

Responsible Officer: Rodger Dowsett - Director Planning and Development
Date of Preparation: 13 July 2010

JRPP Ref No: 2010SYE002

DA No: 10/175

Lodgement Date: 17 December 2009

Property: Gwea Avenue, Daceyville REDEVELOPMENT OF
DAVID PHILLIPS SPORTS FIELD

Lot No: 3876

DP No: 91234

Application Details: Redevelopment of the existing sporting fields and amenities of the David Phillips Sports Fields to consolidate UNSW sporting facilities and the use of the facilities by the UNSW, and includes the following works to be undertaken at David Phillips Sports Field;

- Demolition of the existing amenities, clubhouse building and grandstand;
- Retention of the existing grounds shed on the north western corner of the site;
- Retention of existing fencing along the southern, western and northern boundaries;
- Construction of a new clubhouse and amenities;
- Construction of a new grandstand with a seating capacity of 300 persons;
- New amenities beneath the grandstand;
- New fields for the sporting activities of; hockey, soccer, rugby, cricket, baseball,
- New tennis courts,
- New lighting including floodlighting, site lighting, building lighting and emergency lighting, and to reuse existing lighting and light poles, from Little Bay and the existing lighting at David Phillips Field;
- Erection of identification signage;
- Erection of new spectator fencing to grandstand;
- Erection of new retaining wall and fencing along north eastern and eastern boundary;
- Construction of concrete tiered spectator stand adjacent to the new baseball field;
- Erection of sight screens to the baseball field;
- Construction of cricket practice nets, baseball bullpen, and baseball dugouts adjacent to the new baseball field; and
- Erection of scoreboards to each new field.

Applicant:	Ed Smith, Planning and Property Manager for the University of New South Wales
Applicant Address:	UNSW, Faculty Management Level 3, Mathews Building SYDNEY NSW 2052
Owner:	University of New South Wales (UNSW)
Builder:	To Be Advised
Principal Certifying Authority:	To Be Advised
Property Location:	Located on the southern side of Gwea Avenue Daceyville. The site is bounded to the east by Banks Avenue, to the south by Bonnie Doon Golf Course, and to the west by Cook Avenue.
Zoning:	Open Space 6(a) Recreation Existing Botany Local Environmental Plan, 1995
ANEF Contour	20-25 ANEF
Present Use:	Existing sports field
Classification of Building:	Class 9b – clubhouse and amenities Class 10a - grandstand Class 10b - signage
Value of Development:	\$10,107,449.00
Capital Investment Value:	\$10,107,449.00
Drawing No:	Refer to Condition No. 1

SUMMARY OF REPORT

Recommendation:	Conditional Consent, and Voluntary Planning Agreement for Public Domain Works (car parking), Footpath and Street Drainage and Tree Removal
Special Issues:	Crown development
Public Objection:	Yes – two (2) submissions
Permissible:	Yes

THE DIRECTOR OF PLANNING AND DEVELOPMENT REPORTS:-

Executive Summary

The development application has been referred to the Joint Regional Planning Panel for determination, pursuant to Clause 13B(1)(a) of the State Environmental Planning Policy - Major Development as the capital investment exceeds \$10 million. The proposal is not considered to be a Part 3A development under the Environmental Planning and Assessment Act.

The development application seeks approval for the redevelopment of the existing sporting fields and amenities of the David Phillips Sports Field, the consolidation of UNSW sporting facilities previously located at Little Bay and the Kensington Campus, for and the use of the facilities by the UNSW, and includes the following works to be undertaken at David Phillips Sports Field;

- Demolition of the existing amenities, clubhouse building and grandstand;
- Retention of the existing grounds shed on the north western corner of the site;
- Retention of existing fencing along the southern, western and northern boundaries;
- Construction of a new clubhouse and amenities;
- Construction of a new grandstand with a seating capacity of 300 persons;
- New amenities beneath the grandstand;
- New fields for the sporting activities of; hockey, soccer, rugby, cricket, baseball,
- New tennis courts,
- New lighting including floodlighting, site lighting, building lighting and emergency lighting, and to reuse existing lighting and light poles, from Little Bay and the existing lighting at David Phillips Field;
- Erection of identification signage;
- Erection of new spectator fencing to grandstand;
- Erection of new retaining wall and fencing along north eastern and eastern boundary;
- Construction of concrete tiered spectator stand adjacent to the new baseball field;
- Erection of sight screens to the baseball field;
- Construction of cricket practice nets, baseball bullpen, and baseball dugouts adjacent to the new baseball field; and
- Erection of scoreboards to each new field.

The Applicant (UNSW) has advised that the basis of the proposed development stems from the rationalisation of existing sporting facilities spread across multiple sites including the David Phillips Sports Field, Little Bay and Kensington Campus together with the need to consolidate the sporting facilities at these sites into the redeveloped site at David Phillips Sports Field. It is recognised that the development application has been lodged by UNSW who are classified as the “Crown” under Section 88 Regulation 226 of the Environmental Planning and Assessment Regulation 2000 as a “*an Australian University within the meaning of the ‘Higher Education Act 2001’*”.

