
Bayside Planning Panel

13/06/2017

Item No	5.4
Application Type	Development Application
Application Number	DA-2015/272
Lodgement Date	30 January 2015
Property	369E Bexley Road, Bexley
Owner	Bayside Council
Applicant	Van Janevski
Proposal	Change of use of two (2) of the four (4) existing tennis courts to two (2) mini football fields/multi-purpose sports fields (including field lighting), conversion of one (1) tennis court to car parking to provide a total of 38 off-street parking spaces, convert existing brick structure to kiosk/office and signage to heritage item (former quarry) - the remaining tennis court will be used as a sitting / waiting area.
No. of Submissions	The latest notification attracted six (6) written letters of objection, plus a petition containing thirteen (13) signatures also objecting to the proposal.
Cost of Development	\$400,000
Report by	Creative Planning Solutions

Officer Recommendation

- 1 That the Development Application No.DA-2015/272 for the proposed change of use of two (2) of the four (4) existing tennis courts to two (2) mini football fields/multi-purpose sports fields (including field lighting), conversion of one (1) tennis court to car parking to provide a total of 38 off-street parking spaces, convert existing brick structure to kiosk/office and signage to heritage item (former quarry) - the remaining tennis court will be used as a sitting / waiting area at 369E Bexley Road, Bexley be approved subject to the conditions attached to this report.
 - 2 That the objectors be advised of the Bayside Planning Panel's decision.
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Attachments

- 1 Planning Assessment Report
 - 2 Draft Notice of Determination
 - 3 Site Plan
 - 4 Field Plan
 - 5 Typical Elevation Plan
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Location Plan



Fig 1 – Location Plan

BAYSIDE COUNCIL

Planning Assessment Report

Application Details

Application Number:	DA-2015/272
Date of Receipt:	30 January 2015
Property:	369 E Bexley Road BEXLEY NSW 2207
Owner:	Bayside Council
Applicant:	Golden Goal Pty Ltd
Proposal:	Change of use of two (2) of the four (4) existing tennis courts to two (2) mini football fields/multi-purpose sports fields (including field lighting), conversion of one (1) tennis court to car parking to provide a total of 38 off-street parking spaces, convert existing brick structure to kiosk/office and signage to heritage item (former quarry) - the remaining tennis court will be used as a sitting / waiting area.
Recommendation:	Approval, subject to recommended conditions of consent which include a trial period for the proposal.
No. of Submissions:	The latest notification attracted five (5) written letters of objection, plus a petition containing thirteen (13) signatures also objecting to the proposal.
Author:	Ben Tesoriero – Creative Planning Solutions Pty Limited
Coordinator	Marta M. Gonzalez-Valdes – Coordinator Major Assessments
Date of Report:	30 May 2017

Key Issues

- **Noise Impact:** One of the key issues identified as part of the assessment of the subject DA, is the proposal's apparent inability to achieve compliance with the noise criterion of background plus 5dBA. This has been demonstrated within the applicant's submitted acoustic report.

The recommendation of the applicant's acoustic consultant is as follows:

"In my opinion, the use of two courts in the evening should be trialled and if the vocal emissions are such that the conservative noise is breached, then the use of a single court would need to be considered."

Based on the above recommendation submitted to Council by the applicant, the following condition of consent has been imposed:

Hours of Operation. *The hours of operation for the two (2) mini football fields/multi-purpose sports fields, including the field lighting, kiosk and amenities room is from 8.00am to 10.00pm Monday to Saturday, and from 8.00am to 9.00pm on Sundays for a period of 6 months from the issue of an Occupation Certificate, after which time the hours of operation will revert to only one (1) mini football field/ multi-purpose sports field from 8.00am to 10.00pm Monday to Saturday, and from 8.00am to 9.00pm on Sundays unless a further approval is obtained by way of a Section 96 modification application to retain the operation of the two (2) fields. The Section 96 modification application would need to be accompanied by a report prepared by a suitably qualified acoustic engineer demonstrating the vocal emissions are such that the noise criterion is not breached.*

- **Light Spill Impact:** Another key issue identified as part of the assessment of the subject DA was that pertaining to the potential light spill impacts of the development on adjoining residences. Immediately to the south-west of the proposed sports courts, on top of a 10m high escarpment, is the boundary to multi dwelling housing development facing Orpington Street.

The proposal will see the removal of 6 x 20m high light poles and luminaries across the four existing tennis courts, and the erection of 12 x 8m high light poles and luminaries across the two northern-most tennis courts.

A light spill report has been submitted with the DA concluding that the current design is certified to comply with AS4282 – 1997. *Control of the Obtrusive Effects of Light.*

Given the potential obtrusive effects of the sports field lighting was a significant concern held by the adjoining residents, the following conditions of consent have been included to ensure the installed lights operate within the limits set by AS4282 – 1997:

Light Spill – *The light spill at the adjoining residential boundaries to comply with the requirements of AS 4282 – Control of the obtrusive effects of outdoor lighting.*

Light Spill Validation Report. *A validation report must be obtained from a suitably qualified and experienced lighting engineer/consultant three (3) months after the commencement in operation of the development under DA-2015/272. The report should demonstrate and certify that light spill impacts with the development satisfy AS 4282-1997 Control of the obtrusive effects of outdoor lighting.*

The report is to be forwarded to and approved by Council. This report must address (but not limited to) the level of light spill on adjoining residential properties. Any recommendations outlined in the report are to be implemented in accordance with the report.

Recommendation

1. That the development application DA-2015/272 for the proposed change of use of two (2) of the four (4) existing tennis courts to two (2) mini football fields/multi-purpose sports fields (including field lighting), conversion of one (1) tennis court to car parking to provide a total of 38 off-street parking spaces, convert existing brick structure to kiosk/office and signage to heritage item (former quarry) - the remaining tennis court will be used as a sitting / waiting area at 369E Bexley Road, Bexley be APPROVED pursuant to Section 80(1)(a) of the *Environmental Planning and Assessment Act 1979* and subject to the conditions of consent attached to this report.
2. That the objectors be advised of the Bayside Planning Panel's decision.

Background

History

The subject development application (DA) was lodged with Council on 30 January 2015.

In accordance with the provisions of the Rockdale Development Control Plan 2011 (DCP), the DA was notified to adjoining owners on 4 February 2015, with the notification period closing on 26 February 2015. It is important to note the DA as originally lodged proposed the change of use of all four (4) tennis courts to multi-purpose sports courts, with the hours of operation being from 7am to 10:30pm seven (7) days per week.

In response to the notification of the DA as originally proposed (i.e. all four (4) tennis courts being used as multi-purpose sports courts), Council received seven (8) written submissions objecting to the proposal, along with a petition also objecting to the proposal which contained nine (9) signatures. The key objections to the proposal within these submissions can be summarised as follows:

- Noise impacts associated from the augmented use of the tennis courts on adjoining residents, in particular the hours of operation from 7am to 10:30pm seven (7) days per week;
- Increased traffic associated with the intensified use of the subject site, and subsequent impact on the surrounding road network's safety;
- Light spill from the proposed new light poles and luminaries located at the multi-purpose sports courts impacting on the amenity of adjoining residential areas; and
- Concerns over the loss of local tennis courts given the proposal is to convert existing tennis courts to multi-purpose sports courts.

Following a detailed assessment of the proposal, site inspection and review of the submissions received, a request for additional information was issued to the applicant on 20 March 2015. The information requested from the applicant included the following:

- Acoustic report to address the potential noise impacts on the adjoining residential development as a result of the intensified use of the tennis courts;
- Light spill report to address the potential effects of light spillage on the adjoining residential development and ensure compliance with *Australian Standard 4282-1997 'Control of the Effects of Outdoor Lighting'*; and
- Traffic and parking impact study to ascertain the impact the intensified use of the subject site will have on the existing parking arrangements, and also traffic given the proposal's location adjacent to a State Road.

On 13 August 2015 the applicant submitted to Council an acoustic report, light spill report and traffic and parking impact study in support of the proposed development.

A review of this additional information submitted to Council raised a number of further concerns with the proposed development which were conveyed to Council on 20 August 2015. These concerns included the following:

- The Acoustic Report indicated that surrounding residences will be impacted upon by the noise associated with the proposal, so much so that it appeared the noise objective set in the acoustic report was unable to be met by the proposal for a number of residential receivers. This was of concern as there are a large number of dwellings within the residential areas that would be impacted upon.

- With regard to the Lighting Design report, concerns included the report's acknowledgement that the proposal fails to comply with the *Australian Standard 4282-1997 'Control of the obtrusive effects of outdoor lighting'*. The diagrams within the report showed that light spill on adjoining residences was at least five (5) times greater than the maximum permitted under the AS 4282-1997. In any event, the report seemed deficient as it did not show the Lux levels on the boundary, as stipulated by AS 4282-1997. If this were to be the case, it was envisaged the level of non-compliance would be even greater.
- Further, in the additional information request a Traffic and Parking Impact Study was required to ascertain the impact the intensified use of the subject site would have on the existing parking arrangements, and also traffic given its location adjacent to a State Road. In response, the applicant submitted a Construction Traffic Management Report which outlined principals for traffic management during the construction phase of the development. As such, it was considered the required additional information in relation to traffic and parking remained outstanding.

On 26 August 2015 a meeting was held with Council staff, the applicant (Golden Goal Pty Ltd), and Council's consultant planner CPS. In this meeting the above issues with the proposal were reiterated, with the applicant and Council resolving that further additional information would be submitted by the applicant, along with consideration for a modified proposal that reduced the environmental impact of the proposal through utilisation of two (2) existing tennis courts for multi-purpose sports rather than the four (4) originally proposed.

On 9 December 2015 the applicant submitted revised plans, supporting reports, and a letter dated 30 November 2015 which changed the nature of the proposal, as had been resolved in the meeting held of 26 August 2015. The new description of the proposal was updated as follows:

Change of use of two (2) of the four (4) existing tennis courts to two (2) mini football fields/multi-purpose sports fields, including field lighting, converting existing brick structure to cafe/kiosk/office and signage to heritage item (former quarry) operating 8am to 10:00pm Monday to Saturday and 8am to 9pm Sundays.

Following submission of the applicant's revised proposal, the amended DA was re-notified in accordance with the DCP on 9 December 2015, with the notification period closing on 7 January 2016. In response to the second notification round, six (7) written submissions objecting to the revised proposal were received, along with a new petition containing eleven (11) signatures objecting to the revised proposal.

The key objections to the amended proposal outlined within the submissions can be summarised as follows:

- Noise impacts associated from the augmented use of the tennis courts on adjoining residents, in particular the proposed hours of operation;
- Criticism over the recommendations contained within the acoustic report prepared for the applicant, including whether the noise management measures may reasonably be achievable;
- Inadequate provision of on-site parking will result in loss of parking availability within the surrounding streets;
- Increased traffic associated with the intensified use of the subject site, and subsequent impact on the surrounding road network's safety;
- Light spill from the proposed new light poles and luminaries located at the multi-purpose sports courts impacting on the amenity of adjoining residential areas;
- Concerns over the loss of tennis courts with the proposal to convert existing tennis courts to multi-purpose sports courts; and
- Concerns that people will remain at the multi-purpose sports courts after games have finished, thus

continuing noise and associated amenity impacts into the night time period.

The assessment of the additional information submitted by the applicant and the submissions identified continued issues with the applicant's proposal. Principally this related to the traffic and parking report as it remained a report for the construction stage of the development and not the operational stage. In this regard Council issued a request that the traffic report for the operational stage of the proposal be submitted.

This updated traffic and parking report for the operational stage of the proposal was submitted to Council on 14 January 2016. A review of this report identified the following issues:

- The submitted traffic report substantially underestimated the traffic and parking impacts of the proposal. Given considerably more people will be occupying the site for the purposes of mini-football fields/multi-purpose sporting fields than that associated with tennis courts, a new traffic and parking assessment was needed.
- The traffic report indicated that the applicant's site plan contained insufficient information to enable the consultant to assess compliance and confirm parking certification with AS2890.1-2004 '*Parking facilities - Off-street car parking*'. The Site Plan needed to be updated so the consultant could confirm that the proposed parking layout complied with the relevant Australian Standards.
- The report indicated that the visibility to the right of the driveway is 84m. However when reviewing *Figure 7* of the report, and having regard to the proposed Site Plan, it was clear that visibility from the driver's position (i.e. 2.5m in from the kerb) was blocked by the proposed 'Sign A' for the sports courts. In this regard, the applicant was required to reduce Sign A in size as it was 5mx2mH, 400mm off ground level and 500mm off the front boundary. It was noted there was a discrepancy on the Site Plan where one notation indicated the sign was 500mm off the front boundary, but the dimension said 600mm. The same discrepancy applied to 'Sign D'.
- The traffic report did not consider the impact on parking demand during the cross-over period between those matches finishing and new matches starting at the sports courts. For example, there would inevitably be players/parents/spectators arriving before the preceding game's players/parents/spectators have vacated the site.

The only way this could work was if the applicant proposed to have 15-20min gaps between games to enable sufficient time for people to vacate the site and empty parking spaces, however this was not proposed.

- The proposal includes a café/kiosk/office, however the traffic report did not take into consideration the demand for parking of persons operating these facilities. The traffic report needed to be revised to consider the parking demand for all occupiers of the site, including those operating the facility as well as players, spectators and parents etc. There was also questions as to whether each of the referee's on the courts were leaving at the end of the match or whether they would stay on-site and continue to referee matches throughout the evening. If this were to be the case, it would be expected that referees would occupy car spaces throughout the evening meaning these would not be vacated for arriving players.
- In the December 2015 traffic report it was claimed that eighteen (18) parking spaces were to be formalised on the site to comply with AS/NZS2890-1-2004. However in the January 2016 revision of the report it now proposed to include nineteen (19) car parking spaces. The applicant was requested to confirm the number of parking spaces it wished to formalise in the car parking area to ensure compliance with AS/NZS2890-1-2004 once the Site Plan had been updated to include the information necessary for the consultant.

The above issues with the traffic and parking report were conveyed to the applicant on 2 February 2016 as part of a request for additional information on the issue. Also requested at this time was clarification of a number of matters contained within the applicant's submitted light spill report, including the use of averaged Lux levels at the residential boundary rather than identifying the maximum Lux level to ascertain compliance with the relevant Australian Standards for controlling the obtrusive effects of outdoor lighting.

On 24 March 2016, Council held a meeting with the applicant to discuss outstanding matters associated with the subject development application. This included discussions on the following issues:

- Noise – The acoustic consultant suggested a trial period for the proposed courts. Council requested that the applicant consider whether this was practical from an operational perspective.
- Parking – The traffic engineer stated they had been unable to confirm whether the nineteen (19) car parking spaces (claimed by applicant) would comply with the standards. Accordingly the parking layout was required to be shown on a plan and certified by the traffic consultant as meeting the relevant Australian Standards. In addition the applicant had not considered the demand for parking and change over time i.e. when teams arrive prior to end of previous matches.
- Lighting - The lighting report does not address the relevant standard and as such failed to demonstrate that the proposal complies with AS4282-1997.

The applicant was requested to provide this information by 3 June 2016 otherwise a report would be prepared recommending refusal of the DA.

The applicant failed to submit the required information by 3 June 2016, but following discussions with Council managed to submit this information on 9 June 2016.

In these latest plans, the proposal was essentially modified to include the change of use of two (2) of the four (4) existing tennis courts to two (2) mini football/multi-purpose fields (including field lighting), conversion of one (1) of the tennis courts to car parking to provide a total of 38 off-street parking spaces, conversion of the existing brick structure to a kiosk/office with signage. The proposed facility was to operate from 8am to 10:00pm Monday to Saturday and 8am to 9pm Sundays - the remaining tennis court is proposed to be used as a sitting/waiting area.

A review of the applicant's latest amendment to the proposal raised a number of queries from the consultant assessing officer which were put to Council on 5 July 2016. These queries/comments included the following:

- **Notification** – Given the nature of the changes to the applicant's proposal, the description of the DA as appearing on Council's website needed to be updated, and the revised plans/proposal be subjected to re-notification.
- **Owner's consent** – As the proposal will result in the loss of two tennis courts, it was requested that an internal referral take place to ensure the revised proposal has been approved internally by the Council as land owners. It was noted that the applicant's most recent proposal effectively halves the size of the existing facility by replacing sports courts with an increased parking area and a sitting/waiting area.
- **Permissibility** – Café's are a prohibited use on the site under the site's RE1 Public Recreation zone. Yet the applicant's plans indicate a café and toilets within an existing building on the site. The description of the DA on Council's website at present outlined this as being a café/kiosk/office. Kiosks are permitted within the zone, however are limited to a GFA of 15m² as per clause 5.4 of the *Rockdale Local Environmental Plan 2011* (LEP). Although the 3 June 2016 plans do not show an internal layout of this building, previous incarnations of plans by the applicant showed the café as having a GFA of 22m².

The consultant requested comment from Council to ascertain whether they would be amenable to a condition that limits the use of the building to a kiosk only, and also limit the size of the kiosk to 15m², or whether they would prefer amended plans from the applicant.

