

**REPORT TO APPLICATION DETERMINATION PANEL
MEETING 14 MARCH 2016**

APPLICATION FOR MODIFICATION ASSESSMENT REPORT

Application Number:	Mod2016/0022
Responsible Officer:	Natalie Nolan, Nolan Planning Consultants
Land to be developed (Address):	Lot 1 DP 784268, Lot 1 DP 114027, Lot B DP 966128, Lot 6 DP 785409, 9999 Pittwater Road BROOKVALE NSW 2100
Proposed Development:	Modification of Development Consent DA6000/4021 (No 94/380) to provide for three (3) of the approved twelve (12) National Rugby League (NRL) matches on Thursday nights at Brookvale Oval
Zoning:	RE1 Public Recreation
Development Permissible:	Yes
Existing Use Rights:	No
Consent Authority:	Warringah Council
Land and Environment Court Action:	No
Owner:	Warringah Council
Applicant:	Vaughan Milligan Development Consulting Pty Ltd
Application lodged:	03/02/2016
Application Type:	Local
State Reporting Category:	Other
Notified:	08/02/2016 to 23/02/2016
Advertised:	06/02/2016
Submissions:	1
Recommendation:	Approval

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 all lands whether nearby, adjoining or at a distance;
- Consideration was given to all documentation provided (upto the time of determination) by the applicant, persons who have made submissions regarding the application and any advice provided by relevant Council / Government / Authority Officers on the proposal.

SUMMARY OF ASSESSMENT ISSUES

- Warringah Local Environmental Plan 2011 - Zone RE1 Public Recreation
- Warringah Development Control Plan – C2 Traffic, Access and Safety

SITE DESCRIPTION

The subject site consists of four allotments of located on the northern side of Pittwater Road and bounded by Pine Avenue to its east and Alfred Road to its west. The site is rectangular in shape.

The land is zoned RE1 Public Recreation and is known as Brookvale Oval. The site accommodates a neighbourhood park, playing field, stadium and associated facilities.

Surrounding development consists of retail, residential development, community facilities and schools.

The site has slight slope from the north towards Pittwater Road. The site contains a number of Brush Box and Camphor Laurel trees identified as being of local heritage significance (Item No. I132).

The site is enclosed by metal fencing along all boundaries.

Site Map



SITE HISTORY

Development Consent 94/380

Development consent 94/380 (to Development Application No. 1994/73) 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 with the construction of the light towers to meet standards to televise night games being completed in early 2006.

DA6000/4021/1 (Modification 1)

A Section 96 application (DA No. 6000/4021/1) to modify development consent 94/380 sought to change the approved hours of operation/usage of the sporting facility and increase the number of night matches allowed to be held at the Brookvale Oval.

An assessment of the application was carried out by an independent planner who drafted a report and which recommended consent. However, the application was withdrawn prior to the Section 96 modification being determined.

DA6000/4021/2 (Modification 2)

A Section 96 application (DA No. 6000/4021/2) was lodged on 26 May 2006 by the applicant to modify Condition No. 28 of Development consent 94/380 to increase the number of night games from 6 to 12, at Brookvale Oval.

This application was approved by Council on 13 March 2007, subject to the following modifications of conditions and new conditions:

“Replace condition 28

- 28.** *Night matches are limited to 12 matches per season to be played on either Friday or Saturday nights.*

Insert new condition 45a

45a. Operational Plan of Management for Night Games

An Operational Plan of Management (OPOM) specifically for night games is to be prepared by the lessee of the property (Rugby Leagues Club), in consultation with Council, prior to the commencement of the additional night games, that provides, but is not limited to, detailed information pertaining to:

- *Crowd control by Marshals/security patrols after the games including patrols in surrounding streets (area of patrol to be identified in the OPOM including the following streets - Pine Avenue, Federal Parade, Regina Avenue, Victor Road, Shackel Avenue, Binda Place, Alfred Road and Gulliver Street) to deter anti-social behaviour and respond to incidents;*
- *Collection of rubbish disposed of around the ground and in neighbouring streets in a similar area to security patrols;*
- *Provision of alcohol, the containers in which alcohol is provided, and the management of patrons removing alcohol from the ground;*
- *Include a point of contact for making complaints which is to be staffed/operated (not an answering machine) on game nights and for a*

minimum 2 hours following the end of the game, to provide for reporting and initiation of action (by security staff) to the incidents and issues,

- *A log be kept of incidents or complaints received, including dates, times, and contact details of complainant. This will form the basis of review and must be made available to Council on request;*
- *The OPOM be made available to the public on request.*
- *Regular review of the plan by the lessee, which includes consultation with any residents whose complaints have been logged.*

Insert new condition 54

54. Approval of Operational Plan of Management

The Operational Plan of Management is to be approved by Council prior to the first commencement of the seventh night game as approved in the modification of Condition 28.