Revised plans with respect to the above development were submitted to Council on 12 February 2010 the modifications to the development involved the reduction in height of the proposed new amenities building from two storeys to single storey, minor reductions and increases to the sizes of the change rooms, sick bay, match offices, and sports equipment storage room to accommodate for the layout changes to the new amenities building. The revised plans also proposed the construction of a new grandstand building and amenities with

a seating capacity for 300 persons in place of the initial proposal to relocate and reuse the existing grandstand, which had a seating capacity for 800 persons.

It should be noted that the above modifications to the proposed development were not by request of Council.

The subject site does not currently contain any parking for the users of David Phillips Sports Field. As part of the redevelopment, the Applicant proposes the following;

- To provide sixty (60) car parking spaces for the redevelopment of David Phillips Sports Field within the existing Banks Avenue road reserve owned by Botany Bay City Council;

The above includes;

- The construction of a cycleway along the David Phillips Sports Field frontage of Banks Avenue; and,
- The installation of two (2) traffic calming devices to enable cyclists to choose a safe point to cross to the eastern side of Banks Avenue at a location where the traffic speeds are low.

Implementation of the above under a VPA will result in;

- The reduction of on street car parking along Gwea Avenue, and will thereby reduce the noise associated with vehicle movements along this street; and
- The proposed parking will also serve users of Rowland Park, which is a Council maintained public park.

Council considers that the proposed car parking along Banks Avenue will provide public benefit to users of David Phillips Sports Field, together with the users of Rowland Park, and will result in the reduction of on-street car parking along Gwea Avenue as well as the removal of unnecessary traffic from the road that comprise the historical part of Daceyville, west of Banks Avenue. However, as part of the development being for the car parking and the construction of the cycleway falls within Council owned land, it cannot be approved under this development application. As such, the proposed car parking and construction of a cycleway along with the installation of two (2) traffic calming devices is to be formalised by the preparation and the entering into of a Voluntary Planning Agreement (VPA) between the Applicant (UNSW) and Council. It will be a condition of consent that this VPA be executed and exhibited prior to the use and occupation of the premises.

The site currently contains approximately 170 trees. The development proposes the removal of 64 trees within the site, and 50 tree from the Banks Avenue road reserve to accommodate the proposed car parking area (subject to the VPA), and as such a total of 114 trees are to be removed as a result of the proposed development. The development proposes replacement planting of 28 trees within the site and 16 trees within the Banks Avenue road reserve totalling 44 trees to be replanted on-site and in the Banks Avenue road reserve. Supplementary tree planting off site is also to be provided by the imposition of a condition of consent, and proposes the following numbers of supplementary tree planting within the surrounding road reserves of David Phillips Sports field;

- 20 trees on the eastern side of Banks Avenue road reserve fronting Rowland Park(opposite the site);
- 4 trees to be planted at the junction of the Cook Avenue and Astrolabe Park entrance; and,

- 10 trees within the southern side of the road reserve of Isaac Smith Street fronting Astrolabe Park.

As such the total number of tree replacement planting is 78, leaving a net loss of 36 trees as a result of the proposed development. In addition it has been agreed by Council and the Applicant that the ongoing care and maintenance for the tree planting to be undertaken by the Applicant within Council's road reserve of Banks Avenue and the existing landscaping within Gwea Avenue would be the responsibility of the Applicant not Council. This includes the financial responsibility for all landscaping maintenance within this public area. Council requested that the Applicant submit a Landscape Plan of Management to be incorporated into the VPA for the public domain works, for the ongoing maintenance of the landscaping within the affected road reserves. The Applicant submitted to Council on 23 July 2010 the Landscape Plan of Management for the Banks Avenue and Gwea Avenue curtilage to David Phillips Field. This Plan of Management has been reproduced in the VPA section of the report below.

The application also involves the reuse of existing lighting and light poles, from Little Bay and the existing lighting at David Phillips Field for the provision of new lighting to the development including floodlighting to the sporting fields, site lighting for safety and security, building lighting for the grandstand, indoor and outdoor lighting of the clubhouse and amenities buildings and emergency lighting for the facility. An External Sports Lighting and Electrical Services Report have been submitted with the development application which concluded that the proposed lighting at the development is in accordance with the relevant Australian Standards for each individual sport, the Australian Standards for '*Potential Obtrusive Effects of Outdoor Lighting*', and lighting restrictions imposed by the Civil Aviation Safety Authority (CASA). This latter arises from the field's relative location to the east-west runway of Sydney Kingsford Smith Airport.

A Parking Assessment Report and Noise Assessment have been submitted with the development application, which conclude that there are no adverse traffic, parking or acoustic impacts upon the locality as a result of the proposed redevelopment of the sports field.

The site is zoned 6(a) Open Space and Recreation pursuant to Botany Local Environmental Planning Policy 1995. The road reserve area along Banks Avenue where the 60 (sixty) car spaces are proposed to be constructed is unzoned. The proposal falls within the definition of a "*Recreation Area*" and is permissible in the 6(a) Open Space zone with development consent.