- **Existing Light Pole Removal** – In the applicant's latest lighting design report received on 8 June 2016 it was unclear how many light poles are proposed on the two multi-purpose sports fields. Also it was queried whether the applicant was to be removing or replacing the existing 20m light poles

as originally proposed, as it was now deleted from the latest lighting design report.

In the responses provided by Council the following was advised:

- **Notification** – The description of the proposal was updated on Council's website as per the applicant's amended plans and proposal. Furthermore, the amended plans submitted by the applicant in June 2016 were notified in accordance with the provisions of the DCP on 4 August 2016, with the notification period closing on 19 August 2016. In response to this notification, a petition containing 13 signatures and six(6) submissions objecting to the proposal were received.
- **Owner's consent** – The consultant assessing officer was advised that Council's property team provided extracts from the Plan of Management which confirm that the amended proposal would not be contrary to the Plan. In addition, Council's Senior Development Assessment Planner received verbal confirmation from the Property team that the amendments would not result in Council withdrawing owner's consent for the proposal.

It is understood Council's Senior Development Assessment Planner requested written confirmation on this matter also.

- **Permissibility** – Council's Senior Development Assessment Planner advised the applicant of the issue with café's not being permissible in the RE1 zone, along with the suggestion that the café be approved as a kiosk with maximum gross floor area of 15m². It is understood the applicant raised no objection to a condition of this nature being imposed.
- **Existing Light Pole Removal** – Council's Senior Development Assessment Planner held discussions with the applicant and received confirmation that amended plans would be submitted regarding the proposed lighting.

On 3 August 2016 revised plans addressing the following were received by Council:

- The existing 20m poles are to be removed;
- 6 x 8m high poles will be provided for each court (i.e. a total of 12 poles). The poles will be 75mm x 75mm wide, however the central poles will be provided back to back with total dimensions 100mm x 100mm.
- No excavation works will be required. The poles will be bolted into the existing footings.

The assessment report herein is based on the latest revision of the plans and proposal received by Council on 3 August 2016.

Proposal

Council is in receipt of a DA at No.369E Bexley Road, Bexley NSW 2207, which seeks consent for the following:

- Change of use of two (2) of the four (4) existing tennis courts to two (2) mini football fields/multi-purpose sports fields. The courts to be converted for sports use are the northernmost courts.
- Of the two (2) remaining tennis courts, the southernmost court is to be converted for use as part of an expansion to the existing car park accommodating twenty-two (22) car parking spaces, while the remaining court is to be used as a waiting area for the sports courts;
- Removal of the existing 20m high light poles at the tennis courts, and replacement of these with 6 x 8m high light poles for each tennis court that is to be converted into a multi-purpose sports court – i.e. a total of twelve (12) light poles.
- Conversion of the existing brick structure adjacent to the sports courts into a café with outdoor seating, along with a storage room and a unisex toilet;

- Erection of three (3) signs, and the resurfacing of one (1) existing sign adjacent to the car park entry. The three new signs are located as follows:
 - one (1) on the fencing of the new carpark area,
 - one (1) on the fencing of the waiting area, and
 - one (1) adjacent to sports court/field No.1 and Bexley Road.
- Operating of the two (2) sports courts from 8am to 10:00pm Monday to Saturday and 8am to 9pm Sundays;
- Formalisation of an existing car park to accommodate sixteen (16) vehicles and conversion of the southern-most tennis court into an additional parking area to accommodate twenty-two (22) vehicles. A total of thirty-eight (38) car parking spaces would therefore be provided.

Figure 1 below shows the location of each of the above components of the proposed development over an aerial photograph to distinguish the different facets of DA-2015/272.



Figure 1 – Diagram showing the location of the different components of the proposal under DA-2015/272 – as per the applicant's latest amendment submitted on 3 August 2016.

Source: <http://google.com.au/maps> - edited by CPS for diagrammatic purposes

Site location and context

The subject site is located at No.369E Bexley Road, Bexley NSW 2207, and legally referred to as Lots 12-20 Section B in Deposited Plan 4580. The subject forms part of the Bardwell Valley Parklands, and is located in the eastern portion of the parklands in a narrow wedge adjacent to Bexley Road.

The subject site is mostly rectangular in shape and occupies a wedge or strip between Bexley Road to the east and an escarpment to the west, whereby on top of the escarpment is residential accommodation in the form of multi dwelling housing.

These multi dwelling housing developments located on top of the escarpment are elevated approximately 10m above the surface level of the existing tennis courts. The addresses of these multi dwelling housing developments are 11-13 Orpington Street and 7-9 Orpington Street.

To the south of the site are single dwelling houses, some of which front Orpington Street and others front Eddystone Road. The dwellings houses to the south are also elevated, but above the area of the existing car park to be formalised rather than the sports courts.

To the north of the subject site is Bardwell Valley Parklands and Bardwell Creek.

To the east of the site is Bexley Road, with the land opposite Bexley Road to the east comprising Binnamittalong Gardens. Further to the east, beyond these gardens again, is residential accommodation which fronts Veron Road and Chamberlain Road.

Reference is made to **Figure 2** below which includes an aerial photograph of the subject site and surrounding development.



Figure 2 - Diagram of the subject site and surrounds. Highlighted in red is the subject site, while

highlighted in blue are the multi dwelling house developments located on top of the escarpment which have the highest potential to be impacted upon by the proposed development. To the north is the Bardwell Valley Parklands, to the east in Bexley Road and the Binnamittalong Gardens, while to the south are single dwelling houses atop an escarpment.

Source: www.google.com.au – edited by CPS for diagrammatic purposes



Figure 3 - View to the west from the surface of the existing tennis court (No 2) to the multi dwelling housing developments located on top of the escarpment which is approximately 10m high.

Source: CPS 2015



Figure 4 - View to the south from the surface of the existing tennis courts to the single dwelling houses located on top of the escarpment which is approximately 10m high. Also in this image is the existing brick building which is proposed to be renovated and utilised for the purposes of a kiosk/café/office ancillary to the sports courts.

Source: CPS 2015



Figure 5 - View to the west from the surface of the existing tennis court (No.4 which is to be converted into a multipurpose sports court), to the multi dwelling housing developments located on top of the escarpment which is approximately 8-10m high.

Source: CPS 2015



Figure 6 - View to the north from the car park which is to be formally line marked as part of the proposed development. Noted in this image is the existing brick building which is proposed to be renovated and utilised for the purposes of a kiosk/café/office ancillary to the sports courts.

Source: CPS 2015

Referrals

External Referrals

The DA-2015/272 was not subject to any external referrals.

Internal Referrals

Development Engineer

As part of the assessment of the subject DA, the proposal was referred to Council's Development Engineer for review. In their response dated 23 June 2016, the following comments were made in relation to the applicant's amended plans:

Stormwater

No stormwater plan was submitted with DA application. The new car parking areas shall have an oil separator as per section 7.5.4 of Rockdale Technical Specification – Stormwater Management. Conditions will be inserted to provide stormwater plan prior to construction certificate.

Access & Parking

Access is provided through an existing vehicular crossing via Bexley Road. Bexley Road is a classified road. To avoid queuing, the access driveway shall be minimum 5.5m for the first 6m inside the property boundary as per AS2890.1:2004.

In the Development Engineer's referral for the subject DA, a review of the applicant's traffic report has been undertaken, along with an assessment of a comparable sports facility within Strathfield. The assessment by Council's Development Engineer concludes that the proposal is considered to have sufficient parking spaces, subject to conditions in relation to following:

- A condition will be required to restrict the maximum number of players in each soccer fields to 10.

Assessing Officer Comment: This recommended condition to be imposed by Council's Development Engineer is considered appropriate given the applicant's proposal indicates that the multi purposes sports courts are to be utilised for five (5) per side soccer practice games, meaning that there will be a maximum of 10 players on each of the two (2) fields/courts. A condition to this effect will not stop an eleventh person being on court as a referee, as they are not considered to constitute a 'player'.

- Sporting activities management plan shall be submitted to the Certifying Authority prior to the Construction Certification. In any major events or competitions, two activates shall have 15-20 minutes separation to reduce any impact on Bexley Road Traffic Flows.

Assessing Officer Comment: It is considered this condition is reasonable to mitigate the cumulative traffic and parking impacts associated with back to back games taking place on the fields. A condition to this effect will therefore be included in the draft consent.

Traffic Generation

Council's Development Engineer has outlined that the traffic generation by the proposal is considered to be minimal, particularly when taken into context with the surrounding road environment.

Flooding

Council's Development Engineer advises that as per a GIS record, the site is not flood affected.

Other Comments

Council's Development Engineer has provided a response to a number of queries posed by the consultant assessment officer in relation to earlier incarnations of the applicant's traffic and parking report dated 2 February 2016:

Consultant Assessment Officer Comment: The report indicates that the applicant's site plan contains insufficient information to enable SafeWay to assess compliance and confirm a parking certification with AS2890.12004 'Parking facilities Offstreet car parking'. I am of the opinion that the Site Plan should be updated so SafeWay can confirm that the proposed parking layout complies with the relevant Australian Standards.

Council Development Engineer Response: Safeway certified the compliance as per AS2890.1 - hence acceptable.

Consultant Assessment Officer Comment: The report indicates that the visibility to the right of the driveway is 84m. However when reviewing Figure 7 of the report, and having regard to the proposed Site Plan, it is clear that visibility from the driver's position (i.e. 2.5m in from the kerb) is blocked by the proposed 'Sign A'. In this regard, we'd have to condition that Sign A be reduced in size as it is currently 5mx2mH, 400mm off ground level and 500mm off the front boundary. It is noted there is a discrepancy on the Site Plan where the one notation indicates it is 500mm off the front boundary, but the dimension says 600mm. The same discrepancy applies to 'Sign D'.

Council Development Engineer Response: Amended traffic report and architectural plans shall be submitted prior to Construction Certificate to relocating the proposed signage A to provide sight distance as per AS2890.1:2004 at the driveway access.

Consultant Assessment Officer Comment: The report does not consider the impact on parking demand during the crossover period between those matches finishing and new matches starting at the sports courts. For example, there will inevitably be players/ parents/ spectators arriving before the preceding game's players/parents/spectators have vacated the site. The only way I could see this working is if the applicant was proposing to have 15-20 minute gaps between games to enable sufficient time for people to vacate the site and empty parking spaces?

Council Development Engineer Response: Condition inserted to provide management plan for any bigger events to include 15 20 minutes separation between events.

Consultant Assessment Officer Comment: The proposal includes a café/kiosk/office, however the report does not take into consideration the demand for parking of persons operating these facilities. The report should be revised to consider the parking demand for all occupiers of the site, including those operating the facility as well as players, spectators and parents etc. There is also a questions as to whether each of the referee's on the courts are leaving at the end of the match or whether they would stay onsite and continue to referee matches throughout the evening. If this were to be the case, it would be expected that referees would occupy car spaces throughout the evening meaning these would not be vacated or arriving players.

Council Development Engineer Response: Latest traffic report (dated May 2016) considered the number of spectators and referees. See parking space calculation.

Recommendation

The application has been assessed and it is recommended that the following conditions to be included in the development consent.

Note: by Consultant Assessing Officer: Due to the considerable number on conditions to be imposed by the Development Engineer, these have not been copied into the assessment report. Reference should be made to the referral document for details of each of the conditions recommended.

Environmental Project Officer

As part of the assessment of the subject development application, the proposal was referred to Council's Environmental Project Officer. In their referral response dated 23 March 2015, Council's Environmental Project Officer raised no particular objections to the proposal, but made the following comments:

- Construction must be contained within the site and not encroach on the bushland;
- Trees must be retained and protected as part of the development, with no construction within the canopy drip line, and no storage of materials or vehicles under trees.
- Any landscaping must constitute 50% plant species identified in Appendix B of the Bardwell Valley Section Plant List of the Rockdale Technical Specifications Landscape document. Additionally landscaping must not include any plant species identified in Appendix B Section J Unacceptable Species Plan List of the Rockdale Technical Specifications Landscape document.

Consultant Assessment Officer Comment: The above comments have been noted and will form conditions of consent in relation to the proposed development's approval.

Environmental Health Officer

As part of the assessment of the subject development application, the proposal was referred to Council's Environmental Health Officer (EHO). In their referral response dated 26 February 2016, Council's Environmental Health Officer made the following comments:

- A review of the applicant's submitted acoustic report dated 27 July 2015 was undertaken;
- Based on the outcomes of the report, EHO have recommended a trial period for the proposal on the basis of potential noise impacts;
- EHO suggested a peer review of the applicant's submitted acoustic report;

- EHO have made recommendations for conditions of consent in relation to the following matters:
 - Noise from mechanical plant;
 - Compliance with relevant food standards and regulations;
 - Waste storage, management and disposal;
 - Safety and standards associated with the kiosk as a food premises.

Note: Due to the significant number of conditions imposed by EHO, reference should be made to the full referral response, or draft consent for details of these conditions.

Consultant Assessment Officer Comment: The recommended conditions of approval by Council's EHO are included within the draft consent. Also refer to comments provided under SEPP 55 assessment below.

Heritage Officer

As part of the consideration for the DA-2015/194, the proposal was forwarded to Council's heritage officer for comment. In the referral response from the Heritage Officer, general support for the proposal was granted, subject to conditions of consent recommending the size of the proposed signage be reduced so as to less the impact of the proposal on the significance of the former quarry.

The recommended condition by the Heritage Officer includes:

Signs A and D shall be no greater in height than 180mm from ground level to the top of the sign, and have 600mm high posts. Signs A and D shall be no greater than 2500mm in width. Signs B and C shall be no greater than 1500mm high and 2500mm wide. No landscaping is to be removed or impacted during the installation of the signs.

Consultant Assessment Officer Comment: The recommended condition of approval by Council's Heritage Officer is to be included within the draft consent.

Tree Management Officer

As part of the consideration for the DA-2015/194, the proposal was forwarded to Council's Tree Management Officer for comment. In the referral response from the Tree Management Officer, general support for the proposal was granted as the existing site trees would be unaffected by the proposal. However to ensure existing trees are retained and protected, a number of conditions have been recommended. These include conditions covering the following:

- No trees within Council's nature strip to be removed or pruned without obtaining Council consent,
- Where paving is to occur near trees, this is not to damage trees. Alternative construction techniques may need to be adopted.
- Care with location of underground services so as not to impact on trees,
- Building materials shall not be placed or stored under the drip line of trees required to be retained.

Consultant Assessment Officer Comment: The recommended conditions of approval by Council's Tree Management Officer are included within the draft consent.

Statutory Considerations

Environmental Planning and Assessment Act, 1979

An assessment of the application has been undertaken pursuant to the provisions of the *Environmental Planning and Assessment Act, 1979*.

S.79C(1) - Matters for Consideration - General

S.79C(1)(a)(i) - Provisions of Environmental Planning Instruments

The following Environmental Planning Instruments are relevant to this application:

State Environmental Planning Policy No. 55 – Remediation of Land (SEPP 55)

The site is identified as being potentially contaminated given its previous industrial activities on the site. The applicant has submitted a Preliminary Site Investigation (PSI) report, prepared by EBG Environmental Geoscience dated May 2017 Report ID:EBG-02608 Stage 1.PSI.05.17. The report concludes that ‘.....the land is suitable for the proposed development....’.

The report has been reviewed by Council’s environmental health officer. Based on the conclusion of the report, the proposal is found to be satisfactory in regard to SEPP 55. Additional conditions are proposed and included in the Draft Notice of Determination in regard to the quality of any proposed landfill and actions if it is found during construction that the conclusions of the PSI have changed.

State Environmental Planning Policy No. 64 – Advertising and Signage (SEPP 64)

The aims and objectives of *State Environmental Planning Policy No 64—Advertising and Signage* are to ensure that signage (including advertising) is compatible with the desired amenity and visual character of an area, provides effective communication in suitable locations, and is of high quality design and finish.

Clause 3 of SEPP 64 states outlines the aims of the policy which must be met by all signage.

This Policy aims:

to ensure that signage (including advertising):

*is compatible with the desired amenity and visual character of an area, and
provides effective communication in suitable locations, and
is of high quality design and finish, and*

to regulate signage (but not content) under Part 4 of the Act, and

to provide time-limited consents for the display of certain advertisements.

This Policy does not regulate the content of signage and does not require consent for a change in the content of signage.

Under the provisions of Clause 4 of SEPP 64 the proposed signage areas are defined as a “business identification signs”. Consent is sought for the signage, including its location, area, and colours.

It is considered that the location and area of the proposed signs as described as shown on the applicant’s submitted plans is consistent with the existing signage structures on the site (adjacent to the driveway entry) and to be expected with the proposed development for use of the existing sports courts.

The locations are considered to be suitable and appropriate for a recreational facility (outdoor). The resurfacing of the existing sign adjacent to the car park entry is expected, given it has been painted over since the use of the tennis courts ceased.