Reason: *To ensure compliance*

Insert new condition 55

55. Implementation and Review of Operational Plan of Management

The requirements of the Operational Plan of Management are to be implemented by the proponents of the games (i.e. lessee of the site) for every subsequent night game with details kept to demonstrate compliance. (Note: Failure to implement the OPOM is a breach of this consent.)

An annual statement is to be provided by the lessee to Council at the end of November each year detailing the consultation and review, and any proposed changes to the OPOM. Any amendments to the OPOM are to be approved by Council prior to commencement of the following season.

Reason: *To reduce impact on surrounding residential areas*

Insert new condition 56

56. Review of Plan of Management for on-street parking

Prior to the first commencement of the seventh night game (as approved in modification of condition 28), Council is to undertake a review of the current plan of management for on-street parking in consultation with the lessee and to include any additional measures to minimise any adverse impacts on neighbouring residential properties and time frames for implementation. This should include, but is not limited to, consultation with local residents, measures to facilitate patrons leaving the area and a transportation plan developed for the site dealing with bus and taxi availability, timetables and provision of information to patrons relating to transport services.

Reason: *To reduce impact on surrounding residential areas.*

Insert new condition 57

57. Implementation of Plan of Management for on-street parking

The lessee is to be provided with a copy of the final plan of management and is to undertake appropriate actions as required by the plan. (Note: Failure to implement this Plan of Management is a breach of this consent.)

Reason: *To reduce impact on surrounding residential areas”*

DA6000/4921/3 (Modification 3)

A Section 96 application (6000/4021/3) was approved by Council on 8 May 2007 to allow one Monday night game to be played on 21 May 2007.

Subsequently, Condition 27 and 28 were amended to include the provision of the Monday night game. Condition 58 ('Implementation of Operational Plan of Management for Monday Night Game') was included to provide for the Monday night game.

DA6000/4021/4 (Modification 4)

A Section 96 application (6000/4021/4) was approved by Council on 27 March 2008 to permit three Monday night games per year, with a maximum of 12 night games per season.

Condition 27 and 28 were subsequently amended to remove the specific reference to the Monday night game held on 21 May 2007 and to allow for matches to be scheduled on Monday evening (to finish at 21.00) generally.

Condition 58 was also deleted (see Modification 3 above).

PROPOSED DEVELOPMENT IN DETAIL

The proposal seeks to amend the consent (as modified) to permit Thursday night games.

The proposal does not seek to increase the number of approved night games (being 12 in total as approved under Modification 2) but rather seeks to conduct three of the approved night games on Thursday nights.

For the 2016 season there will be a total of 10 matches played at Brookvale Oval (the site). These games will be played over Monday, Thursday, Friday and Saturday nights or Sunday afternoons.

It is proposed that Conditions 27 and 28 be modified to include the Thursday night games. The two conditions are therefore required to be amended to read:

Condition 27

“The stated level of use by Manly Warringah Rugby League Club during the season other than pre-season, practice or exhibition matches is generally:

Weekly Training: Monday, Tuesday & Thursday evening – from 16.30 to 22.00

Wednesday evening training – from 16.30 to 20.30

Saturday and Sunday morning from 07.00 to 10.00

National Competition Matches 12 home matches to be played in the season.

The matches may be scheduled on: Friday evening – finishes at 22.00

Saturday afternoon – finishes at 18.00

Saturday evening – finishes at 22.00

*Sunday afternoon – finishes at 18.00
Monday evening – finishes at 21.00
Thursday evening – finishes at 22.00*

Reason: *To reduce impact on surrounding residential areas”.*

Condition 28

“Night matches are limited to a maximum of 12 matches per season (in total) to be played on either Friday, Saturday nights, including up to three (3) Monday nights and up to three (3) Thursday nights”.