The development application has been assessed in accordance with the relevant requirements of the Environmental Planning and Assessment Act 1979 and it is recommended that DA 10/175 be approved subject to the conditions contained in Attachment 1 to this report.

Site Description

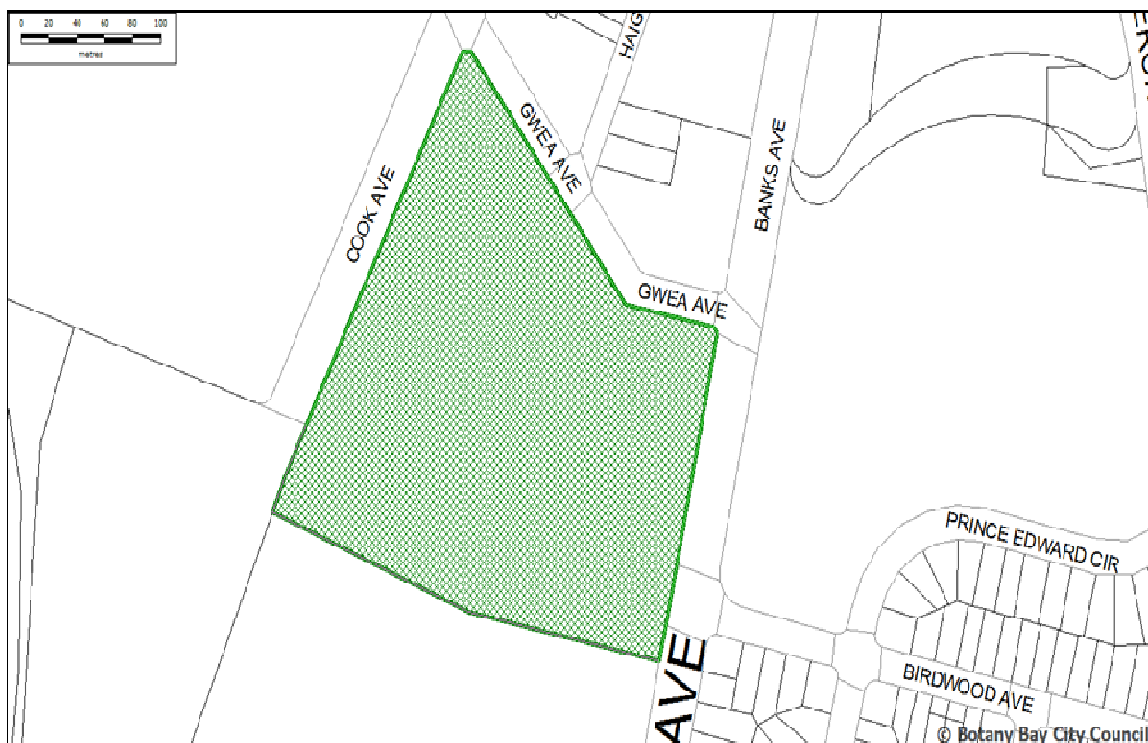
The subject site is located on the southern side of Gwea Avenue Daceyville. Daceyville is a historic suburb and is identified under Schedule 3 of the BLEP 1995 as being "*Daceyville Gardens Suburb*". The site is bounded to the east by Banks Avenue, to the south by Bonnie Doon Golf Course, and to the west by Cook Avenue which at its southern end is a closed road. The site is a trapezoidal shaped allotment with a 250m frontage to Gwea Avenue (north), 198m frontage to Banks Avenue (east), a 290m frontage to Bonnie Doon Golf Club (south), a 302.8m frontage to Cook Avenue (west). The total area of the site is approximately 63000sq.m.

The site has a steep embankment of approximately 5m along the southern boundary and the eastern boundary adjacent to the golf course premises and Banks Avenue, respectively. The levels from then on are even across the site and playing fields. The periphery of the site contains significant vegetation in the form of mature trees, including some scattered trees within the playing fields. The main vehicular access to the site is via Gwea Avenue, and there is a secondary entrance to the site on the corner of Gwea Avenue and Cook Avenue.

David Phillips Sports Field currently contains the following facilities;

- 2 x cricket ovals;
- 1 x rugby field No. 2 (north-south, overlaid over cricket ovals);
- 1 x soccer field No. 2 (north-south, overlaid over cricket ovals);
- Field No. 1 used for rugby and soccer;
- Training field No. 1;
- Synthetic/turf cricket nets;
- 3 x brick single storey amenity buildings with change rooms and associated 2-storey brick clubhouse facility for post match gatherings;
- 1 x spectator grandstand to Field No. 1;
- Grounds Depot;
- Score board;
- Pump room and pump shed/boiler room;
- Main access to the site is from Gwea Avenue; and
- No car parking is provided.

A map identifying the location of David Phillips Sports Field is below;



Development surrounding the site consists of a school, namely St Michaels Catholic School opposite the site to the north-east, an Aged Care Facility known as Southern Cross Care (Foley Gardens) opposite the site to the north-west, Banks Avenue and the public reserve of Rowland

Park, Bonnie Doon Golf Course to the south, Astrolabe Park beyond Cooks Avenue to the west, and single and two storey residential dwellings to the north-west along Gwea Avenue as well as residential buildings of Daceyville.