The two signs affixed to the fences of the sports court parking and waiting area are orientated perpendicular to the road, and as such will not be a distraction to vehicles. Whilst the signage proposed is typical of such sports courts that are enclosed by high metal fences, two signs close to each other are excessive and will be out of character with the heritage significance of the land. As such a condition of consent is proposed requiring the removal of sign B.

The sign located adjacent to sport court No.1 and Bexley Road is not dissimilar to that which is located at the opposite end of the site adjacent to the car park entry. This sign is low is height and surrounded by existing vegetation, so is not considered to be a dominant or discordant element in the streetscape. This sign will serve as a business identification sign for pedestrians and motorists approaching from the north, for which the development itself is somewhat disguised by existing vegetation and the slope of the land.

Based on the above, it is therefore considered that the location, area, and design of the future business identification signage is appropriate for the development and the busy locality in which it will be situated.

The proposed signs A,C and D comply with clause 8 of SEPP 64 as they are consistent with the objectives of the policy and satisfy the assessment criteria in Schedule 1. As such the proposed signs are supported.

Rockdale Local Environmental Plan 2011

CLAUSE	REQUIREMENT	PROPOSED	COMPLIES
Cl.2.3 Zone RE1 Public Recreation	Land uses permitted with consent: <i>Boat launching ramps; Child care centres; Community facilities; Environmental facilities; Environmental protection works; Jetties; Kiosks; Recreation areas; Recreation facilities (indoor); Recreation facilities (major); Recreation facilities (outdoor); Respite day care centres; Signage;</i>	See comment below.	Yes

CLAUSE	REQUIREMENT	PROPOSED	COMPLIES
	<i>Water supply systems.</i>		
CI 4.3 – Height of Buildings	No maximum building height shown for the site on the Height of Buildings Map.	Although no building height limits apply to the subject site, it is noted the proposal will result in the erection of twelve (12) new light poles which will have a height of 8m.	N/A
CI 4.4 – Floor Space Ratio	No maximum floor space ratio is shown for the site on the Floor Space Ratio map.	Given the nature of the proposal, there is not anticipated to be any increase in gross floor area on the site.	N/A
CI 5.4 – Controls relating to miscellaneous permissible uses	If development for the purposes of a kiosk is permitted under this Plan, the gross floor area must not exceed 15 square metres.	<p>The proposed development includes a kiosk which will occupy part of an existing brick building on the site between the courts and the car park. The brick building will also accommodate a storage room/office and a toilet. The submitted plans show the kiosk component of the existing brick building will have a gross floor area of 22m². Accordingly, the proposal is 7m² greater than the 15m² maximum permitted under CI.5.4.</p> <p>This is considered to be capable of being addressed via imposition of a condition of consent that the internal layout of the existing brick building be amended to ensure the kiosk component has a gross floor area not exceeding 15m² when utilising the appropriate definitions contained within the Dictionary of the <i>Rockdale Local Environmental Plan 2011</i>.</p> <p>This approach has been verified as being acceptable by both Council and the applicant. Accordingly the suggested condition is:</p> <p><i>Prior to the issue of a Construction Certificate, the following amendments shall be made (as marked in red on the approved plans):</i></p> <ul style="list-style-type: none"> <i>The internal layout of the existing brick building be amended to ensure the kiosk component has a gross floor area not exceeding 15m² when utilising the appropriate definitions contained within the Dictionary of the Rockdale Local Environmental Plan 2011.</i> 	No – condition
CI.5.4	Listed under Schedule 5 'Environmental Heritage' of LEP2011 is 'Former Quarry' at 369E Bexley Road, Bexley (Item No.102). The Former Quarry is identified under	See below for the referral response comments made by the heritage officer in relation to the site's local heritage significance.	Yes

CLAUSE	REQUIREMENT	PROPOSED	COMPLIES
	<p>LEP2011 as being of 'local' significance.</p> <p>The subject site is also immediately adjacent to local heritage item I101, being the Bardwell Creek Flora Reserve.</p> <p>As part of the consideration for the DA-2015/194, the proposal was forwarded to Council's heritage officer for comment.</p>		
CI 6.1 Acid Sulfate Soils	Acid Sulfate Soils Management Plan if any acid sulfate soils are likely to be disturbed by proposed development.	Subject site is located on land identified as containing Class 5 Acid Sulfate soils. However, the proposed development does not include any significant earthworks and accordingly there is not likely to be any real opportunity to disturb acid sulphate soils on the site.	Yes
CI.6.2 Earthworks	<p>(3) Before granting development consent for earthworks, the consent authority must consider the following matters:</p> <p>(a) the likely disruption of, or any detrimental effect on, existing drainage patterns and soil stability in the locality,</p> <p>(b) the effect of the proposed development on the likely future use or redevelopment of the land,</p> <p>(c) the quality of the fill or the soil to be excavated, or both,</p> <p>(d) the effect of the proposed development on the existing and likely amenity of adjoining properties,</p> <p>(e) the source of any fill material and the destination of any excavated material,</p> <p>(f) the likelihood of disturbing relics,</p> <p>(g) The proximity to and potential for adverse impacts on any watercourse, drinking water catchment or environmentally sensitive area.</p>	As has been confirmed by the applicant, the proposal will not result in any significant earthworks. It is the intention that the light poles be anchored to existing footings on the courts.	Yes
CI 6.4 Airspace	- Max 45.72m Building Height Civil Aviation	The proposed development will result in the introduction of twelve (12) new light	Yes

CLAUSE	REQUIREMENT	PROPOSED	COMPLIES
Operations	Regulations, and <ul style="list-style-type: none"> - Max 80m Obstacle Limitation Surface (OLS) - ANEF contour of 20 or less for residential 	poles associated with the sports courts, however given these light poles are to be a maximum of 8m high, they are not considered to impact on airspace operations, particular as existing higher light poles are located on and surrounding the site.	
CI 6.7 Stormwater	Stormwater to be designed to maximise water permeable surfaces, include OSD where practical, and avoid/minimise impact of stormwater run-off on adjoining properties, native bushland and receiving waters.	<p>The proposed development relates to a change of use of existing tennis courts to multi-purpose sports courts, along with the erection of light poles, formalisation of an existing hard stand parking area via line marking, expansion of the existing car park into one of the existing tennis courts, and utilisation of an existing brick building for the purposes of a kiosk/café/office.</p> <p>Given the above proposal will not increase hard surface areas or run off on the subject site, it is considered unnecessary to require any significant upgrade or augmentation to the existing stormwater arrangements on site.</p> <p>It is also noted the subject DA was referred to Council's Development Engineer who has raised no objection to the proposal, subject to the imposition of conditions.</p>	Yes
CI 6.8 Biodiversity Protection	Applies to land identifies as "Biodiversity" on the Terrestrial Biodiversity Map.	It is noted that a small portion of the subject site in the northern corner is identified as 'Biodiversity' on the Terrestrial Biodiversity Map. However as noted in the Figure 7 below, this is not land affected by works associated with the proposed development as the light poles and courts to be modified are positioned to the south of this biodiversity land.	Yes
CI 6.9 Riparian land, watercourses and artificial waterbodies	Applies to land situated within 40m of the top of the bank of a watercourse or artificial waterbody.	The proposed development is to take place within 40m of a watercourse, namely the Bardwell Creek which is identified by Rockdale City Council as a major tributary of Wolli Creek that runs in a semi-natural watercourse downstream of Ellerslie Road – i.e. where the subject site is located. Refer to Figure 8 below.	See further comments below.
CI 6.12 Essential Services	Access to services such as: <ul style="list-style-type: none"> - Water - Electricity - Sewerage disposal - Stormwater drainage - Road access 	The subject site includes development that currently has access to all the essential services identified in clause 6.12. Given the relatively minor nature of the works proposed, it is considered unlikely that the proposal will result in any significant implications to these existing essential services.	Yes

2.3 Zone – RE1 Public Recreation

The subject site is zoned RE1 Public Recreation under the LEP 2011 (current version for 21 October 2016). Within the RE1 zone, development for the following purposes is identified as being permissible with development consent:

Boat launching ramps; Child care centres; Community facilities; Environmental facilities; Environmental protection works; Jetties; Kiosks; Recreation areas; Recreation facilities (indoor); Recreation facilities (major); Recreation facilities (outdoor); Respite day care centres; Signage; Water supply systems

Importantly for the proposal under DA-2015/272, it is noted development for the purposes of 'recreation facilities (outdoor)', and 'kiosks' are permitted with consent. Not listed as being permitted with consent is development for the purposes of 'car parks', 'restaurants or cafes' or 'office premises'. By not being listed as permitted with consent under LEP2011, these land uses are effectively prohibited in the RE1 zone.

Within the Dictionary of the LEP2011, the above land uses are defined as follows:

recreation facility (outdoor) means a building or place (other than a recreation area) used predominantly for outdoor recreation, whether or not operated for the purposes of gain, including a golf course, golf driving range, mini-golf centre, tennis court, paint-ball centre, lawn bowling green, outdoor swimming pool, equestrian centre, skate board ramp, go-kart track, rifle range, water-ski centre or any other building or place of a like character used for outdoor recreation (including any ancillary buildings), but does not include an entertainment facility or a recreation facility (major).

kiosk means premises that are used for the purposes of selling food, light refreshments and other small convenience items such as newspapers, films and the like.

car park means a building or place primarily used for the purpose of parking motor vehicles, including any manoeuvring space and access thereto, whether operated for gain or not.

restaurant or cafe means a building or place the principal purpose of which is the preparation and serving, on a retail basis, of food and drink to people for consumption on the premises, whether or not liquor, take away meals and drinks or entertainment are also provided.

office premises means a building or place used for the purpose of administrative, clerical, technical, professional or similar activities that do not include dealing with members of the public at the building or place on a direct and regular basis, except where such dealing is a minor activity (by appointment) that is ancillary to the main purpose for which the building or place is used.

When having regard to the above definitions, it is clear the proposed change of use of two tennis courts to multi-purpose sports courts, and their subsequent illumination, would be consistent with the 'recreation facility (outdoor)' land use term. In addition, the proposed use of the existing brick building for the purposes of a kiosk would be consistent with the 'kiosk' land use term. Accordingly, both these land uses are considered to be satisfactorily permissible within the zone.

The formalisation and expansion of the existing car park through new line marking and utilising one of the existing tennis courts is considered to be a permissible use of the site, despite a

'car park' being a prohibited use. This is because the car park is ancillary to the recreation facility (outdoor) use which is permissible on the site.

It is also considered that a small office associated with the recreation facility (outdoor) can reasonably be defined as an ancillary use, and although labelled as an office on the plans, would fall short of the definition of a typical office premises by virtue of its subservient nature to the dominant use of the site which is the recreation facility (outdoor).

A café however is considered to be a prohibited use of the site as the definition outlines that a café is a building or place for which the principal purpose of its operation is for the selling of food and drink, whether or not liquor, take away meals and drinks or entertainment are also provided. The principal purpose of the subject site however is a recreation facility (outdoor) and as such, any other land uses on the site would have to be subservient to the dominant use of the recreation facility (outdoor).

In any event, it is considered the objective of permitting kiosks within the RE1 zone is to allow compatible land uses with public open space and recreational areas, rather than retail premises for which a café falls under the group use term.

For this reason, the following condition of consent is recommended:

*Prior to the issue of a **Construction Certificate**, the following amendments shall be made (as marked in red on the approved plans):*

- *All references to 'café' on the above plans be substituted with 'kiosk' and the kiosk premises only be used for the selling of food, light refreshments and other small convenience items such as newspapers, films and the like, in an ancillary manner to the new mini football fields/multi-purpose sports fields.*

The proposed signage is identified as being a permissible form of development under the site's RE1 'Public Recreation' zoning. The content of the signage included as part of the proposal (refer to plan 'Signage' P-1406-DA10) is affiliated with the proposed use of the site as a 'recreation facility (outdoor)', and therefore considered satisfactory when having regard to the objectives of the RE1 zone as it will help enable the land to be used for recreational purposes.

2.7 Demolition requires consent

The proposal includes demolition of the existing poles on the site, and one tennis court to make way for the expanded car parking area which has been assessed as satisfactory subject to imposition of consent conditions.

4.3 Height of buildings

As outlined in the table above, no building height development standards apply to the subject site under the provisions of LEP2011. Nevertheless, it is noted that the proposal is to include 8m high light poles which are considered to be of appropriate height given they are to replace existing 20m high light poles.

4.4 Floor space ratio

The proposal will include the adaptive reuse of the existing brick building on the site for the purposes of a store room, kiosk and unisex amenities. This will not result in any change to the building's gross floor area, and as such the floor space ratio for the land remains unchanged.

Despite this, it is noted that no prescribed floor space ratio limit applies to the land.

5.9 Preservation of trees or vegetation

The proposed development does not seek to remove any vegetation on the site, as it will largely make use of an existing car parking area, existing tennis courts, and an existing building. Accordingly little ground disturbance is anticipated, and consequently no impact on significant vegetation is envisaged.

5.10 Heritage Conservation

As outlined within the above table, listed under Schedule 5 'Environmental Heritage' of LEP2011 is a 'Former Quarry' at 369E Bexley Road, Bexley (Heritage Item No. I102). The Former Quarry is identified under LEP2011 as being of 'local' significance. The property is also immediately adjacent to Heritage Item I101, being the Bardwell Creek Flora Reserve.

As part of the consideration for the DA-2015/194, the proposal was forwarded to Council's heritage officer for comment. In the referral response from the Heritage Officer, general support for the proposal was granted, subject to conditions of consent recommending the size of the proposed signage be reduced so as to less the impact of the proposal on the significance of the former quarry.

The recommended condition by the Heritage Officer includes:

Signs A and D shall be no greater in height than 180mm from ground level to the top of the sign, and have 600mm high posts. Signs A and D shall be no greater than 2500mm in width. Signs B and C shall be no greater than 1500mm high and 2500mm wide. No landscaping is to be removed or impacted during the installation of the signs.

6.1 Acid Sulfate Soil - Class 5

The subject site is affected by class 5 acid sulfate soils. Clause 6.1 requires an Acid Sulfate Soils Management Plan be prepared for the carrying out of works for which the watertable is likely to be lowered below 1m AHD on adjacent class 1, 2, 3 or 4 land.

The proposed development does not involve excavation works on site, but rather anchoring the proposed new light poles to existing footings.

The proposed car park expansion will occur over the existing hard surface areas of the existing tennis court No.1, and aside from some minor grading, no significant earthworks are anticipated.

The nearest adjoining land identified as containing class 1, 2, 3 or 4 land is located 560m north-east of the subject site towards the Bardwell Valley Golf Club. The proposed basement works are not considered to lower the watertable of land located 560m away.

6.2 Earthworks

Clause 6.2 requires that any proposed earthworks will not have a detrimental impact on environmental functions and processes, neighbouring uses, cultural or heritage items or features of surrounding land.

As outlined above, the amount of earthworks proposed on the site are considered minimal, an unlikely to impact on environmental functions and processes. Furthermore the minor nature of

the necessary earthworks would mean that heritage items are satisfactorily protected. To ensure this, Council's referral response from the Heritage Officer has recommended conditions of consent be imposed.

6.4 Airspace operation

The purpose of clause 6.4 is to ensure that the relevant Commonwealth body is advised should the Limitation or Operation Surface of Sydney's Kingsford-Smith Airport be penetrated.

The proposed development will result in the introduction of twelve (12) new light poles associated with the sports courts, however given these light poles are to be a maximum of 8m high, they are not considered to impact on airspace operations, particular as existing higher light poles are located on and surrounding the site.

6.7 Stormwater

Council's Development Engineer has included recommended conditions of consent which are required to be satisfied prior to issue of the Construction Certificate to ensure that the new car park on the site satisfactorily complies with Council's Technical Specifications. Therefore, subject to recommended conditions the proposal is satisfactory with regards to this clause.

6.8 Biodiversity Protection

It is noted that a small portion of the subject site in the northern corner is identified as 'Biodiversity' on the Terrestrial Biodiversity Map. However as noted in the **Figure 7** below, this is not land affected by works associated with the proposed development as the light poles and courts to be modified are positioned to the south of this biodiversity land.

The provisions of clause 6.8 cover that before determining a development application for development on land to which this clause applies, the consent authority must consider any adverse impact of the proposed development on the following:

- (a) native ecological communities,
- (b) the habitat of any threatened species, populations or ecological community,
- (c) regionally significant species of fauna and flora or habitat,
- (d) habitat elements providing connectivity.

As part of the assessment of the subject development application, the proposal was referred to Council's Environmental Project Officer. In their referral response Council's Environmental Project Officer raised no particular objections to the proposal with regard to clause 6.8 of LEP2011, but made the following comments:

- Construction must be contained within the site and not encroach on the bushland;
- Trees must be retained and protected as part of the development, with no construction within the canopy drip line, and no storage of materials or vehicles under trees.
- Any landscaping must constitute 50% plant species identified in Appendix B of the Bardwell Valley Section Plant List of the Rockdale Technical Specifications Landscape document. Additionally landscaping must not include any plant species identified in Appendix B Section J Unacceptable Species Plan List of the Rockdale Technical Specifications Landscape document.

