of the documents shall be provided to Warringah Council after final approval and registration has been affected by the "Department of Lands".

Details demonstrating compliance are to be submitted to the Certifying Authority prior to the issue of a Interim / Final Occupation Certificate.

**Reason:** To identify encumbrances on land. (DACENF14)



Site & Elevation Plans



Site & Elevation Plans