Site Photographs



Photograph taken from the western most entrance to the sports fields from the corner of Gwea Avenue and Cook Avenue, Daceyville. To the right is Astrolabe Park.



Photograph taken from Gwea Avenue looking at the grounds depot entrance off Gwea Avenue



Photograph looking from Gwea Avenue at David Phillips Sports Field



Photograph taken from Gwea Avenue looking at pedestrian and vehicular access to the grandstand, clubhouse and amenities building



Photograph of the grandstand building taken from Banks Avenue.



Photograph of the boundary of David Phillips Field taken from Banks Avenue

Description Of Development

The development application seeks approval for the redevelopment of the existing sporting fields and amenities of the David Phillips Sports Field, the consolidation of UNSW sporting facilities previously located at Little Bay and the Kensington Campus, for and the use of the facilities by the UNSW. The UNSW have advised that the facilities at Little Bay and Kensington Campus are to be consolidated into one main sporting recreation facility at David Phillips Sports Field;

The facilities that were available for use by the UNSW at Little Bay were as follows;

- 1 x synthetic hockey field;
- 1 x grass and dolomite baseball diamond fields;
- 2 x turf soccer playing fields; and
- 1 x amenity block with change rooms and associated car parking.

The facilities that were available for use by the UNSW at Kensington Campus were as follows;

- 5 x hard court tennis courts.

The consolidation of the above facilities from Little Bay, Kensington Campus and David Phillips Sports Field will result in the following facilities being provided by the proposed redevelopment of the David Phillips Sports Field;

In the north-western corner of the site adjacent to Gwea Avenue;

- Retention of the existing grounds shed on the north western corner of the site;
- Provision of a new rugby/cricket field (known as Rugby 1/Cricket 1);
- Erection of scoreboards;
- Retention of existing chain wire boundary fencing;

In the centre of the site;

- Provision of a new rugby/football (soccer) field (identified on Map as Rugby 2/Football Turf);
- Erection of scoreboards;
- Construction of a new single storey amenities building approximately 125m in length by 12m in width and 5.5m in height, with an east-west orientation containing;

Eastern end of amenities building

- Indoor practice cricket nets/function room 230sq.m;
- Cricket storage 4sq.m;
- Tennis storage 3sq.m; and
- Baseball storage 4sq.m

Middle of amenities building

- Four (4) change rooms at 34sq.m each;
- Two (2) match offices at 15sq.m each;
- Two (2) female WC rooms with 3 x cubicles in each room at 8 sq.m each;
- Two (2) male WC rooms at 8sq.m each;
- Sick bay 24sq.m; and
- Cleaner's room 3.6sq.m.

Western end of amenities building

- Club room 100sq.m;
- Kitchen kiosk 18sq.m;
- Unisex toilet 4sq.m;
- Garbage room 4sq.m;
- Furniture store room; 5sq.m;
- Football store room 16sq.m;

- Hockey store room 16sq.m; and
- Two umpires change rooms at 16sq.m each

To the east of the site adjacent to Banks Avenue;

- Construction of 4 tennis courts, constructed from bitumen substrate on engineered fill with rebound 'ace' surface;
- Provision of a new identifiable entrance to the Fields from Banks Avenue;
- Construction of new metal palisade fencing to a height of 2.1m.
- Erect new signage (non-illuminated) to a height of 2100mm on the Banks Avenue boundary fencing.

To the south of the site adjacent to Bonnie Doon Golf Course the following construction is proposed;

- One synthetic water based hockey field;
- One synthetic FIFA accredited synthetic soccer field;
- Baseball/softball field/Cricket 2 field;
- Cricket practice nets;
- Baseball bullpen;
- 15m x 4.5m concrete tiered spectator seating;
- "Sight screen" for the baseball field; and
- The erection of scoreboards; and
- The retention of the existing chain wire boundary fencing

To the west of the site adjacent to Cook Avenue and Astrolabe Park;

- Construction of a new grandstand with a seating capacity of 300 persons;
- Construction of new amenities building beneath the new grandstand containing;
 - Touch football storage room 15sq.m;
 - Rugby storage room 32sq.m;
 - Change room 1 38sq.m;
 - Change room 2 38sq.m;
 - Unisex toilet 5.5sq.m
 - Unisex accessible WC 8sq.m;
 - Kiosk (canteen) 16sq.m;and.
 - Plant room 8sq.m; and,
- The erection of new spectator fencing to grandstand; and,
- Te retention of the existing chain wire boundary fencing

The application also involves;

- Reuse and relocate existing lighting and light poles, namely the Hockey Field lighting from Little Bay and the existing lighting at David Phillips Field;

Public Domain – Car Parking and Cycleway

The subject site does not currently contain any car parking for users of the David Phillips Sports Field. As such it is proposed to provide sixty (60) car parking spaces for the redevelopment of David Phillips Sports Field within the existing Banks Avenue road reserve owned by Botany Bay City Council, and includes the construction of a cycleway along the David Phillips Sports Field upon Banks Avenue. This parking will also serve users of Rowland Park and as such Council considers the proposed car parking along Banks Avenue will provide public benefit and as stated previously serves to limit traffic other than local traffic upon the public roads of Daceyville, west of Banks Avenue. Therefore Council agrees to the installation of the car parking on Council land. However, as part of the development

being for the car parking and construction of the cycleway falls within Council owned land, it cannot be approved under this application. As such, this is to be formalised by the preparation and the entering into of a Voluntary Planning Agreement (VPA) drawn between the Applicant (UNSW) and Council. It will be a condition of consent that the VPA be executed and exhibited prior to the use and occupation of the premises.