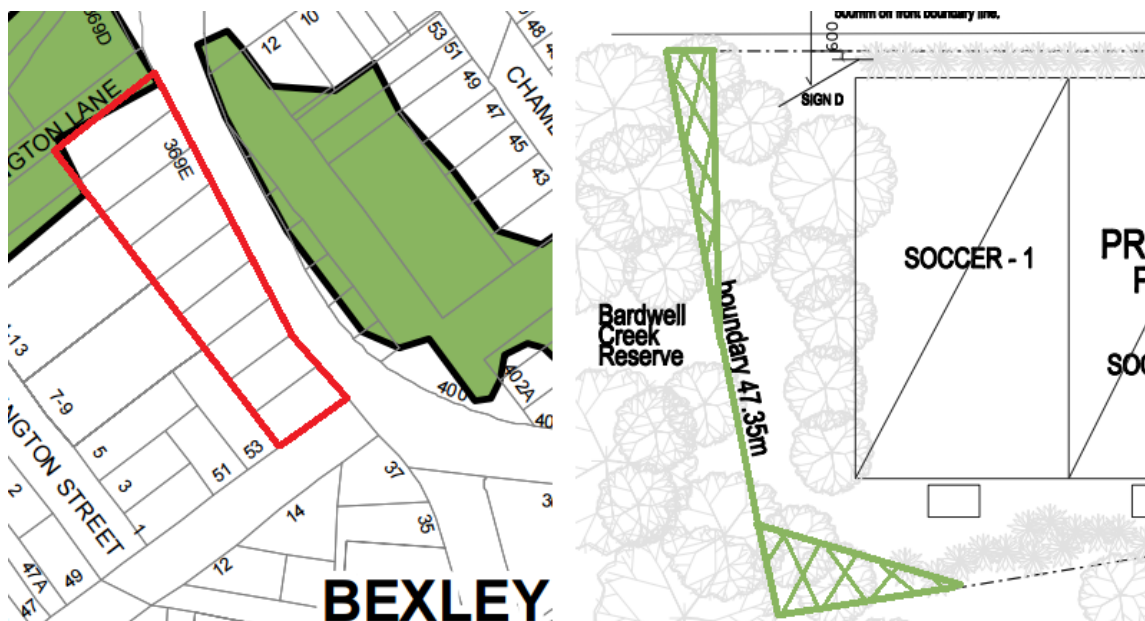


Figure 7: To the left in the above diagram is an extract from the LEP2011 Terrestrial Biodiversity Map with the subject site highlighted in red. Noted in this section of the diagram is a small component of the green shaded Biodiversity land impacting upon the northern portion of the site. To the right in the above diagram is an extract of the amended site plan showing the location of the sports courts/fields at the northern end of the site, along with the proposed sign. Noted here is how these elements of the proposal are not on land which is identified as Biodiversity under the Terrestrial Biodiversity Map (shown hatched in green).

Source: www.legislation.nsw.gov.au and submitted amended site plan by applicant – edited by CPS for diagrammatic purposes

6.9 Riparian land, watercourses and artificial waterbodies

A component of the proposed development is to take place within 40m of a watercourse, namely the Bardwell Creek which is identified by Rockdale City Council as a major tributary of Wollie Creek that runs in a semi-natural watercourse downstream of Ellerslie Road – i.e. where the subject site is located. The component only relates to the use of the courts, and replacement of the existing light poles with new light poles that will be anchored to existing footings. Accordingly, any environmental impacts associated with the proposal on the adjacent watercourse is considered to be insignificant.

Refer to **Figure 8** below for the location of the light poles to the aforementioned watercourse.

Before determining a development application to carry out development on land to which this clause applies, the consent authority must consider whether or not the development:

- (a) *will cause any adverse impact on the following:*
 - (i) *the water quality within a watercourse or artificial waterbody,*
 - (ii) *aquatic and riparian species, habitats and ecosystems,*
 - (iii) *the stability of the bed, shore and banks of a watercourse or artificial waterbody,*
 - (iv) *the free passage of fish and other aquatic organisms within or along a watercourse or within an artificial waterbody,*
 - (v) *any future rehabilitation of a watercourse, artificial waterbody and riparian areas,*
 - (vi) *flows within a watercourse, and*
- (b) *will increase water extraction from a watercourse or artificial waterbody.*

As mentioned, many facets of the proposal will involve minimal works that would unlikely cause any significant impact to the adjacent watercourse. This is because the proposal relates principally to the change of use of the tennis courts to multi-purposes sports, new light poles anchored to existing footings. The adaptive reuse of an existing building for the kiosk, and formalisation of an existing car park would be located further than 40m from the watercourse.

It is acknowledged there would be slightly more significant works associated with the expansion of the car park, however given this is to occur over the top of an existing tennis court and beyond the 40m zone of influence. There will be no vegetation removal, or increase in hard paved areas that would otherwise potentially impact on the watercourse.

As part of the assessment of the subject DA, the proposal was referred to Council's Environmental Management Officer who has raised no objection to the proposal with regard to clause 6.9 of LEP2011. Conditions of consent have however been recommended by the Environmental Management Officer, and these will be included within the draft consent.

Having regard to the above, the proposal is therefore considered acceptable when having regard to the provisions of clause 6.9 of LEP2011.

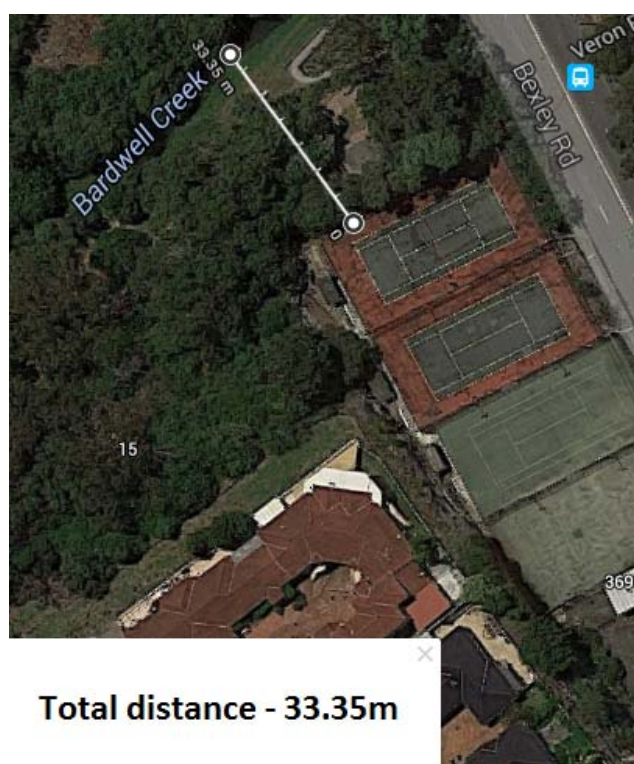


Figure 8: This diagram shows the distance from the proposed development (i.e. light poles) to Bardwell Creek, which is classified as a watercourse by Rockdale City Council.

Source: www.legislation.nsw.gov.au and submitted amended site plan by applicant – edited by CPS for diagrammatic purposes

6.12 Essential Services

It is considered that all services required to operate the proposal would already be connected to, and also be utilised under the current arrangements for the tennis courts. As such, the proposal will simply continue to utilise these services as part of the augmented use of the land.

S.79C(1)(a)(ii) - Provisions of any Draft EPI's

Draft SEPP 64 is available for public comment until 30 June 2017. The draft SEPP aims at detailing controls in regard to trailer advertising. Another key change is the repeal of Clause 16(4) to allow transport corridor advertising with consent. The proposed changes do not affect the proposal.

No other relevant draft proposed instruments are applicable to this proposal.

S79C(1)(a)(iii) - Provisions of any Development Control Plan

The following Development Control Plan is relevant to this application.

Rockdale Development Control Plan 2011

The proposed development generally complies with the Rockdale Development Control Plan 2011 (DCP2011). A compliance table for the proposed development is provided below:

Relevant clauses	Compliance with objectives	Compliance with standard/provision
Part 4 General Principles for Development		
4.1.1 Views and Vista	Due to the minor physical works being proposed, and given the new light poles will be lower than the existing light poles, no impact on views or vistas is envisaged.	Due to the minor physical works being proposed, and given the new light poles will be lower than the existing light poles, no impact on views or vistas is envisaged.
4.1.2 Heritage Conservation	Refer to heritage officer referral response.	Refer to heritage officer referral response.
4.1.3 Water Management	As part of the assessment of the proposed development, the DA was referred to Council's Environmental Management Officer who has provided support for the development subject to conditions of consent.	As part of the assessment of the proposed development, the DA was referred to Council's Environmental Management Officer who has provided support for the development subject to conditions of consent.
4.1.4 Soil Management		
4.1.5 Contaminated Land		

Relevant clauses	Compliance with objectives	Compliance with standard/provision
4.1.6 Development on Sloping Sites	The proposed works are not taking place on sloping land.	The proposed works are not taking place on sloping land.
4.1.9 Lot size and Site Consolidation - isolated sites	No change to the existing lot size or subdivision arrangement is proposed as part of the development.	No change to the existing lot size or subdivision arrangement is proposed as part of the development.
4.2 Streetscape and Site Context - General	Conditions have been included to ensure tree retention, and signage impacts are minimised. This will ensure the presentation to Bexley Road remains satisfactory.	
4.2 Streetscape and Site Context - Fencing		
4.2 Streetscape and Site Context - Sandstone Walling, Rock Outcrops and Kerbing		
4.3.1 Open Space and Landscape Design	The proposal can be seen as a positive contribute to a public open space area that is in line with the Plan of Management for the Bardwell Valley Parklands.	
4.3.2 Private Open Space - Low density residential	<p>The proposal will not result in any impacts to adjoining private open space areas given it is to occur at existing sports courts located 10m below residential development on the escarpment above.</p> <p>Refer to comments in relation to acoustic privacy and light spill below for details on how this may affect adjoining residential development.</p>	
4.4.3 Natural Lighting and Ventilation - Residential	No overshadowing of adjoining land is anticipated due to the nature of the works proposed, and the site being on the foot of an escarpment.	
4.4.4 Glazing - General Controls	No significant glazing works are proposed.	
4.4.5 Visual privacy	The proposal will not result in any visual privacy impacts given it is to occur at existing sports courts located 10m below residential development on the escarpment above.	
4.4.5 Acoustic privacy	Refer to detailed response in relation to noise and acoustic privacy following this table.	
4.4.6 Noise Impact - Non-residential		
4.4.7 Wind Impact	The physical aspects of the proposal are generally limited to the demolition of 6 x 20m light	

Relevant clauses	Compliance with objectives	Compliance with standard/provision
	poles, and the erection of 12 x 8m light poles. As such no impacts on wind are envisaged.	
4.5.2 Social Equity - Equitable Access	Complies - refer to detailed comments on social equity in the response following this table.	
4.6 Parking Rates - Other Uses	Complies – refer to Development Engineer referral response and comments on traffic and parking following this table.	
4.6 Parking Provisions - Alterations and additions	Complies – refer to Development Engineer referral response and comments on traffic and parking following this table.	
4.6 Parking Provisions - Prior Contributions	Complies – refer to Development Engineer referral response and comments on traffic and parking following this table.	
4.6 Car Park Location and Design	Complies – refer to Development Engineer referral response and comments on traffic and parking following this table.	
4.6 Vehicles Enter and Exit in a Forward Direction	Complies – refer to Development Engineer referral response and comments on traffic and parking following this table.	
4.6 Basement Parking - General	No basement parking is proposed as part of the proposed development. New parking areas are to be at grade.	
4.6 Driveway Widths	Complies – refer to Development Engineer referral response and comments on traffic and parking following this table.	
4.6 Traffic - Classified Roads	Complies – refer to Development Engineer referral response and comments on traffic and parking following this table.	
4.6 Mechanical Parking Systems	No mechanical parking systems proposed.	
4.6 Access to Parking	Complies – refer to Development Engineer referral response and comments on traffic and parking following this table.	
4.6 Design of Loading Facilities	No loading facilities are proposed as part of the proposed development. Any deliveries are considered capable of being accommodated within the existing parking area.	

Relevant clauses	Compliance with objectives	Compliance with standard/provision
4.7 Air Conditioning and Communication Structures	No specific air condition of communication structures are identified as being proposed as part of the DA.	
4.7 Waste Storage and Recycling Facilities	Appropriate conditions of consent will be imposed to manage waste storage and recycling. Reference should also be made to the Environmental Health Officer referral response.	
6.4 Advertising and Signage	Signs are proposed to the sports courts. Conditions of consent have been included to ensure these signs are limited in size so as to have regard to the heritage significance of the site, and also to ensure they are not an issue with regard to safe vehicular entry and egress from the site.	

Views and Vista

The only structures of significant physical influence on the site are the light poles, as the signage, and works associated with the expansion to the car park are generally low scale.

The light poles will be 8m in height, and as such fall below the approximate 10m height of the adjacent escarpment from the former quarry on the site. In addition, the light poles will replace existing 20m high light poles on the site.

The subject site is not located in an area with direct or obscured water views.

Having regard to the above, the proposal is considered to be satisfactory when having regard to its impact on any views or vistas.

Heritage Conservation

Reference is made to the detailed discussions on heritage contained in the response to clause 5.4 of LEP2011.

Water Management

The proposal relates to the use of the tennis courts, along with replacement of existing light poles with new light poles and luminaires at the existing tennis courts on Bexley Road. Due to the nature of the proposed modification, it is considered unlikely that any significant impacts on water management will result.

Flood Risk Management

The proposal relates to a new use of existing sports infrastructure, retention of an existing light pole and luminaire at the existing tennis courts, and expansion of a car park. Due to the nature of the proposed works, it is considered unlikely that any significant impacts on flood risk management will result. It is further noted that the subject land has been identified by Council as not being impacted upon by flooding.

Soil Management

The subject site is identified as being located within a Class 5 Acid Sulfate Soils area. However, as has been outlined earlier in this assessment report, the proposal is not considered to have an impact on acid sulfate soils due to the minimum ground disturbance proposed as part of the development, and also due to the subject site being located more than 500m from the nearest Class 1, 2, 3, or 4 acid sulfate soil areas.

Noise Impact

Noise impacts associated with the intensification in use of sports fields/courts can be a significant issue for adjoining sensitive receivers, such as residential dwellings. In particular, when lighting is utilised to enable use of sports fields into the evening, this can become a disturbance to the amenity and quiet enjoyment time typically expected in residential areas.

Both Council's initial assessment of the proposal, along with submissions received by neighbours, raised the issue of noise impacts associated with the development – principally to those residences located on top of the quarry escarpment immediately adjacent to the sports courts which are to be illuminated.

As such, it was requested that the applicant have a suitably qualified acoustic engineer prepare a report detailing the forecasted noise impacts of the proposal, along with any mitigation measures to reduce the impact on adjoining residential property.

An acoustic report prepared by Koikas Acoustic dated 27 July 2015 was subsequently submitted by the applicant. This report indicated that surrounding residences will be impacted upon by the noise associated with the proposal, so much so that the noise objective (being background plus 5dBA (53dBA)) set in the acoustic report was unable to be met by the originally submitted proposal for those residential receivers adjacent to the sports courts. This was of concern as there are a large number of dwellings within these residential areas that would be impacted upon.

The acoustic consultant also modelled the anticipated noise impact with only three, two and one court being utilised instead of the four courts originally proposed.

With three courts being utilised, the noise criteria of background plus 5dBA (53dBA) was exceeded at three residential locations, but to a lesser dBA amount.

With two courts being utilised, the noise criteria of background plus 5dBA (53dBA) was exceeded, but at only two residential locations. Furthermore, the dBA level of exceedance at these two locations was notably less.

With only one court being utilised, the noise criteria of background plus 5dBA (53dBA) was achieved at all receiver locations.

The assessment of the submitted acoustic report identified a number of concerns in relation to the acoustic performance of the proposal, in particular the apparent inability to achieve compliance with the noise criteria. These concerns were raised with the applicant, and an addendum to the acoustic report dated 25 November 2015 was subsequently issued.

Importantly, in the addendum the acoustic engineer concluded with the following recommendation:

"In my opinion, the use of two courts in the evening should be trialled and if the vocal

emissions are such that the conservative noise is breached, then the use of a single court would need to be considered.”

In line with the recommendation of the acoustic engineer, a letter from the applicant dated 30 November 2015 nominating the proposal be revised so only two of the four courts would be utilised for multi-purpose sports courts, instead of the four courts originally proposed.

No objection has been received by the applicant in relation to their acoustic consultant's suggested trial period.

The assessing officer acknowledges the potential risk faced by the applicant in proceeding with the development on the basis of a trial period. That risk being the cost required to carry out the proposed development, then the potential uncertainty of the both courts remaining in use beyond the trial period should the vocal emissions breach the noise criterion.

Nevertheless, it is important to balance the public benefits of the upgraded multi-purpose sports courts with the identified acoustic impacts of the proposal on adjoining residences, particularly as the neighbours have raised concerns in their written submissions objecting to the proposal on the basis of noise.