In consideration of the application a review of (but not limited) documents as provided by the applicant in support of the application was taken into account detail provided within Attachment A.

ENVIRONMENTAL PLANNING AND ASSESSMENT ACT, 1979 (EPAA)

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 and is attached taking into all relevant provisions of the Environmental Planning and Assessment Act 1979 and associated regulations;
- A site inspection was conducted and consideration has been given to the impacts of the development upon all lands whether nearby, adjoining or at a distance;
- Consideration was given to all documentation provided (up to the time of determination) by the applicant, persons who have made submissions regarding the application and any advice given by relevant Council / Government / Authority Officers on the proposal.

In this regard, the relevant matters for consideration under Section 96(1A) of the Environmental Planning and Assessment Act, 1979, are:

Section 96(1A) - Other Modifications	Comments
A consent authority may, on application being made by the applicant or any other person entitled to act on a consent granted by the consent authority and subject to and in accordance with the regulations, modify the consent if:	
(a) it is satisfied that the proposed modification is of minimal environmental impact, and	The modification, as proposed in this application, is considered to be of minimal environmental impact.
(b) it is satisfied that the development to which the consent as modified relates is substantially the same development as the development for which consent was originally granted and before that consent as originally granted was modified (if at all), and	The development, as proposed, has been found to be such that Council is satisfied that the proposed works are substantially the same as those already approved under Development consent 94/380 (as modified).
(c) it has notified the application in accordance with:	The application has been publicly exhibited in accordance with the Environmental Planning

Section 96(1A) - Other Modifications	Comments
(i) the regulations, if the regulations so require, Or (ii) a development control plan, if the consent authority is a council that has made a development control plan under section 72 that requires the notification or advertising of applications for modification of a development consent, and	and Assessment Act 1979, Environmental Planning and Assessment Regulation 2000, Warringah Local Environment Plan 2011 and Warringah Development Control Plan 2011.
(d) it has considered any submissions made concerning the proposed modification within any period prescribed by the regulations or provided by the development control plan, as the case may be.	See discussion on “Public Exhibition” in this report.

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

Section 79C 'Matters for Consideration'	Comments
Section 79C (1) (a)(i) – Provisions of any environmental planning instrument	See discussion on “Environmental Planning Instruments” in this report.
Section 79C (1) (a)(ii) – Provisions of any draft environmental planning instrument	None applicable.
Section 79C (1) (a)(iii) – Provisions of any development control plan	Warringah Development Control Plan applies to this proposal.
Section 79C (1) (a)(iiia) – Provisions of any planning agreement	None applicable.
Section 79C (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, Council requested additional information and has therefore considered the number of days taken in this assessment in light of this clause within the Regulations. No additional</p>

Section 79C 'Matters for Consideration'	Comments
	<p>information was requested.</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.</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.</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 clause is not relevant to the application.</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>
<p>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</p>	<p>(i) The environmental impacts of the proposed development on the natural and built environment are addressed under the Warringah Development Control Plan section in this report.</p> <p>(ii) The proposed development will not have a detrimental social impact in the locality considering the character of the proposal and the matters incorporated to mitigate any potential impacts.</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>
<p>Section 79C (1) (c) – the suitability of the site for the development</p>	<p>The site is considered suitable for the proposed development.</p>
<p>Section 79C (1) (d) – any submissions made in accordance with the EPA Act or EPA Regs</p>	<p>See discussion on “Public Exhibition” in this report.</p>
<p>Section 79C (1) (e) – the public interest</p>	<p>No matters have arisen in this assessment that would justify the refusal of the application in the public interest.</p>

EXISTING USE RIGHTS

Existing Use Rights are not applicable to this application.

NOTIFICATION & SUBMISSIONS RECEIVED

The subject development application has been publicly exhibited in accordance with the Environmental Planning and Assessment Act 1979, Environmental Planning and Assessment Regulation 2000 and Warringah Development Control Plan.

As a result of the public exhibition of the application Council received one submission was received from the following:

Submission Received	Address
C Kirsch	58 Cumberland Avenue, Collaroy

The following issues were raised in the submission:

- **Social Impact (noise and behaviour); and**
- **Traffic Impact.**

The above issues are addressed as follows:

- **Social Impact (noise and behaviour)**

“The impact of night games during the week is unacceptable due to the noise and disturbance created during the game, but also after the game ends due to patrons exiting - often noisily and with negative social behaviour excessive traffic from cars departing etc”

Comment:

This application does not seek to increase the number of games.