Public domain work of the VPA is to be implemented and completed ahead of the redevelopment of David Phillips Sports Fields' use and occupation.

Hour of Operation

The development proposes the continuation of the current operating hours at David Phillips Sports Field, which is as follows;

- Weekdays;
 - Monday: 8am-10pm,
 - Tuesday: 8am-10pm,
 - Wednesday 8am-10pm,
 - Thursday: 8am-10pm,
 - Friday: 8am-10pm, and
- Saturday: 8am-10pm;
- Sunday: 8am to 6pm (Tennis courts accessible from 8am-10pm); and,
- Public Holidays: 8am-9pm.

History of Development Application

A history of the development application from lodgement is as follows;

Date	Action
17 December 2009	Development Application lodged with Council
11 January 2010 until 11 February 2010	Development Application on public exhibition
6 January 2010	Development Application referred to the Joint Regional Planning Panel (JRPP)
7 January 2010	Development Application referred to following external agencies; <ul style="list-style-type: none"> • Sydney Water • NSW Police • NSW Fire Brigade • RTA • Energy Australia
11 January 2010	Development Application referred to the following internal Departments of the Council; <ul style="list-style-type: none"> • Health and Regulation • Environmental Scientist • Landscape Architect • Engineering
20 January 2010	Applicant advised Council that they will be lodging amended plans (not by Council request)
12 February 2010	Amended plans were submitted to Council which included; <ul style="list-style-type: none"> • reduction in height of the proposed new amenities building from two storeys to single storey, • minor reductions and increases to the sizes of the change rooms, sick bay, match offices, and sports

	<p>equipment storage room to accommodate for the layout changes to the new amenities building.</p> <ul style="list-style-type: none"> • construction of a new grandstand building and amenities with a seating capacity for 300 persons in place of the initial proposal to relocate and reuse the existing grandstand with a seating capacity for 800 persons • new amenities to be constructed beneath the new grandstand
23 February 2010 until 25 March 2010	Amended plans on public exhibition
18 February 2010	Amended plans referred to JRPP
23 February 2010	<p>Amended plans referred to following external agencies;</p> <ul style="list-style-type: none"> • Sydney Water • NSW Police • NSW Fire Brigade • RTA • Energy Australia
23 February 2010	<p>Amended plans referred to the following internal departments of the Council;</p> <ul style="list-style-type: none"> • Health and Regulation • Environmental Scientist • Landscape Architect • Engineering
24 March 2010	Development Application considered at SRDAC meeting at RTA Parramatta
20 April 2010	Meeting held at Council with Applicant to discuss car parking and traffic issues
6 May 2010	Council engaged consultant Traffic Engineer to assess traffic impacts for development
18 May 2010	Meeting held at Council with Applicant to discuss traffic impacts
10 June 2010	Meeting to be held at Council with Applicant to discuss traffic impacts and tree removal/replacement planting
25 June 2010	Additional information was submitted to Council with regard to landscaping and car parking
8 July 2010	Draft Conditions of Consent referred to the Applicant (UNSW) for consideration
19 July 2010	Meeting held at Council with Applicant to discuss and negotiate Draft Conditions of Consent, and issues relating to the preparation of the Voluntary Planning Agreement
23 July 2010	Additional information submitted to Council with regard to the Landscape Management Plan
27 July 2010	Additional information submitted to Council with regard to the Section 73 Certificate from Sydney Water
29 July 2010	Additional information submitted to Council with regard to the Voluntary Planning Agreement
30 July 2010	Amended Draft Conditions of Consent referred to the Applicant (UNSW) for consideration
2 August 2010	Development Assessment Report referred to the JRPP

SECTION 79C CONSIDERATIONS

In considering the Development Application, the matters listed in Section 79C of the Environmental Planning and Assessment Act 1979 have been taken into consideration in the preparation of this report and are as follows:

(a) The provisions of any EPI and DCP and any other matters prescribed by the Regulations.

S79C(a)(i): The provision of any environmental planning instrument (EPI)

Part 5A – Development by the Crown - Section 116C

For the purposes of this development application, the ‘Applicant’ being the University of New South Wales (UNSW) is taken to be the Crown.

The provisions of Part 5A Clause 116C of the EPA Act state:-

“A consent authority, in respect of a development application made by or on behalf of the Crown, must not:

- (a) refuse its consent to the application, except with the written approval of the Minister, or*
- (b) impose a condition of its consent, except with the written approval of the Minister or the applicant”.*

The Applicant, thereby meeting the requirements of the Act has accepted the conditions included in the recommendation of this report.