For this reason it is considered reasonable that the following condition of consent be imposed for the trial period suggested by the applicant's acoustic consultant:

The hours of operation for the two (2) mini football fields/multi-purpose sports fields, including the field lighting, kiosk and amenities room is from 8.00am to 10.00pm Monday to Saturday, and from 8.00am to 9.00pm on Sundays for a period of 6 months from the issue of an Occupation Certificate, after which time the hours of operation will revert to only one (1) mini football field/ multi-purpose sports field from 8.00am to 10.00pm Monday to Saturday, and from 8.00am to 9.00pm on Sundays unless a further approval is obtained by way of a Section 96 modification application to retain the operation of the two (2) fields. The Section 96 modification application would need to be accompanied by a report prepared by a suitably qualified acoustic engineer demonstrating the vocal emissions are such that the noise criterion is not breached.

Light Spill Impacts

Higher illuminating lights have the potential to impact on the built environment in terms of the obtrusive effects of outdoor lighting, particularly on land including residential accommodation.

As demonstrated within **Figure 2** earlier in this report, the nearest residential accommodation is that of the multi dwelling house developments fronting Orpington Street and backing onto the top of the escarpment above the existing sports courts. The property boundary to these dwellings is within 10m of the proposed development.

'Australian Standard AS4282-1997 – Control of the obtrusive effects of outdoor lighting' sets out guidelines for control of the obtrusive effects of outdoor lighting and gives recommended limits for the relevant lighting parameters to contain these effects within tolerable levels. The following is an extract from AS4282-1997 in relation to the effects on residents as a result of bright luminaries:

Section 2.6.1 Effects on residents Effects on residents generally involve a perceived change in amenity arising from either of the following:

- (a) *The illumination from spill light being obtrusive, particularly where the light enters rooms of dwelling that are normally dark, e.g. bedrooms. The illuminance on surfaces, particularly vertical surfaces, is an indicator of this effect.*
- (b) *The direct view of bright luminaries from normal viewing directions causing annoyance, distraction or even discomfort. The luminance of a luminaire, in a nominated direction, is an indicator of this effect. However, because of difficulties associated with the measurement of luminance, recommendation in the Standard are expressed in terms on the luminous intensity in specified directions.*

Tolerable levels of each of these light technical parameters will be influenced by the ambient lighting existing in that environment. This will be determined largely by the degree and type of the development of the area and by the road lighting in place.

Values of the light technical parameters that are acceptable during the earlier hours of the evening may become intolerable if they persist at later times when residents wish to sleep.

Given the above, it is important to assess the illumination spill on adjoining residential development whilst taking into consideration existing conditions, that being 20m high flood lights are already in place at the existing tennis courts, and the proposal will involve the removal of these light poles and luminaries, and replace them with twelve (12) new 8m high light poles for two (2) of the existing four (4) courts.

Table 2.1 within AS4282-1997 outlines the recommended maximum values of light for the control of obtrusive light both during curfew hours (i.e. after 11pm) and after curfew hours (before 11pm).

Table 2.1 provides that the recommended maximum Lux values at the boundaries of nearby residential properties is 10Lux for light or dark surrounds in pre-curfew hours, while at curfewed hours it is 2Lux in light surrounds and 1Lux in dark surrounds.

Although the nearby properties are located near approved light emitting sources already, such as the existing 20m high light poles, for the purposes of this assessment the more stringent dark surrounds criteria have been used. That is, a maximum 10Lux for pre-curfew hours and a maximum of 1Lux for curfewed hours.

As part of the assessment of the subject DA, Council has requested that the applicant submit a light spill report prepared by a suitably qualified lighting engineer. As outlined earlier within the Background section of this assessment report, a number of revisions to the proposal has taken place, and as such multiple revisions of the applicant's light spill report have also been necessary.

In the latest revision of the light spill report prepared by HHH Consulting, dated 3 June 2016, the following comments are made:

- The existing tennis courts currently have 6 x 20m high light poles with flood lights;
- The dwellings in the back are elevated at 10 metres (above the light fittings installed at 8m) most of the light spill will be absorbed by the trees.
- A lighting design was done using DiaLux V4.12 to ensure compliance with AS4282 – 1997. *Control of the Obtrusive Effects of Outdoor Lighting*

- The current design is certified to comply with AS4282 – 1997. *Control of the Obtrusive Effects of Light.*

As covered earlier within the Background section of this assessment report, a number of concerns were raised with the applicant's previous versions of the light spill report, including the use of averaging, and also failing to make a committing statement that the proposal would comply with AS4282 – 1997. *Control of the Obtrusive Effects of Outdoor Lighting.*

While components of the HHH Consulting report remain a little unclear, the report nonetheless concludes that the current design is certified to comply with AS4282 – 1997. *Control of the Obtrusive Effects of Light.*

Given the above, and also given the significant number of objections which have been received in relation to light spill from the proposed development, it is considered reasonable the following condition be imposed to verify the proposed lighting complies with the relevant Australian Standards once operational:

Light Spill. A validation report must be obtained from a suitably qualified and experienced lighting engineer/consultant three (3) months after the commencement in operation of the development under DA-2015/272. The report should demonstrate and certify that light spill impacts with the development satisfy AS 4282-1997 Control of the obtrusive effects of outdoor lighting.

The report is to be forwarded to and approved by Council. This report must address (but not limited to) the level of light spill on adjoining residential properties. Any recommendations outlined in the report are to be implemented in accordance with the report.

Social Equity

The proposal relates to the upgrade of existing light poles and luminaires at the existing sports courts within the Bardwell Valley Parklands. The proposal will also see the augmentation and formalisation of the existing car park, along with a modification in the use of the tennis courts to enable multi-purpose sporting activities.

Social benefits that can arise as a result of the proposal include the improved use and versatility of this existing community facility. However it is acknowledged that the impacts from the intensification of this use could cause some negative social issues with the residents adjoining the sports courts.

To balance the social benefits of the proposal with the potential impacts, a condition has been recommended in the applicant's submission for a trial period of the proposal. This is to ascertain the acoustic performance of the development and its potential to impact on adjoining residential areas. Should the results of the acoustic verification testing prove the noise criterion is unable to be achieved, then the use of only one sports court may be necessary to balance the social outcomes of the development.

Parking Rates – Other Uses

As part of the applicant's submission, a detailed traffic and parking impact assessment has been prepared for Council's consideration.

This report, prepared by SafeWay Traffic Management Solutions dated May 2016 notes that

neither the RTA Guide to Traffic Generating Developments, nor the Rockdale Development Control Plan 2011 provides any guide or recommendation for the parking requirements of multi-purpose sports courts.

In this regard the SafeWay report has applied an empirical assessment of the traffic generation and parking requirements for the sports courts based on worst case scenarios with both sports courts are being fully utilised at the same time for five-per-side soccer games. By allowing for 10 games to occur over a 12-hour period, the total daily trip generation for both fields would be 320 vehicles per day – relatively low traffic volumes compared with the daily traffic volume on an arterial road like Bexley Road.

Applying a similar empirical method to car parking demand, including the parking demand for both players, spectators, referees and other users would be 38 car parking spaces.

The applicant's latest amendment of the plans, prepared on 1 August 2016, demonstrate parking for 38 cars as part of the formalisation of the existing car park, and also the expansion of the car parking into the former southern-most tennis court adjacent to the existing brick building that is to become a kiosk, amenities and storage room.

Accordingly, the amended proposal complies with the recommendations put forward by the applicant's traffic and parking engineer.

For verification however, the proposal along with the amended plans and the SafeWay report were referred to Council's Development Engineer for assessment and comment. In their referral response, the following comments were made in relation to the access and parking:

- The proposed access via Bexley Road is capable of complying with AS2890.1 2004 subject to the driveway being a minimum 5.5m for the first 6m inside the property boundary.
- A minimum 28 car parking spaces are required to service the proposed development;
- Based on a comparison to another sporting club at Strathfield, Council's Development Engineer notes that the current proposal is considered to have sufficient parking spaces;
- A condition is required to restrict the maximum number of players in each soccer field to 10;
- Sporting activities management plan shall be submitted to the Certifying Authority prior to Construction Certification. In any major events or competitions, two activities shall have 15-20 minute separation to reduce impact on Bexley Road traffic flows.
- A suite of additional standard and non-standard conditions have been recommended by Council's Development Engineer which will be included in the draft consent.

Assessing Officer Comment - Having regard to the above points raised by the Development Engineer, it is considered the proposal is satisfactory for approval from a traffic and parking perspective. In particular, this is because the development will provide for 38 parking spaces, therefore achieving consistency with both the recommended parking rates outlined by the applicant's traffic and parking engineer, and also that of Council's Development Engineer.

It is noted the 38 parking spaces identified on the plans do not indicate any disabled parking spaces. As such, the necessity for such spaces to comply with the relevant Australian Standards would see the creation of some shared zones within the car park. This would place some downward pressure on the total number of parking spaces. Yet given the surplus provided by the applicant, it is envisaged this could easily be accommodated while still achieving consistency with the 28 minimum spaces recommended by Development Engineer.

S.79C(1)(a)(iv) - Provisions of regulations

All relevant provisions of the regulations have been taken into account in the assessment of this proposal.

S.79C(1)(b) - Likely Impacts of Development

The potential impacts related to the proposed modification has been considered in report to the LEP and DCP controls.

S.79C(1)(c) - Suitability of the site

The relevant matters pertaining to the suitability of the site for the proposed development have been considered in the assessment of the proposal.

There are no known major physical constraints, environmental impacts, natural hazards or exceptional circumstances that would hinder the suitability of the site for the proposed development.

Aside from a condition to update the plans submitted as part of the Section 96(1A) application, additional conditions of consent are not considered necessary in the circumstances of the case given the proposal simply relates to the retention of an existing light pole and luminaire that was originally identified for demolition under DA-2015/194.

S.79C(1)(d) - Public submissions

As covered within the Background section of this report earlier, the proposal has been notified in accordance with the provisions of DCP 2011 on multiple occasions due to the significant number of amendments which have taken place to the proposal. These notification periods were:

- 4 February 2015 to 26 February 2015;
- 9 December 2015 to 7 January 2016; and
- 4 August 2016 to 19 August 2016.

The most recent notification was in relation to the amended development the subject of this assessment report, which is for:

Development Application - Change of use of two (2) of the four (4) existing tennis courts to two (2) mini football fields/multi-purpose sports fields (including field lighting), conversion of one (1) tennis court to car parking to provide a total of 38 off-street parking spaces, convert existing brick structure to kiosk/office and signage to heritage item (former quarry) operating 8am to 10:00pm Monday to

Saturday and 8am to 9pm Sundays - the remaining tennis court will be used as a sitting / waiting area.

In response to this notification period, a total of six (6) written submissions were received, along with a petition containing thirteen (13) signatories against the proposed development.

The following outlines each of the objections raised in the submissions, followed by a comment from the consultant assessing officer.

Noise Impact – *concerns have been raised by objectors in relation to the noise impacts associated with the proposed development, in particular noise associated with the use of the multi-purpose sports fields, car parking, and operation of the kiosk.*

Comment: Concerns in relation to the noise impact on residents as a result of the proposed development has been an ongoing concern by the consultant assessing officer.

This concern has necessitated the submission of an acoustic report by the applicant which recommended the original proposal for use of all four (4) sports courts be reduced to only two (2) courts located furthest away from the residents for a trial period. Then if the emissions are such that the noise criterion is breached, then the use of a single court would need to be considered.

Following the applicant's submission of this acoustic advice, revised plans were submitted reducing the number of multi-purpose sports courts from four (4) to two (2) courts.

In line with the applicant's acoustic consultant recommendation, a condition of consent has been included requiring a trial period for the use of two courts. The requirement for ongoing use of the two (2) courts would be subject to a Section 96 modification supported by an acoustic report demonstrating the operation of the two sports courts achieves the noise criterion.

As demonstrated within the applicant's acoustic report, the use of only one of the two sports courts is predicted to comply with the noise criterion.

Given the above, the concerns raised by the objectors are legitimate, and have been appropriately considered as part of the assessment of the proposed DA. Should the trial period identify the operation of the courts exceeds the noise criterion, the effect of the aforementioned condition will revert the use of the courts to one only, whereby the noise criterion has been predicted to comply.

To help ensure noise is appropriately managed on the site, and to help ensure the applicant maintains the ability to use both courts, the following additional noise mitigation conditions are recommended:

Amplified music – No amplified music of any kind is to be played within the outdoor play areas.

Sitting/Waiting Area – No practising, kicking of balls, or warm up activities are to take place on the court identified as the "sitting/waiting area" on the approved plans.

Maximum number of players – The maximum number of players in each multi-purpose sports field is limited to 10.

Noise from users – Adequate signage is erected in the vehicles car parking area to encouraged spectators and participants to leave the premises quickly and quietly after training/games to mitigate possible nuisance noise.

Light Spill – concerns have been raised by objectors in relation to the impacts of light spill on adjoining residences, and also light spill affecting fauna in the adjacent Bardwell Valley area.

Comment: Again, concerns in relation to light spill were also shared by the consultant assessing officer as part of the assessment of the proposal. For this reason, the applicant was required to submit to Council a report from a suitably qualified lighting engineer demonstrating the proposal complies with AS 4282 – Control of the obtrusive effects of outdoor lighting.

The latest revision of the applicant's light spill report submitted by HHH Consulting, dated 3 June 2016 concludes the following:

The current design is certified to comply with AS4282 – 1997. Control of the Obtrusive Effects of Light.

Given the above, the light spill impacts associated with the proposed development are considered to be within acceptable limits as compliance with the Australian Standard is claimed to have been met.

To ensure the operational light poles are compliant with the relevant Australian Standard, and to ensure the obtrusive effects of the proposed lighting at the adjoining residential property boundaries are within acceptable limits, the following conditions of consent have been recommended:

Light Spill – The light spill at the adjoining residential boundaries to comply with the requirements of AS 4282 – Control of the obtrusive effects of outdoor lighting.

Light Spill Validation Report. A validation report must be obtained from a suitably qualified and experienced lighting engineer/consultant three (3) months after the commencement in operation of the development under DA-2015/272. The report should demonstrate and certify that light spill impacts with the development satisfy AS 4282-1997 Control of the obtrusive effects of outdoor lighting.

The report is to be forwarded to and approved by Council. This report must address (but not limited to) the level of light spill on adjoining residential properties. Any recommendations outlined in the report are to be implemented in accordance with the report.

Hours of Operation – concerns have been raised by objectors in relation to the proposed hours of operation for the sports courts, including the impacts of such operating hours on adjoining residents by way of noise and light spill.

Comment: The Bexley Tennis Courts are identified within the Plan of Management for the Bardwell Valley Parklands as an active recreation area for various hard court games, and also acknowledges the change of use of the existing tennis courts to soccer uses.

In this regard, it is well established that the existing and future use of the site is to be for multi-sports activities. The subject DA is therefore consistent with the desired future character for the area.

It is also important to consider that although the existing tennis courts are now closed, they have long been used for sporting activity, including sporting activities of an evening whereby the six (6) 20m high light poles have been used to illuminate the tennis courts.

The proposal can therefore be seen as an augmentation of an existing approved use, not the introduction of a new use to the site.

When considering hours of operation, reference is made to the NSW Government's Environmental Protection Authority publication titled Industrial Noise Policy. This specifies different times of the day in terms of their sensitiveness to activities which may impact on sensitive receivers, such as residential accommodation.

These are defined as follows:

- Day: the period from 7:00 am to 6:00 pm Monday to Saturday; or 8:00 am to 6:00 pm on Sundays and public holidays;
- Evening: the period from 6:00 pm to 10:00 pm; and
- Night: the remaining periods.

Within the above, the day time period is taken to be the least sensitive, the even period more sensitive, and the night time period the most sensitive whereby noise impacts can affect the sleep hours of most people.

These times of day somewhat coincide with the pre-curfew and curfew hours outlined within AS 4282 – *Control of the obtrusive effects of outdoor lighting*. For example, stricter light spill standards apply after 11pm than before 11pm.

The proposal seeks the following operating hours:

- 8am to 10:00pm Monday to Saturday; and
- 8am to 9pm Sundays.

These proposed hours fall entirely outside of the sensitive night-time period identified within the INP, and also outside of the curfew hours specified within AS 4282.

In this regard, provided the proposed development is able to achieve compliance with AS 4282, and the noise criterion of background plus 5dBA, then it is reasonable to permit the proposed operating hours sought by the applicant under DA-2015/272.

However, to ensure the proposal does not operate outside of the approved hours the following condition is recommended:

Curfew switches - Curfew switches are to be installed, along with manual off switches, to each tower set, to ensure that the sports field light use does not extend beyond the approved times of use as detailed in the condition below.

Traffic and Parking – *the submissions have raised concern in relation to the proposal's impact on traffic and parking, in particular citing that the expanded car parking area will not be able to safely accommodate the proposed number of cars.*

Comment: Initial concerns were raised with the originally submitted DA in relation to traffic and parking impacts associated with the proposed development. In particular, the proposal's

ability to accommodate the necessary number of parking spaces within the existing parking area.