Currently approval is provided for 12 games to be shared over Monday, Friday, Saturday and Sunday (including up to three Monday nights).

This modification seeks to conduct up to three of these 12 games on a Thursday night.

An amended Operational Plan of Management (OPM) has been prepared to address the revised usage conditions and to provide a mechanism to protect the community against the impact of such events and is a requirement of the existing consent applying to the land (Condition 45a). It is suggested that an additional condition of consent be imposed (Condition 59) which implements the amended OPM and failure to comply will result in a breach of the consent.

Further, the OPM for the Monday night game provides for security patrols to control any unsociable behaviour outside the Brookvale grounds.

The OPM notes a minimum of six security personnel will be deployed at the conclusion of each match to monitor the egress of patrons to ensure that noise is kept to a minimum and to prevent patrons from loitering after the match. Patrols of Pine Avenue, Federal Parade, Regina Avenue, Victor Road, Shackel Avenue, Binda Place, Alfred Road and Gulliver Street. are included.

Up to 13 uniformed police are in attendance for all Sea Eagles matches which provide additional crowd control services.

The OPM confirms that the Complaints Hotline will continue to operate on game days from gate opening to 1 hour after the conclusion of each match. This will provide residents with a contact for any problems that they experience that are the result of matches played at Brookvale Oval.

The submission is therefore not considered to warrant refusal of the application.

- **Traffic Impact**

“The narrow roads, especially at Pine Avenue lead to total gridlock if night games are added during the week. The area simply does not cope with the traffic volume created by night games in addition to weekday traffic volumes after school and after work. Therefore the application needs to be rejected”.

Comment:

A Traffic Study has been prepared by Taylor Thomson Whiting dated 3 February 2016 and submitted with the Development Application. In summary this report provides:

“In the parking demand survey conducted in 2007, it was found that on street parking demand increased by up to 300 private vehicles from the hours of 3:00pm to 7:00pm. Most of this increase in demand was met by on street parking in East Brookvale. This is an industrial area which is able to account for on street parking concurrently with the NRL games.

Brookvale Oval is located roughly five minutes’ walk away from Warringah Mall, a major shopping centre that is well connected by public transport and contains a multi storey car park with three free hours of complimentary parking. Should there be capacity and if there is greater demand for on street parking than supply, it is likely that attendees will utilise this car parking option.

The previous report conducted by TTW found that on street parking provided for the demand generated by a popular NRL match on a Friday evening. Taking into account that the proposed matches would be conducted on a Thursday evening, it is anticipated that traffic and parking conditions would be comparable. Given the average attendance numbers for 2015 are roughly 9,000 less than when the parking survey was conducted, it is likely the parking conditions would be sufficient. Hence, the additional three Thursday matches in a year would not have any insignificant impact.”

The application was referred to Council’s Traffic Engineer and the following comment has been provided:

“The proposed is for three NRL matches during the year to be held on Thursday nights with no changes on the total number of games during a year.

In reviewing of the Traffic Report prepared by Taylor Thomson Whitting, the traffic and parking impact of the proposed games on Thursdays will remain the same as other matches days.

Given that the proposal is only for change of the games days and will not result in any additional traffic and parking impact to the existing approved days, no objection is raised on the proposal on traffic grounds”

The OPM indicates that games on a Thursday evening will commence at 8.05pm (20.05) with gates opening at 5.30pm (17:30). The Traffic Study noted a peak on street parking demand between 6:30pm and 7:30pm reaching roughly 90% capacity.

During the hour of peak demand the match generated roughly 300 extra vehicles using street parking spaces. It is noted that the hour of peak demand is outside of school hours and regular work hours for businesses in the local area.

The proposal will not increase the number of games on the site and the original approval considered parking and traffic flows to be satisfactory.

It is recommended that Condition 28 be amended to limit a maximum of 3 Thursday night matches.

As such this is not considered to be an issue which warrants the refusal of the application.

MEDIATION

No requests for mediation have been made in relation to this application.

REFERRALS

External

Ausgrid

The proposal was referred to Ausgrid. No response has been received within the 21 day statutory period and therefore, it is assumed that no objections are raised and no conditions are recommended.