State Environmental Planning Policy (Major Projects) 2005

The application is being reported to the Joint Regional Planning Panel for determination in accordance with Clause 13B(1)(a) of the SEPP as the capital investment value exceeds \$10 million and the proposal is not a Part 3A development under the Environmental Planning and Assessment Act.

State Environmental Planning Policy – Infrastructure 2007

The application was referred to the Roads and Traffic Authority (RTA) on 7 January 2010 for consideration under Clause 104, Schedule 3 of the SEPP with respect to *“Tourist facilities, recreation facilities, showgrounds or sportsgrounds for 50 or more motor vehicles”*. On 24 March 2010 the application was considered at a Sydney Regional Advisory Committee (SRDAC) meeting. The following recommendation was received;

“I refer to your letters of 7 January 2010 and 23 February 2010 concerning the above mentioned development application which was referred to the Roads and Traffic Authority for comment in accordance with Clause 104 of State Environmental Planning Policy (Infrastructure) 2007. I wish to advise that the Sydney Regional Advisory Committee considered the traffic impact of this application at its meeting of the 24 March 2010.

Council should consider the following SRDAC comments in determining the application;

- 1. On street parking associated with the proposed development should be designed in accordance with AS 2890.5-1993.*

2. *All works/regulatory signposting associated with the proposed development are to be at no cost to the RTA."*

The above recommendations have been incorporated into the Voluntary Planning Agreement for the car parking. As such the proposal is considered satisfactory in relation to SEPP - Infrastructure 2007.

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

The requirements of SEPP No. 55 have been considered in the assessment of the development application. A Soil and Groundwater Contamination Assessment Report dated November 2009 prepared by CETEC was submitted with the application. The report provided the following conclusion and recommendation;

- *"CETEC conducted a Site Assessment (ESA) at the property located at the David Phillips Sports Field UNSW, Cooks Avenue Daceyville NSW 2032;*
- *Based on the findings of the ESA the following is recommended;*
- *No further assessment of soil contamination at the site is required as all Health Investigation Levels for parks, recreational open space and playing field land use (Class E) prescribed by NEPM: Assessment of Site Contamination 1999-Schedule B(1) Investigation of Levels for Soil and Groundwater were met, even when 10x safety-factor calculations are taken into account;*
- *Further assessment of groundwater quality may be required if water usage was to be modified, as the water results from Well 3 showed high levels of Total Petroleum Hydrocarbons (TPH), Benzene, Toluene, Ethyl benzene, and Xylene's (BTEX) and Volatile Organic Compounds (VHC's. The VCHs, which were identified in this analysis, are known/or suspected to be carcinogens. However the irrigation bore (Well 1) showed no contamination of TPH, BTEX and VHCs and is therefore suitable for irrigation. Due to this finding water from the South bore will be sampled and analysed as it is the proposed primary source for grounds irrigation. Should the South Bore show or has shown contamination, a detailed Risk Assessment on the proposed use is conducted covering user health and local environment risks are recommended. The objective of the Risk Assessment should be to establish suitability of use for watering live and synthetic playing field turf and assess risks surrounding likely exposed populations and contaminant exposure pathways. Additionally six (6) monthly groundwater testing should be conducted due to known contamination of the site.*
- *If any change in land use or zoning is proposed then further assessment is required, consisting of a review of the results from this report with comparison to relevant Health Based Investigation Levels (HILs) and further and further analysis of samples already taken from vertical distribution of contaminants.*

Council's Environmental Scientist reviewed the Soil and Groundwater Contamination Assessment Report in January of this year, and provided the following response;

"The contamination assessment submitted with the Development application is not adequate. The contamination assessment has not been prepared in accordance with relevant NSW Environmental Legislation. IN particular a detailed site history review is required in Stage 1 Contamination Assessments. Relevant information pertaining to previous site use was not included in the report. At this stage low-density sampling

cannot be justified due to the lack of investigations other than aerial photographs and title deed searches.

The Applicant was requested to prepare an Environmental Site Assessment for the development and submit this to Council. On 12 February 2010, an Environmental Site Assessment dated February 2010 prepared by CETEC was submitted to Council. The report provides the following information;

“CETEC were engaged by McLachlan Lister Pty Ltd (MLL) on behalf of the University of New South Wales to conduct a Phase 1 – Environmental Site Assessment at the property located at David Philips Sports Field UNSW, Cooks Avenue Daceyville (the site).

The Phase 1 site assessment consisted of a review of available aerial photographs, title searches and title history, previous land uses, historical use of adjacent land.