As such, the applicant was requested to submit to Council a traffic and parking assessment prepared by a suitably qualified engineer.

The submitted report demonstrated that the originally submitted proposal was unable to achieve compliance with the required number of parking spaces given the intensified use of the site, and small associated car park.

As a consequence, the proposal was amended by the applicant to reduce the number of multi-purpose sports courts from four to two, and also expand the existing car park by taking over one of the existing courts no longer to be utilised.

In doing so the applicant's proposal now demonstrates a total of 38 car parking spaces. This is consistent with the number of parking spaces forecast as being required in the traffic and parking report submitted by the applicant, and ten more spaces than identified as being necessary as part of Council's Development Engineer referral response.

Having regard to the above, the proposal is considered to provide a satisfactory level of parking despite the objections raised by neighbours are part of the notification of the proposal.

In terms of the proposal's impact on traffic, it is reiterated that the referral response from the Development Engineer raises no objection to the modified proposal subject to the imposition of conditions of consent which include both vehicular access and also parking arrangements. Furthermore, it is noted that the submitted traffic and parking report has concluded that a total of 320 vehicular trips per day to/from the site is considered low when taken into context with the adjacent arterial road of Bexley Road.

A specific question was raised by the consultant assessing officer with regard to the size and dimension of the proposed car parking to ensure compliance with AS2890.1-2004 'Parking facilities - Off-street car parking is achieved. In response Council's Development Engineer has stated that Safeway certified the compliance as per AS2890.1, and as such is acceptable.

Having regard to the above, it is considered that traffic and parking matters raised by objectors have been satisfactorily addressed by the amended proposal, submitted consultant reports, and recommendations of Council's Development Engineer.

Safety – concerns have been raised by objectors in relation to public safety. Including traffic and pedestrian safety impacts from the intensified use of the site, and anti-social behaviour taking place at the courts.

Comment: The concerns raised by objectors in relation to anti-social behaviour are somewhat generalised in nature, but it is worth noting that the converse of such arguments is the illumination and utilisation of the sports facility throughout the week can also serve as a deterrent for anti-social behaviour, and attract new users to an area which is currently closed and not utilised.

In addition, the following condition has been recommended to ensure possible nuisance noise associated with the sports facility is minimised to help ensure users leave the premises quickly and quietly after training/games:

Noise from users – Adequate signage is erected in the vehicles car parking area to encouraged spectators and participants to leave the premises quickly and quietly after training/games to mitigate possible nuisance noise.

It is also noted that the recommendation of the applicant's acoustic consultant, and also the recommendation of this assessment report, is the DA be subjected to a trail period, whereby based on the proposal's performance the use and hours of operation of the facility may be subject to change.

Matters associated with vehicular and pedestrian safety as a result of increased site usage are considered to have been satisfactorily covered in the comments above on traffic and parking. Once again it is noted that the proposal has been referred to Council's Development Engineer who has reviewed to proposal from a traffic and parking perspective and deemed it to be satisfactory when having regard to the relevant standards.

S.79C(1)(e) - Public interest

The proposal has been assessed against the relevant planning policies applying to the site having regard to the objectives of the controls. As demonstrated in the assessment of the development application, the proposal will allow the development of the site in accordance with its environmental capacity and in accordance with the Plan of Management for the Bardwell Valley Parkland.

The proposal will enable the improved use of an existing public sporting facility to the benefit of the community, however it is acknowledged that there will be potential impacts associated with the augmented use of the site, in particular noise and light spill to adjoining residential accommodation.

However, the recommended conditions of consent have been put in place to mitigate such impacts to within acceptable limits of the relevant Australian Standards, and noise criterion. In addition, as per the applicant's acoustic engineer recommendation, a trail period for the use of the courts has also been established by way of condition.

Based on the above, on balance the public benefit of the proposed sporting facility is considered to offset the potential impacts on adjoining residents such that the DA can be considered as being within the public interest.

Our Ref: DA-2015/272
Contact: Marta M Gonzalez-Valdes 9562 1666

444-446 Princes Highway Rockdale NSW 2216
PO Box 21 Rockdale NSW 2216
T 1300 581 299 F 9562 1777
rcc@rockdale.nsw.gov.au
www.bayside.nsw.gov.au

Golden Goal Pty Ltd
PO BOX 82
SANS SOUCI NSW 2219

NOTICE OF DETERMINATION

Issued in accordance with section 81(1a) of the *Environmental Planning and Assessment Act, 1979*

Application Number: DA-2015/272
Property: 369 E Bexley Road, BEXLEY NSW 2207
PT 12 SecB DP 4580
PT 13 SecB DP 4580
PT 14 SecB DP 4580
PT 15 SecB DP 4580
PT 16 SecB DP 4580
PT 17 SecB DP 4580
PT 18 SecB DP 4580
PT 19 SecB DP 4580
PT 20 SecB DP 4580

Proposal: Change of use of two (2) of the four (4) existing tennis courts to two (2) mini football fields/multi purpose sports fields (including field lighting), conversion of one (1) tennis court to car parking to provide a total of 38 off-street parking spaces, convert existing brick structure to kiosk/office and signage to heritage item (former quarry). The remaining tennis court will be used as a sitting / waiting area

Authority:

Determination:

Date of determination:

Date consent commences:

Date consent lapses:

General Conditions

The following conditions restrict the work to the detail provided in the Development Application and are to ensure that the development is complete.

1. The term of this consent is limited to a period of five (5) years from the date of approval. The consent will lapse if the development does not commence within this

time.

2. The development must be implemented substantially in accordance with the plans listed below, the application form and on any supporting information received with the application, except as may be amended in red on the attached plans and by the following conditions.

Plan/Dwg No.	Drawn by	Date	Date Received by Council
Site Plan P-1406-A01 Rev C	Van Janevski	01/08/2016	03/08/2016
Fields Plan P-1406-A02 Rev C	Van Janevski	01/08/2016	03/08/2016
Elevations P-1406-A03 Rev C	Van Janevski	01/08/2016	03/08/2016
Floor Plan - Cafe Alterations, Elevation 1, Elevation 2, Elevation 3 and Elevation 4 P-1406-A04 Rev C	Van Janevski	01/08/2016	03/08/2016
Signage Plan P-1406-DA10	Van Janevski	N/A	30/01/2015

3. All new building work must be carried out in accordance with the provisions of the Building Code of Australia (BCA).
4. **A Construction Certificate must be obtained from Council or an Accredited Certifier prior to any building work commencing.**
5. This approval is not to be construed as permission to erect any structure on or near a boundary contrary to the provisions of the Dividing Fences Act.
6. Approval has not been granted for Sign B. Prior to the issue of the Construction Certificate the signage plan approved under condition 2 must be amended as follows:
 - Signs A and D shall be no greater in height than 1800mm from ground level to the top of the sign, and have 600mm high posts. Signs A and D shall be no greater than 2500mm in width. Signs B and C shall be no greater than 1500 high and 2500 wide.
 - Sign B should be deleted.
 - Details of trees in proximity to the proposed signs to demonstrate that no landscaping is to be removed, trimmed or impacted during the installation of the signs.

The above shall be submitted to Bayside Council's Development Services Manager for approval prior to issue of the Construction Certificate.

7. Prior to the issue of a Construction Certificate, the following amendments shall be made (as marked in red on the approved plans):
 - All references to 'café' on the approved plans listed in condition 2 be substituted with 'kiosk' and the kiosk premises only be used for the selling of food, light refreshments and other small convenience items such as newspapers, films and the like, in an ancillary manner to the new mini football fields/multi-purpose sports fields.
 - The internal layout of the existing brick building be amended to ensure the kiosk component has a gross floor area not exceeding 15m² when utilising the appropriate definitions contained within the Dictionary of the Rockdale Local Environmental Plan 2011.

8. The kiosk is to operate in conjunction with the operation of the Courts.
9. The light spill at the adjoining residential boundaries to comply with the requirements of AS 4282 – Control of the obtrusive effects of outdoor lighting.
10. Construction activities must be contained within the site and not encroach on the bushland.

Development specific conditions

The following conditions are specific to the Development Application proposal.

11. Any landscaping must constitute 50% plant species identified in Appendix B of the Bardwell Valley Section Plant List of the Rockdale Technical Specifications Landscape document. Additionally, landscaping must not include any plant species identified in Appendix B Section J Unacceptable Species Plan List of the Rockdale Technical Specifications Landscape document.
12. The hours of operation for the two (2) mini football fields/multi-purpose sports fields, including the field lighting, kiosk and amenities room is from 8.00am to 10.00pm Monday to Saturday, and from 8.00am to 9.00pm on Sundays for a period of 6 months from the issue of an Occupation Certificate, after which time the hours of operation will revert to only one (1) mini football field/ multi-purpose sports field, along with the kiosk and amenities room from 8.00am to 10.00pm Monday to Saturday, and from 8.00am to 9.00pm on Sundays unless a further approval is obtained by way of a Section 96 modification application to retain the operation of the two (2) fields. The Section 96 modification application would need to be accompanied by a report prepared by a suitably qualified acoustic engineer demonstrating the vocal emissions are such that the noise criterion is not breached.
13. All wastewater and stormwater treatment devices (including drainage systems, sumps and traps) shall be regularly maintained in order to remain effective. All solid and liquid wastes collected from the device shall be disposed of in accordance with the Protection of the Environment Operations Act, 1997.
14. The use of the premises, building services, equipment, machinery and, ancillary fittings shall not give rise to an “offensive noise” as defined under the provisions of the Protection of the Environment Operations Act, 1997.
15. The use of mechanical plant including air conditioners, fans, compressors, condensers, freezers, swimming pool or spa pumps (whether commercial or domestic) shall not cause sound pressure levels in excess of the criteria given in the NSW Industrial Noise Policy – 2000.
16. The off-street parking areas associated with the subject development shall be designed strictly in accordance with AS2890.1:2004.
17. All existing and proposed lights shall comply with the Australian Standard AS4282 - 1997 "Control of the Obtrusive Effects of Outdoor Lighting". In this regard, the lighting of the premises shall be directed so as not to cause nuisance to the owners or occupiers of adjacent/adjoining premises or to motorists on adjoining or nearby roads.
18. Retaining walls over 600mm in height shall be designed and specified by a suitably qualified structural engineer.
19. Environmental Health Conditions

a) The proposed development shall be designed, constructed and operated in compliance with the requirements of the Food Act 2003, Food Regulations 2004 and

the Australian Standard AS 4674 – 2004 “Design, Construction and Fit out of Food Premises”.

b) All walls within the kitchen, food preparation, storage and display areas shall be of solid construction. Walls in food preparation areas shall be finished with one or a combination of glazed tiles, stainless steel, aluminium sheeting, laminated thermosetting plastic sheeting, polyvinyl sheeting with welded seams or similar impervious material which is adhered directly to the wall. The finishing materials of the wall surfaces shall provide a smooth even surface free from buckles, ledges, fixing screws, picture rails, open joint spaces, cracks or crevices.

c) The intersection of walls and plinths with floors in the kitchen, food preparation, storage and display areas shall be coved with a minimal 25mm radius.

d) The floors within the kitchen, food preparation, storage and display areas shall be constructed of a suitable material which is non-slip, durable, resistant to corrosion, non-toxic, non-absorbent and impervious to moisture.

e) All surfaces of counters, bars, food display units, window display, self –service displays and bain-maries shall be smooth, durable, impervious and free from cracks, crevices and cavities. The underside shall have an impervious finish. Window displays for wet foods shall be coved at all intersections and installed in accordance with AS/NZS 3500.2.- 2003.

f) A commercial kitchen shall be provided with a kitchen exhaust hood in compliance with Australian Standard AS1668 Parts 1 & 2 where any cooking apparatus having a total maximum electrical output exceeding 8 kW, or a total gas power input exceeding 29 MJ/h.

g) Where premises are enclosed, windows shall be protected against the entry of pests by being tight-fitting and permanently fixed closed, or fitted with mesh screens which can be removed for cleaning or protected by a permanent mesh screen which can be cleaned in place. Entry/exits, serving hatches and similar openings to food premises shall be protected against the entry of pests by tight-fitting solid self closing doors, roller shutters or other means of closing off the entrance or tight fitting self-closing mesh screen doors.

h) Hot and cold food display and/or holding appliances shall be designed and capable of holding cold perishable foods at or below 5oC; and hot perishable foods at or above 60oC when the appliances are operating at full capacity.

i) Hand wash basins shall be located so that they are not obstructed, are at bench height either permanently fixed to a wall, supporting frame or sunk into the bench top, accessible and no further than 5 metres (excluding toilet hand basins) from any place where food handlers are handling open food, in the parts of the premises where open food is handled, in utensil/equipment washing areas, in staff entrance to areas where open food is handled and in toilet cubicles or immediately adjacent to toilets. Hand basins shall have a permanent supply of warm running potable water delivered through a single outlet and taps which operate hands free shall be provided at all hand basins with sufficient space between the spout and base of basin for the washing of hands and arms.

j) All hand basins shall be provided with soap and a towel dispenser for dispensing single use towels or other means of drying hands and arms which prevents the transfer of pathogenic micro-organisms to the hands or arms. A receptacle for used towels shall be provided at the hand wash basin.

k) Provide a room or area for storage of garbage receptacles. Rooms and areas designated for the storage and washing of garbage receptacles shall be designed and constructed in accordance with Australian Standard AS 4674-2004.

20. No practising, kicking of balls, or warm up activities are to take place on the court identified as the “sitting/waiting area” on the approved plans.

21. The maximum number of players in each multi-purpose sports field is limited to 10.

22. A validation report must be obtained from a suitably qualified and experienced lighting engineer/consultant three (3) months after the commencement in operation of the development under DA-2015/272. The report should demonstrate and certify that light spill impacts with the development satisfy AS 4282-1997 Control of the obtrusive effects of outdoor lighting.

The report is to be forwarded to and approved by Council. This report must address (but not limited to) the level of light spill on adjoining residential properties. Any recommendations outlined in the report are to be implemented in accordance with the report.

23. An automated curfew switch is to be installed, along with manual off switches, to each of the approved lighting masts and floodlights, to ensure that the light use does not extend beyond that permitted by this consent.
24. Adequate signage is erected in the vehicles car parking area to encouraged spectators and participants to leave the premises quickly and quietly after training/games to mitigate possible nuisance noise.
25. No amplified music of any kind is to be played within the outdoor play areas.

Prior to issue of the construction certificate

The following conditions must be completed prior to the issue of the Construction Certificate.

26. The following fees shall be paid to Council prior to the issue of a Construction Certificate. If payment is made after the end of the financial year, the amount shall be adjusted in accordance with Council's adopted fees and charges.
- i. A Footpath Reserve Restoration Deposit of \$8,100. This is to cover repair of any damages, or other works to be done by Council. This includes construction, removal, or repair as required to: kerb and guttering, existing or new driveways; paved areas and concrete footpaths. The deposit may be lodged with Council in the form of a Bank Guarantee (Any proposed Bank Guarantee must not have an expiry date). The deposit will not be returned by Council until works are completed and all damage is restored and all specified works are completed by Council.
 - ii. An environmental enforcement fee of 0.25% of the cost of the works.
 - iii. A Soil and Water Management Sign of \$17.00.
27. For work costing \$25,000 or more, a Long Service Leave Levy shall be paid. For further information please contact the Long Service Payments Corporation on their Helpline 13 1441.
28. a. Pursuant to section 94A of the Environmental Planning and Assessment Act 1979 and Rockdale Section 94A Development Contributions Plan 2008, a report is to be submitted to Council, prior to approval of the first Part 4A certificate required for the development, identifying the proposed cost of carrying out the development, as follows:
- i. Where the proposed cost of carrying out the development is less than \$1,000,000, a cost summary report prepared and certified by a building industry professional, or
 - ii. Where the proposed cost of carrying out the development is \$1,000,000 or more, a detailed cost report prepared and certified by a quantity surveyor registered with the Australian Institute of Quantity Surveyors or a person

who can demonstrate equivalent qualifications. This report is to be prepared in the form specified in Rockdale Section 94A Development Contributions Plan 2008 and the costs must be determined in accordance with clause 25J of the Environmental Planning and Assessment Regulation 2000.

Note:

1. Council may review the costs contained in the report and may seek the services of an independent person to verify them. In such a case, all costs associated with obtaining this advice will be at the expense of the applicant and no Part 4A certificate is to be issued until such time as these costs have been paid.

2. The proposed cost of carrying out the development excludes any part of the proposed development that is exempt from the section 94A levy by reason of a Ministerial direction or an exemption specified in Rockdale Section 94A Development Contributions Plan 2008. Where the applicant considers that the proposed development, or any part of it, is or should be exempt from the levy they may submit to Council, prior to approval of the required certificate, an application for exemption giving reasons and providing any necessary evidence for the exemption.

b. Where the proposed cost of carrying out the development, as specified in the cost summary report, the registered surveyor's detailed cost report or the independent review of costs obtained by Council (as the case may be), is more than \$100,000 a section 94A levy is to be paid to Council for the following amount:

- i. Where the proposed cost of carrying out the development is greater than \$100,000 but not more than \$200,000 – 0.5% of that cost, or
- ii. Where the proposed cost of carrying out the development is greater than \$200,000 – 1% of that cost.