NSW Police

The proposal was referred to the NSW Police and in correspondence dated 22 January 2016 they indicated that a Crime Risk Assessment and CPTED assessment is not required. Further correspondence dated 19 February 2016 provided the following:

The proposal seeks to amend the consent to allow for three Thursday night National Rugby League Matches. The proposed Thursday night matches will conclude at 10.00pm. Police have viewed the operation plan of management. The operation plan of management sets out number of security and police that are required at the event. There does not appear to be any issues with this application.

Internal

Traffic Engineering

The application was referred to Council's Traffic Engineer for review and consideration. The following comments have been provided:

"The proposed is for three NRL matches during the year to be held on Thursday nights with no changes on the total number of games during a year.

In reviewing of the Traffic Report prepared by Taylor Thomson Whitting, the traffic and parking impact of the proposed games on Thursdays will remain the same as other matches days.

Given that the proposal is only for change of the games days and will not result in any additional traffic and parking impact to the existing approved days, no objection is raised on the proposal on traffic grounds".

Waste Management

The application was referred to Council's Waste Management Department for review and consideration who did not raise any objection to the proposal nor impose any additional conditions.

Parks, Reserves and Foreshores

The application was referred to Council's Parks, Reserves and Foreshores Department for review and consideration. The following comments have been provided:

"It is recommended that Consent is granted for this Development Application provided that the terms and conditions of the Brookvale Oval Operational Management Plan are employed consistently for Thursdays as they are for other night games".

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)

There are no SEPPS or SREPS relevant to this application.

WARRINGAH LOCAL ENVIRONMENT PLAN 2011

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
5.3 Development near zone boundaries	Yes
5.8 Conversion of fire alarms	N/A
5.10 Heritage conservation	Yes
6.2 Earthworks	N/A
6.4 Development on sloping land	N/A
Schedule 5 Environmental heritage	Yes

Detailed Assessment

Clause 5.10 Heritage Conservation

The site contains a number of Brush Box and Camphor Laurel trees identified as being of local heritage significance (Item No. I132). The proposed modification of operating hours (which does not require any physical work) will not have any implications for the significance of the heritage item.

Having regard to the above assessment, it is concluded that the proposed development is consistent with the relevant objectives of LEP and the objectives specified in section 5(a) of the Environmental Planning and Assessment Act, 1979. Accordingly, this assessment finds that the proposal is supported, in this particular circumstance.

WARRINGAH DEVELOPMENT CONTROL PLAN 2011

Compliance Assessment

Clause	Compliance with Requirements	Consistency Aims/Objectives
A.5 Objectives	Yes	Yes
C2 Traffic, Access and Safety	Yes	Yes
C3 Parking Facilities	Yes	Yes
C4 Stormwater	N/A	N/A
C5 Erosion and Sedimentation	N/A	N/A
C6 Building over or adjacent to Constructed Council Drainage Easements	N/A	N/A
C7 Excavation and Landfill	N/A	N/A
C8 Demolition and Construction	N/A	N/A
C9 Waste Management	Yes	Yes
Non-Residential Development	Yes	Yes
Mixed Use Premises (Residential/Non-Residential)	N/A	N/A
D3 Noise	Yes	Yes
D6 Access to Sunlight	N/A	N/A
D7 Views	N/A	N/A
D8 Privacy	N/A	N/A
D9 Building Bulk	N/A	N/A
D10 Building Colours and Materials	N/A	N/A
D11 Roofs	N/A	N/A
D12 Glare and Reflection	N/A	N/A
D14 Site Facilities	N/A	N/A
D18 Accessibility	N/A	N/A
D20 Safety and Security	Yes	Yes
D21 Provision and Location of Utility Services	N/A	N/A
D22 Conservation of Energy and Water	N/A	N/A
E1 Private Property Tree Management	N/A	N/A
E2 Prescribed Vegetation	N/A	N/A

E6 Retaining unique environmental features	N/A	N/A
E10 Landslip Risk	N/A	N/A

Detailed Assessment

C2 Traffic Access and Parking

A Traffic Study has been prepared by Taylor Thomson Whiting dated 3 February 2016 and submitted with the Development Application. In summary this report provides:

“In the parking demand survey conducted in 2007, it was found that on street parking demand increased by up to 300 private vehicles from the hours of 3:00pm to 7:00pm. Most of this increase in demand was met by on street parking in East Brookvale. This is an industrial area which is able to account for on street parking concurrently with the NRL games.