The project objectives for this study include;

- Determine the potential for contamination to be present based on available historical information of the site and adjacent land uses from aerial photographs;*
- Assess the need for further contamination investigations and contaminant sampling of the site. (Note initial soil and groundwater sampling results are available in the report titled CN091102 David Phillips Field Soil and Water Testing November 2009)*

This Phase 1 – Environmental Site Assessment showed the following outcomes:

- From the aerial photographs it is evident that the site has been used as a sports field since 1961. Prior to 1961, the site was a vacant piece of land.*
- No known industrial activity has taken place on the site;*
- No evidence exists to suggest sand mining and land filling activities have occurred at the site.*
- Results of composite soil sampling conducted in November 2009 from 5 boreholes down to a depth of 6, showed no significant contamination with TPH, VHC, BTEX, Toxic Heavy Metals and other common inorganic contaminants including asbestos.*
- Results of groundwater sampling conducted in November 2009 from existing bore pumps used for irrigation at the site and from 2 new groundwater monitoring wells installed near the eastern boundary and the southern boundary respectively, showed no significant contamination with VHC, TH, BTEX, Toxic Heavy Metals, Pesticides, Inorganic contaminants or Bacteria and Algae.*
- Results of groundwater sampling conducted in November 2009 and historical data from testing conducted by UNSW from the groundwater monitoring well at the south-western corner (bordering Astrolabe Park) of the site showed elevated levels of VCH including vinyl chloride. This however is likely to have*

originated from the neighbouring Astrolabe Park, which has a documented history of soil and groundwater contamination.”

Council’s Environmental Scientist again reviewed the Environmental Site Assessment in February of this year, and has concurred with the report’s recommendation and provided conditions of consent. Based on the information provided and subject to the imposition of the conditions of consent, the proposal is considered to satisfy the requirements of SEPP 55.

Botany Local Environmental Plan (BLEP) 1995

Clause 5 – Objectives of BLEP 1995

The objectives contained within Clause 5 have been considered in the assessment of this application. The objectives of this plan in relation to tourism, and recreational and community services and facilities, are:

- (a) to provide opportunities for tourism and recreational development in appropriate locations,*
- (b) to develop tourism as an industry for the purpose of gaining employment and for economic, cultural, social and recreational benefits for the community,*
- (c) to encourage the provision of open space in a manner which meets the community’s diverse recreational needs, and*
- (d) to facilitate the provision and equitable distribution of community services and facilities to meet the needs of the local residents and the non-resident workforce.*

It is considered that the proposed development satisfies the above objectives in that the proposal provides opportunities for improved recreational facilities in a location, which contains an existing sports field, and associated facilities, and the proposal provides for a diverse range of recreational needs, organised sporting games and benefits for the community.

Clause 10 – Zoning

The subject site is zoned 6(a) Open Space and Recreation in accordance with the BLEP 1995 and the proposed development, which is defined as a ‘recreation area’, is permissible within the zone with the appropriate consent of Council.

The primary objective of the 6(a) zone is as follows;

“The provision of different kinds of public open space and recreational land within the local government area to meet the needs of the community”

The secondary objectives of the 6(a) zone are as follows;

- (a) to identify existing local and regional publicly owned land used or capable of being used for open space and recreational purposes,*
- (b) to enable development of land for open space and recreational purposes,*
- (c) to provide opportunities to enhance the environmental quality of the local government area,*
- (d) to identify, protect and conserve the Botany wetlands system, which are environmentally and visually significant,*

- (e) *to protect and conserve foreshore land, and*
- (f) *to encourage energy efficiency and energy conservation in all forms of development permissible in the zone.*

It is considered that the proposed development, being for the redevelopment of David Phillips Sports Field including the demolition of the existing amenities, clubhouse and grandstand, the construction of a new clubhouse, amenities, grandstand, with seating capacity of 300 persons, new amenities beneath the grandstand, new fields for hockey, soccer, rugby, cricket, baseball and tennis courts, new lighting including floodlighting, site lighting, building lighting and emergency lighting, and to reuse existing lighting and light poles, from Little Bay and the existing lighting at David Phillips Field, and signage for use by the University of New South Wales, achieves the above objectives in that;

- The proposal will result in improvements to the current sporting facilities including additional sporting facilities and activities;
- Whilst the primary purpose of the proposal is to improve the facilities for use by UNSW, the broader community may benefit from the facilities when not in use by UNSW;
- Improvements in the ability of the proposal to meet the principles of ecologically sustainable development through rain water harvesting, energy efficiency and water conservation measures; and
- The proposal will not impact on environmentally sensitive areas within Botany such as wetlands and foreshore land.

Clause 13 – Aircraft Noise

The provisions of clause 13 and the Aircraft Noise Development Control Plan have been considered in the assessment of the Development Application. The site is located within the 20-25 ANEF contour. Development for the purposes of a “public building” within the 20-25 ANEF contour is considered “conditional” in accordance with the provisions of Council’s Aircraft Noise Development Control Plan. Where the building site is classified as "conditional" under Table 2.1 AS2021-2000 development may take place, subject to Council consent and compliance with the requirements of AS2021-2000. As such a condition of consent shall be imposed upon the development, which requires compliance with the requirements of AS 2021-2000.

Clause 13A – Noise & Vibration

The requirements of this Clause have been considered in the assessment of the development application. The subject site is affected by aircraft noise, which is addressed in the above Clause, the site is not affected by traffic noise or rail noise.