This levy is to be paid prior to the issue of the first Part 4A certificate required for the development.

If the levy is not paid within the same financial year as the date on which Council accepted the cost summary report, the registered surveyor's detailed cost report or the independent review of costs (as the case may be), the amount of the levy is to be adjusted at the time of actual payment to reflect changes in construction costs, in accordance with the provisions of Rockdale Section 94A Development Contributions Plan 2008.

Note: This requirement to pay the section 94A levy does not apply if the proposed cost of carrying out the development is \$100,000 or less or Council has confirmed in writing that the proposed development is exempt from the levy.

29. The approved plans must be submitted to a Sydney Water Quick Check agent or Customer Centre to determine whether the development will affect Sydney Water's sewer and water mains, stormwater drains and/or easements, and if further requirements need to be met. Plans will be appropriately stamped. For Quick Check agent details please contact Sydney Water.

The consent authority or a private accredited certifier must ensure that a Quick Check agent/Sydney Water has appropriately stamped the plans before issue of any Construction Certificate.

30. A copy of Permission to Discharge Trade Waste Water shall be obtained from

Sydney Water prior to the discharge of trade waste water to the sewer system. A copy shall be provided to Principal Certifying Authority (PCA) prior to issuing the Construction Certificate. A copy shall also be provided to Council if Council is not the PCA.

31. The Accredited Certifier shall not issue a Construction Certificate until all structural or equipment requirements for food premises specified in the conditions of development consent, the structural requirements of the Food Act 2003, Food Regulations 2004 and the Australian Standard AS 4674 – 2004 “Design, Construction and Fitout of Food Premises” have been incorporated in the plans and specifications for the Construction Certificate.
32. Prior to the issue of the Construction Certificate, detailed drainage design plans for the management of stormwater are to be submitted to Principal Certifying Authority for assessment and approval. Development with 10 or more car spaces shall incorporate into the drainage system a oil separator device capable of removing oil from the driveway and carpark stormwater runoff as per section 7.5.4 of Rockdale Technical Specification – stormwater management.

Design certification, in the form specified in Rockdale Technical Specification Stormwater Management, and drainage design calculations are to be submitted with the plans. Council’s Rockdale Technical Specification Stormwater Management sets out the minimum documentation requirements for detailed design plans. Stormwater management requirements for the development site, including the final discharge/end connection point, must comply with Rockdale Technical Specification Stormwater Management.

33. Prior to the issue of the relevant Construction Certificate, a Construction Traffic Management Plan (TMP) prepared by a suitably qualified person shall be submitted to and approved by the Certifying Authority. The Plan shall address, but not be limited to, the following matters:
 - (a) ingress and egress of vehicles to the site;
 - (b) loading and unloading, including construction zones;
 - (c) predicted traffic volumes, types and routes; and
 - (d) pedestrian and traffic management methods.

Copies of the TMP shall be submitted to Council

34. An amended traffic report shall be provided to the Principal Certifying Authority for approval prior to issue of the Construction Certificate demonstrating compliance with the following:

- Proposed signage A provides for minimum sight distance as required by AS2890.1:2004.
- All other approved signage are located to allow sufficient sight distance.

35. Prior to issue of the construction certificate plans are to be amended showing the access driveway and the circulation roadway being a minimum 5.5m wide for at least the first 6m of the property boundary internally.
36. The site is affected by potential unstable cliff face. There are built structures, (including public assets) which may be in the zone of influence of the proposed works and excavations on this site. A qualified practicing geotechnical engineer must prepare a Construction Methodology report demonstrating that the proposed construction method including any excavation and the configuration of the built structures will have no adverse impact on any surrounding property and infrastructure.

The report must be submitted with the application for a Construction Certificate.

Where a Private Certifier issues the Construction Certificate the document mentioned in the above paragraph must be provided to Council.

The report must include an investigation to determine the design parameters appropriate to the specific development and site. This would typically include:

- Location & level of nearby foundations/footings (site and neighbouring) & proposed footing locations
- Proposed method of excavation
- Permanent and temporary support measures for excavation
- Potential settlements affecting footings/foundations
- Batter slopes
- Potential vibration caused by method of excavation
- De-watering including seepage and off site disposal rate (if any)

Prior to commencement of works

The following conditions must be completed prior to the commencement of works.

37. A Soil and Water Management Plan shall be prepared. The Plan must include details of the proposed erosion and sediment controls to be installed on the building site. A copy of the Soil and Water Management Plan must be kept on-site at all times and made available on request.

Soil and sedimentation controls are to be put in place prior to commencement of any work on site. The controls are to be maintained in effective working order during construction.

Council's warning sign for soil and water management must be displayed on the most prominent point on the building site, visible to both the street and site workers. The sign shall be erected prior to commencement of works and shall be displayed throughout construction.

38. A Soil and Water Management Plan shall be prepared. The Plan must include details of the proposed erosion and sediment controls to be installed on the building site. A copy of the Soil and Water Management Plan must be kept on-site at all times and made available on request.

Soil and sedimentation controls are to be put in place prior to commencement of any work on site. The controls are to be maintained in effective working order during construction.

Council's warning sign for soil and water management must be displayed on the most prominent point on the building site, visible to both the street and site workers. The sign shall be erected prior to commencement of works and shall be displayed throughout construction.

39. Where it is necessary to import landfill material onto the site to fill the land to levels shown on the plans forming part of the consent, a certificate, prepared by a suitably qualified and experienced Contaminated Land Consultant, shall be submitted to Council being the Regulatory Authority prior to the commencement of works, certifying that the imported fill is suitable for the land use.

40. A Construction Management Plan (CMP) shall be prepared in accordance with the

requirements of all relevant regulatory approval bodies. Prior to the commencement of works the Certifying Authority shall be satisfied that the construction Management Plan has obtained all relevant regulatory approvals. The Construction Management Plan shall be implemented during demolition, excavation and construction. Copies of the CMP shall be submitted to Council.

During demolition / excavation / construction

The following conditions must be complied with during demolition, excavation and or construction.

41. A copy of the Construction Certificate and the approved plans and specifications must be kept on the site at all times and be available to Council officers upon request.
42. Hours of construction shall be confined to between 7 am and 6.30 pm Mondays to Fridays, inclusive, and between 8 am and 3.30 pm Saturdays with no work being carried out on Sundays and all public holidays.
43. For Class 1 and 10 structures, the building works are to be inspected during construction, by the principal certifying authority (or other suitably qualified person on behalf of the principal certifying authority) to monitor compliance with Council's approval and the relevant standards of construction encompassing the following stages:
 - i. after excavation for, and prior to the placement of, any footings, and
 - ii. prior to pouring any in-situ reinforced concrete building element, and
 - iii. prior to covering any stormwater drainage connections, and
 - iv. after the building work has been completed and prior to any occupation certificate being issued in relation to the building.

Documentary evidence of compliance with Council's approval and relevant standards of construction is to be obtained prior to proceeding to the subsequent stages of construction and copies of the documentary evidence are to be maintained by the principal certifying authority and be made available to Council officers upon request.

44. All waste generated on site shall be disposed of in accordance with the submitted Waste Management Plan.
45. Any new information discovered during remediation, demolition or construction works which has the potential to alter previous conclusions about site contamination, shall be notified to Council being the Regulatory Authority for the management of contaminated land.
46. All contractors shall comply with the following during all stages of demolition and construction:
 - A Waste Container on Public Road Reserve Permit must be obtained prior to the placement of any waste container or skip bin in the road reserve (i.e. road or footpath or nature strip). Where a waste container or skip bin is placed in the road reserve without first obtaining a permit, the Council's fees and penalties will be deducted from the Footpath Reserve Restoration Deposit. Permits can be obtained from Council's Customer Service Centre.
 - A Road Opening Permit must be obtained prior to any excavation in the road reserve (i.e. road or footpath or nature strip). Where excavation is carried out on the road reserve without first obtaining a permit, the Council's fees and penalties will be deducted from the Footpath Reserve Restoration Deposit. Permits can be obtained from Council's Customer Service Centre.

- A Hoarding Permit must be obtained prior to the erection of any hoarding (Class A or Class B) in the road reserve (i.e. road or footpath or nature strip). Where a hoarding is erected in the road reserve without first obtaining a permit, the Council's fees and penalties will be deducted from the Footpath Reserve Restoration Deposit. Permits can be obtained from Council's Customer Service Centre.
- A Crane Permit must be obtained from Council prior to the operation of any activity involving the swinging or hoisting of goods across or over any part of a public road by means of a lift, hoist or tackle projecting over the footway. Permits can be obtained from Council's Customer Service Centre.
- A Permit to Dewater or Pump Out a site must be obtained prior to the discharge of pumped water into the road reserve, which includes Council stormwater pits and the kerb and gutter. Permits can be obtained from Council's Customer Service Centre.

47. The following conditions are necessary to ensure minimal impacts during construction:

- i. Building, demolition and construction works not to cause stormwater pollution and being carried out in accordance with Section 2.8 of Council's Stormwater Pollution Control Code 1993. Pollutants such as concrete slurry, clay and soil shall not be washed from vehicles onto roadways, footways or into the stormwater system. Drains, gutters, roadways and access ways shall be maintained free of sediment. Where required, gutters and roadways shall be swept regularly to maintain them free from sediment.
- ii. Stormwater from roof areas shall be linked via a temporary downpipe to an approved stormwater disposal system immediately after completion of the roof area.
- iii. All disturbed areas shall be stabilised against erosion within 14 days of completion, and prior to removal of sediment controls.
- iv. Building and demolition operations such as brickcutting, washing tools or paint brushes, and mixing mortar shall not be performed on the roadway or public footway or any other locations which could lead to the discharge of materials into the stormwater drainage system.
- v. Stockpiles are not permitted to be stored on Council property (including nature strip) unless prior approval has been granted. In addition stockpiles of topsoil, sand, aggregate, soil or other material shall be stored clear of any drainage line or easement, natural watercourse, kerb or road surface.
- vi. Wind blown dust from stockpile and construction activities shall be minimised by one or more of the following methods:
 - a) spraying water in dry windy weather
 - b) cover stockpiles
 - c) fabric fences
- vii. Access to the site shall be restricted to no more than two 3m driveways. Council's footpath shall be protected at all times. Within the site, provision of a minimum of 100mm coarse crushed rock is to be provided for a minimum length of 2 metres to remove mud from the tyres of construction vehicles.

An all weather drive system or a vehicle wheel wash, cattle grid, wheel shaker or other appropriate device, shall be installed prior to

commencement of any site works or activities, to prevent mud and dirt leaving the site and being deposited on the street. Vehicular access is to be controlled so as to prevent tracking of sediment onto adjoining roadways, particularly during wet weather or when the site is muddy. Where any sediment is deposited on roadways it is to be removed by means other than washing and disposed of appropriately.

In addition builders / demolishers are required to erect a 1.5m high fence along the whole of the street alignment other than at the two openings. Such protection work, including fences, is to be constructed, positioned and maintained in a safe condition to the satisfaction of the Principal Certifying Authority, prior to the demolition of the existing structures and commencement of building operations.

- viii. Any noise generated during construction of the development shall not exceed limits specified in any relevant noise management policy prepared pursuant to the Protection of the Environment Operations Act, 1997 or exceed approved noise limits for the site.

48. Existing site and/or street trees shall be adequately protected from damage during operations.

49. Protection of existing trees

a) No trees located within the site, adjoining properties or Council's nature strip shall be removed or pruned without the prior written consent of Council in the form of a Permit issued under Council's Development Control Plan 2011.

b) Where drainage or paving works are proposed to be constructed in the area below the dripline of trees, the proposed works and construction methods must not damage the tree. Where either the trees or works were not shown in detail on the approved plans, then Council approval must be obtained by contacting Council's Tree Management Officer.

c) Underground Services such as pipelines or cables to be located close to trees, must be installed by boring or by such other method that will not damage the tree rather than open trench excavation. The construction method must be approved by Council's Tree Management Officer.

d) Existing soil levels within the drip line of trees to be retained shall not be altered without reference to Council's Tree Management Officer.

e) Building materials, site residue, machinery and building equipment shall not be placed or stored under the dripline of trees required to be retained.

50. Underground Services such as pipelines or cables to be located close to trees, must be installed by boring or by such other method that will not damage the tree rather than open trench excavation. The construction method must be approved by Council's Tree Management Officer.

Prior to issue of occupation certificate or commencement of use

The following conditions must be complied with prior to issue of the Occupation Certificate or Commencement of Use.

51. An Occupation Certificate shall be obtained in relation to the approved works prior to any use or occupation of the lights.

52. Where Council's park/reserve is damaged as a result of building work or vehicular building traffic, this area shall be restored by Council at the applicant's expense. Repairs shall be completed prior to the issue of the Occupation Certificate.

53. Trading shall not commence until a final fit out inspection has been carried out by Council's Environmental Health Officer and all conditions of consent have been complied with. Council's Environmental Health Officer shall be given 2 business days advance notice of an inspection.
54. All works within the road reserve, which are subject to approval pursuant to Section 138 of the Roads Act 1993, shall be completed and accepted by council.
55. Vehicles shall enter and exit the site in a forward direction at all times. A plaque with minimum dimensions 300mm x 200mm shall be permanently fixed to the inside skin of the front fence, or where there is no front fence a prominent place approved by the Principal Certifying Authority, stating the following: "Vehicle shall enter and exit the site in a forward direction at all times".
56. A minimum of 28 off street car spaces shall be provided in accordance AS2890.1:2004. and shall be sealed (new car spaces only) and linemarked (all car spaces) to satisfaction of Certifying Authority. The pavement of all car parking spaces, manoeuvring areas and internal driveways shall comply Austroads guide for commercial pavements.
57. Off-street car spaces shall be provided in accordance AS2890.1:2004. and shall be sealed and linemarked to satisfaction of Certifying Authority. The pavement of all car parking spaces, manoeuvring areas and internal driveways shall comply Austroads guide for commercial pavements.
58. A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained from Sydney Water Corporation.
Application must be made through an authorised Water Servicing Coordinator.
Please refer to the Building Developing and Plumbing section of the web site www.sydneywater.com.au then refer to "Water Servicing Coordinator" under "Developing Your Land" or telephone 13 20 92 for assistance.
Following application a "Notice of Requirements" will advise of water and sewer infrastructure to be built and charges to be paid. Please make early contact with the Coordinator, since building of water/sewer infrastructure can be time consuming and may impact on other services and building, driveway or landscape design.
The Section 73 Certificate must be submitted to the Principal Certifying Authority prior to occupation of the development.
59. On completion of the installation of the mechanical ventilation systems and prior to the issue of the Occupation Certificate, a certificate of completion and performance from the design engineer shall be submitted to Council certifying that the system has been installed, inspected, commissioned, tested and performs in accordance with Australian Standards AS1668.
60. Prior to occupation a Chartered Professional Engineer shall certify that the stormwater system has been constructed in accordance with the approved plans and as required by Rockdale Technical Specification Stormwater Management. The certificate shall be in the form specified in Rockdale Technical Specification Stormwater Management and include an evaluation of the completed drainage works. A works-as-executed drainage plan shall be prepared by a registered surveyor based on a survey of the completed works. A copy of the certificate and works-as-executed plan(s) shall be supplied to the Principal Certifying Authority. A copy shall be provided to Council if Council is not the Principal Certifying Authority.
61. The premises shall be registered with Councils Environmental Health Unit by the proprietor of the food business by completing the registration form available from Council.
62. The premises shall be registered with the NSW Food Authority by the proprietor of the food business by completing the registration form available online at

www.foodnotify.nsw.gov.au/nafsis/ and providing documentary evidence to the Principal Certifying Authority of the completion of this notification with the Food Authority.

63. The proprietor of a food business must ensure that before any food is processed and sold by retail on premises in the course of carrying on the business at least one food safety supervisor has been appointed for the premises. The details of the food safety supervisor including food safety supervisor certificate must be provided to Council prior to the issue of the occupation certificate.
64. Prior to occupation a Chartered Professional Engineer competent in geotechnics shall certify that the construction works has been constructed in accordance with the approved geotechnical report and include an evaluation of the completed works. A copy of the certificate shall be supplied to the Principal Certifying Authority. A copy shall be provided to Council if Council is not the Principal Certifying Authority.
65. Prior to commencement of operations, a Management Plan shall be submitted to Council for approval addressing but being not limited to the following:
 - the operation of the site in regard to practice/game schedules to ensure that in any major events or competitions, activities have approximately 15-20 minutes separation to reduce any impact on Bexley Road Traffic Flows.
 - parking management.
 - noise management.
 - all relevant conditions of this consent.

Roads Act

66. The design and construction of the gutter crossing shall be in accordance with RMS requirements. Details of these requirements should be obtained from RMS's Project Services Manager, Traffic Projects Section, Blacktown (Ph 02 8814 2144).