Brookvale Oval is located roughly five minutes’ walk away from Warringah Mall, a major shopping centre that is well connected by public transport and contains a multi storey car park with three free hours of complimentary parking. Should there be capacity and if there is greater demand for on street parking than supply, it is likely that attendees will utilise this car parking option.

The previous report conducted by TTW found that on street parking provided for the demand generated by a popular NRL match on a Friday evening. Taking into account that the proposed matches would be conducted on a Thursday evening, it is anticipated that traffic and parking conditions would be comparable. Given the average attendance numbers for 2015 are roughly 9,000 less than when the parking survey was conducted, it is likely the parking conditions would be sufficient. Hence, the additional three Thursday matches in a year would not have any insignificant impact.”

The application was referred to Council’s Traffic Engineer which provided the following comment:

“The proposed is for three NRL matches during the year to be held on Thursday nights with no changes on the total number of games during a year.

In reviewing of the Traffic Report prepared by Taylor Thomson Whitting, the traffic and parking impact of the proposed games on Thursdays will remain the same as other matches days.

Given that the proposal is only for change of the games days and will not result in any additional traffic and parking impact to the existing approved days, no objection is raised on the proposal on traffic grounds”.

The OPM indicates that games on a Thursday evening will commence at 8.05pm (20.05) with gates opening at 5.30pm (17:30). The Traffic Study noted a peak on-street parking demand between 6:30pm and 7:30pm reaching roughly 90% capacity. During the hour of peak demand the match generated roughly 300 extra vehicles using street parking spaces. It is noted that the hour of peak demand is outside of school hours and regular work hours for businesses in the local area.

The proposal will not increase the number of games on the site and the original approval considered parking and traffic flows to be satisfactory.

Having regard to the above assessment, it is concluded that the proposed development is consistent with the relevant objectives of WDCP 2011 and the objectives specified in section 5(a) of the Environmental Planning and Assessment Act, 1979. Accordingly, this assessment finds that the proposal is supported, in this particular circumstance.

THREATENED SPECIES, POPULATIONS OR ECOLOGICAL COMMUNITIES

The proposal will not significantly effect threatened species, populations or ecological communities, or their habitats.

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;
- Warringah Local Environment Plan;
- Warringah Development Control Plan; and
- Codes and Policies of Council.

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

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

RECOMMENDATION

THAT Council, as the consent authority, approve application No. MOD2016/0022 to modify Development Consent No. 94/380 (as modified) granted for Brookvale Oval Redevelopment Stage One to permit three (3) Thursday night games per season on land at Lot 6, DP 785409; Lot B, DP 966128; Part Lot 1, DP 114027; & Lot 1, DP 784268; Brookvale Oval, Cnr Alfred & Pittwater Roads, Brookvale (Brookvale Oval), subject to the following amended conditions:

A. Amend Condition 27 to read:

- 27.** The stated level of use by Manly Warringah Rugby League Club during the season other than preseason, practice or exhibition matches is generally:

Weekly Training:

- Monday, Tuesday & Thursday evening – from 16.30 to 22.00
- Wednesday evening training – from 16.30 to 20.30
- Saturday and Sunday morning from 07.00 to 10.00

National Competition Matches:

- 12 home matches to be played in the season.

The matches may be scheduled on:

- Friday evening – finishes at 22.00
- Saturday afternoon – finishes at 18.00
- Saturday evening – finishes at 22.00
- Sunday afternoon – finishes at 18.00.
- Monday evening – finishes at 21.00.
- Thursday evening – finishes at 22.00.

B. Amend Condition 28 to read:

- 28.** Night matches are limited to a maximum of 12 matches per season (in total) to be played on either Friday, Saturday nights, including up to three (3) Monday nights and up to three (3) Thursday nights.

C. Add Condition 59 to read:

- 59. Implementation of the Brookvale Oval Operational Plan of Management for all night matches and for all Monday Night fixtures (referencing the “2016 season”)**

The lessee is to be provided with a copy of the final Plan of Management and is to undertake appropriate actions as required by the Plan. (Note: failure to implement this Plan of Management is a breach of this consent).

Reason: To minimise impact on surrounding residential areas.