Detailed design plans of the proposed gutter crossing are to be submitted to the RMS for approval prior to the commencement of any roadworks.

It should be noted that a plan checking fee (amount to be advised) and lodgment of a performance bond may be required from the applicant prior to the release of the approved road design plans by the RMS.

67. Where applicable, the following works will be required to be undertaken in the road reserve at the applicant's expense:
 - i) construction of a concrete footpath along the frontage of the development site;
 - ii) construction of a new fully constructed concrete vehicular entrance/s;
 - iii) removal of the existing concrete vehicular entrance/s, and/or kerb laybacks which will no longer be required;
 - iv) reconstruction of selected areas of the existing concrete Footpath/vehicular entrances and/or kerb and gutter;
 - v) construction of paving between the boundary and the kerb;
 - vi) removal of redundant paving;
 - vii) construction of kerb and gutter.
68. All footpath, or road and drainage modification and/or improvement works to be undertaken in the road reserve shall be undertaken by Council, or by a Private Licensed Contractor subject to the submission and approval of a Private Contractor Permit, together with payment of all inspection fees. An estimate of the cost to have these works constructed by Council may be obtained by contacting Council. The cost

of conducting these works will be deducted from the Footpath Reserve Restoration Deposit, or if this is insufficient the balance of the cost will be due for payment to Council upon completion of the work.

69. This Roads Act approval does not eradicate the need for the Contractor to obtain a Road Opening Permit prior to undertaking excavation in the road or footpath.
70. Any driveway works to be undertaken in the footpath reserve by a private contractor requires an "Application for Consideration by a Private Contractor" to be submitted to Council together with payment of the application fee. Works within the footpath reserve must not start until the application has been approved by Council.
71. All works associated with the proposed development shall be at no cost to the RMS.

Development consent advice

- a. You are advised to consult with your utility providers (i.e. Energy Aust, Telstra etc) in order to fully understand their requirements before commencement of any work.
- b. *Dial Before You Dig*

Underground assets may exist in the area that is subject to your application. In the interests of health and safety and in order to protect damage to third party assets, please contact Dial before You Dig at www.1100.com.au or telephone on 1100 before excavating or erecting structures (This is the law in NSW). If alterations are required to the configuration, size, form or design of the development upon contacting the Dial before You Dig service, an amendment to the development consent (or a new development application) may be necessary. Individuals owe asset owners a duty of care that must be observed when working in the vicinity of plant or assets. It is the individual's responsibility to anticipate and request the nominal location of plant or assets on the relevant property via contacting the Dial before You Dig service in advance of any construction or planning activities.

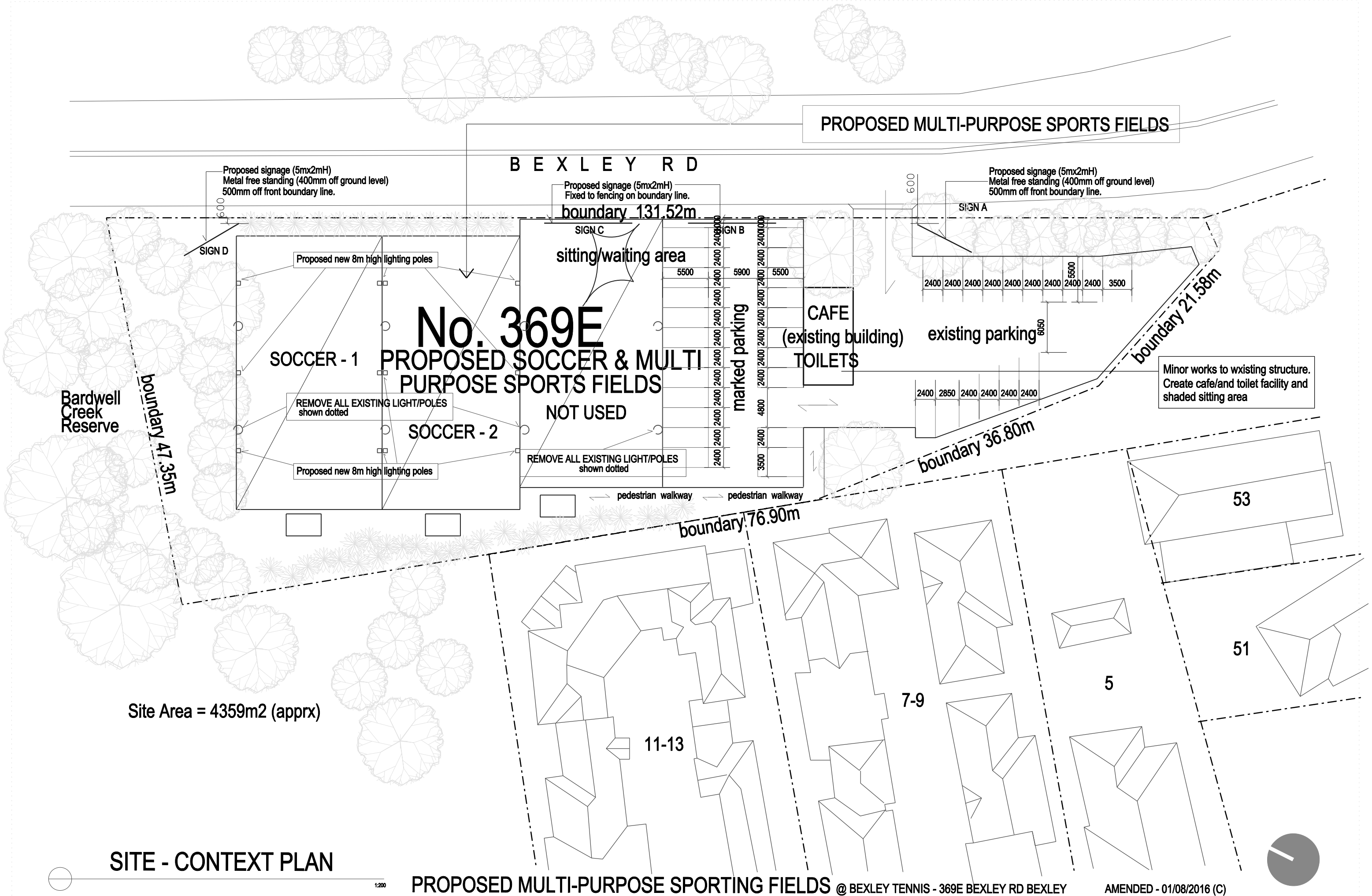
- c. Demolition and construction shall minimise the emission of excessive noise and prevent "offensive noise" as defined in the Protection of the Environment Operations Act 1997. Noise reduction measures shall include, but are not limited to the following strategies:
 - choosing quiet equipment
 - choosing alternatives to noisy activities
 - relocating noise sources away from affected neighbours
 - educating staff and contractors about quiet work practices
 - informing neighbours of potentially noise activities in advance
 - equipment, such as de-watering pumps, that are needed to operate on any evening or night between the hours of 8 p.m. and 7 a.m. or on any Sunday or Public Holiday, shall not cause a noise nuisance to neighbours of adjoining or nearby residences. Where the emitted noise exceeds 5 dB(A) [LAeq(15m)] above the background sound level [LA90] at the most affected point on the nearest residential boundary at any time previously stated, the equipment shall be acoustically insulated, isolated or otherwise enclosed so as to achieve the sound level objective.
- d. All site works shall comply with the occupational health and safety requirements of the NSW WorkCover Authority.
- e. In the event of any inconsistency between conditions of this approval and the

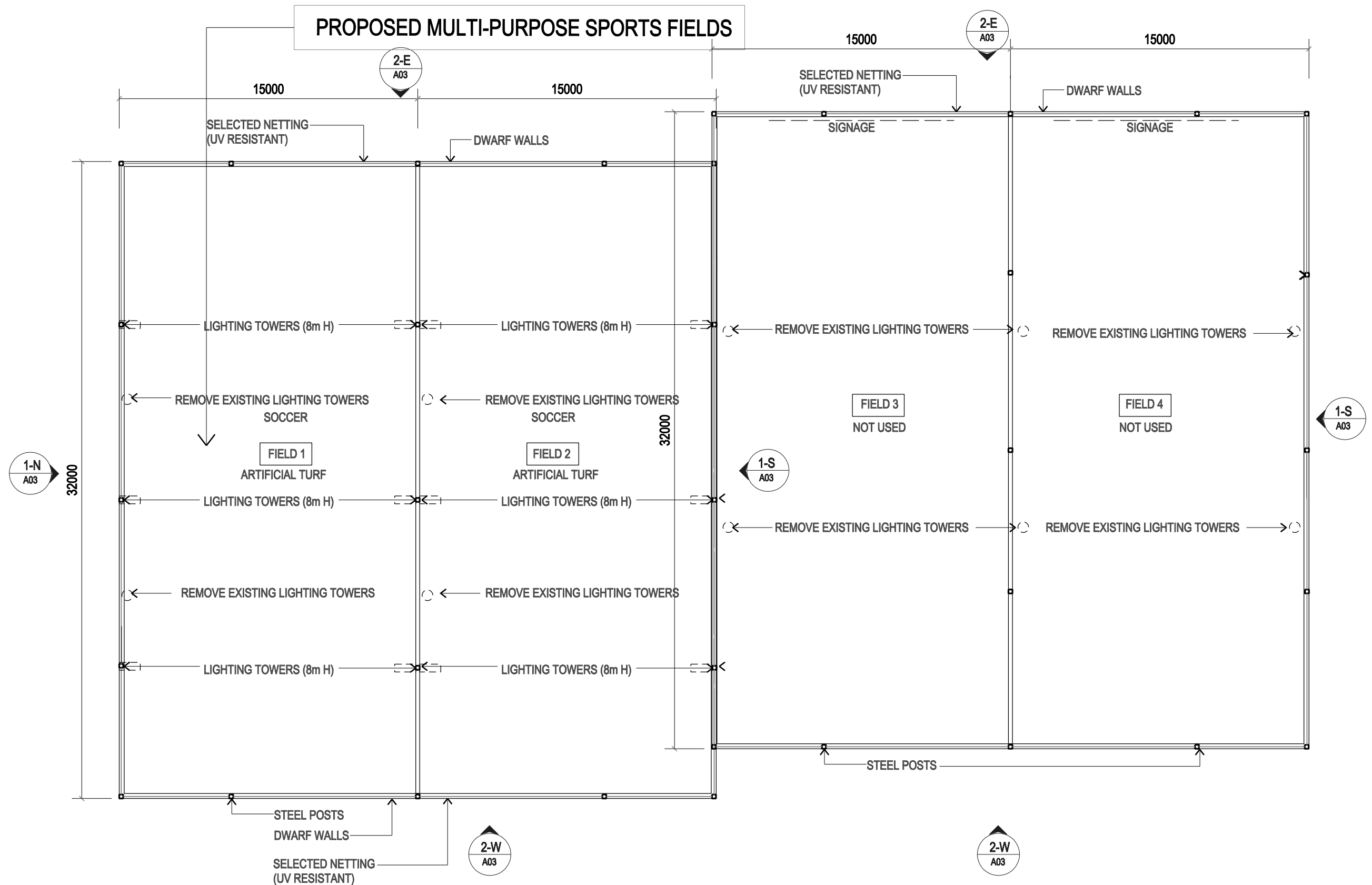
drawings/documents referred to in condition 2, the conditions of this approval prevail.

Additional Information

- To confirm the date upon which this consent becomes effective, refer to Section 83 of the *Environmental Planning and Assessment Act, 1979*. Generally the consent becomes effective from the determination date shown on the front of this notice. However if unsure applicants should rely on their own enquiries.
- To confirm the likelihood of consent lapsing, refer to Section 95 of the Act. Generally consent lapses if the development is not commenced within five (5) years of the date of approval. However if a lesser period is stated in the conditions of consent, the lesser period applies. If unsure applicants should rely on their own enquiries.
- Section 82A allows Council to reconsider your proposal. Should you wish to have the matter reconsidered you should make an application under that section with the appropriate fee.
- Under Section 97 of the Act applicants who are dissatisfied with the outcome of a consent authority have a right of appeal to the Land and Environment Court. This right must be exercised within six (6) months from the date of this notice. The Court's Office is situated at Level 1, 225 Macquarie Street, Sydney (Telephone 9228 8388), and the appropriate form of appeal is available from the Clerk of your Local Court.

Should you have any further queries please contact Marta M Gonzalez-Valdes on 9562 1666





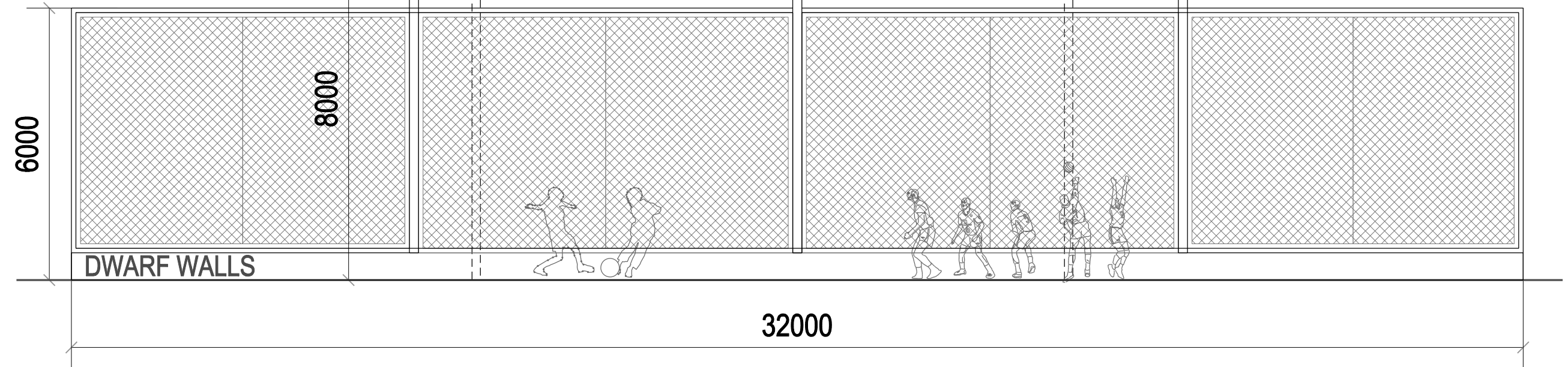
FIELDS - PLAN

PROPOSED MULTI-PURPOSE SPORTING FIELDS @ BEXLEY TENNIS - 369E BEXLEY RD BEXLEY

AMENDED - 01/08/2016 (C)

REMOVE ALL EXISTING LIGHTING TOWERS
(TYPICAL)

NEW 8M H LIGHTING TOWERS

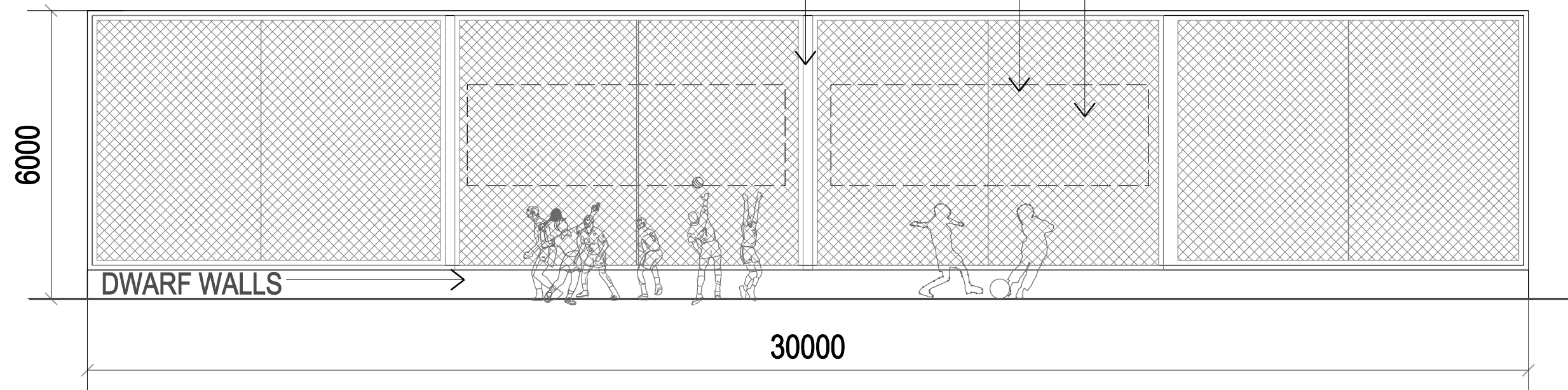


1 NORTH-SOUTH TYPICAL ELEVATION

PROPOSED SIGNAGE (SPONSOR ETC)

SELECTED NETTING

STEEL POSTS



2 EAST-WEST TYPICAL ELEVATION

PROPOSED MULTI-PURPOSE SPORTING FIELDS @ BEXLEY TENNIS - 369E BEXLEY RD BEXLEY

AMENDED - 01/08/2016 (C)