Clause 18 - Development in open space zones

The provisions of Clause 18 have been considered in the assessment of the Development Application. When determining an application to carry out development on land within Zone No 6 (a) or 6 (b), the Council must consider:

- (a) *the need for the proposed development on that land,*
- (b) *the impact of the proposed development on the existing or likely future use of the land, and*

- (c) *the effect of the proposed development on the retention of open space.*

The proposed development is considered to satisfy the above in that the proposal maintains the current sporting functions however proposes to consolidate additional sporting activities and functions from other UNSW land holdings and upgrade these facilities for use by the UNSW and the general public. The proposal is not considered to impact upon the likely future use of the land in that the site is zoned 6(a) Open Space and Recreation, and the on-going need for sporting facilities within the Botany Bay Local Government Area will provide for the retention and longevity of the future of the open space and recreation area.

Clause 19 - Development of land shown unzoned on the map

The subject site does not currently contain any parking for the users of David Phillips Sports Field, as such it is proposed to provide sixty (60) car parking spaces for the redevelopment of David Phillips Sports Field within the existing Banks Avenue road reserve owned by Botany Bay City Council. This road reserve is 'unzoned land' and as such the provisions of Clause 19 have been considered in the assessment of the Development Application.

Development for any purpose of any land to which this clause applies may be carried out with the consent of the Council provided the Council is of the opinion that the development:

- (a) *is compatible with the nature of development permissible on neighbouring land and those development standards applicable to development on neighbourhood land, and*
- (b) *is consistent with the objectives of this plan and the objectives of the zoning applying to neighbouring land.*

The car parking to be provided upon the 'unzoned' Banks Avenue road reserve is considered to be compatible with the nature of development and permissible on neighbouring land. The site is adjacent to Rowland Park to the east, Bonnie Doon Golf Club to the south and Astrolabe Park to the west. The proposed car parking along the Banks Avenue road reserve will also have the capacity to serve patrons of Rowland Park which is a Council maintained public park. However, as part of the development being for the car parking and construction of the cycleway falls within Council owned land, it cannot be approved under this application. As such, this is to be formalised by the preparation and the entering into of a Voluntary Planning Agreement (VPA) between the Applicant (UNSW) and Council.

It will be a condition of consent that this VPA be executed and its terms implemented prior to the use and occupation of the premises. Therefore the provisions of Clause 19 of the BLEP 1995 have been satisfied.

Clause 22 – Energy Efficiency and Energy Efficiency Development Control Plan

The requirements of Clause 22 and the Energy Efficiency Development Control Plan have been considered in the assessment of the development application. An Environmentally Sensitive Design (ESD) Statement dated 16 December prepared by BVN Architecture has been submitted with the application. The Statement indicates that the development aims to implement ESD principles in terms of water and building material reuse, natural ventilation, installation of water saving devices, energy efficient

lighting and the use of plantation timbers where possible on walls and joinery. Therefore, the development is considered acceptable in regards to Clause 22 and the Energy Efficiency DCP.

Clause 25 – Advertising and Notification

The provisions of Clause 25 have been considered in the assessment of the Development Application. The development application was notified to surrounding property owners and in the local newspaper for a thirty (30) day period from 11 January 2010 until 11 February 2010. Amended plans and documentation were submitted to Council on 12 February 2010, the amended plans and documentation required re-notification to surrounding property owners due to changes to the layout and location of proposed buildings. The amended plans were notified to surrounding property owners and in the local newspaper for a thirty (30) day period from 23 February 2010 until 25 March 2010.

Two (2) submissions were received in response to the above notification of the initial development application and the subsequent notification of the amended plans, which is discussed in detail later in the report.

Clause 28 – Excavation and filling of land

The provisions of Clause 28 have been considered in the assessment of the development application. The development proposes an area of cut in the south-eastern corner of the site to accommodate the proposed tennis courts. A retaining wall and landscaping will run along the eastern boundary. A ‘cut and fill’ drawing has been submitted with the application.

In addition, a Geotechnical and Hydrogeological Investigation Report dated November 2009 prepared by Jeffery and Katauskas Pty Ltd was submitted with the application. The report concludes that;

“Based on the investigation results the site is considered suitable for the proposed redevelopment. No potential slope stability or landslip potential was identified. The site is relatively free draining and suitable founding material is present at reasonable depth. Specific comments and recommendations for the proposed redevelopment are presented in the sections that follow” (refer to Report)

As such it is considered that the proposed redevelopment of the sports fields is unlikely to have a detrimental effect on existing drainage patterns and soil stability in the locality or adversely impact on the future use of the land.

Clause 30A – Acid Sulfate Soils

The provisions of Clause 30A have been considered in the assessment of the Development Application. The subject site is not located within land classified as being Acid Sulfate Soils affected. As such, an Acid Sulfate Soil Assessment and Management Plan are not required to be submitted.

Clause 36 – Development in the vicinity of a Heritage Item or Heritage Conservation Area

The subject site is located approximately 20 metres south (opposite Gwea Avenue) of land identified as being within the Daceyville Garden Suburb under Schedule 3 of the BLEP 1995. Clause 36 states that;

“The Council may grant consent to the carrying out of development in the vicinity of a heritage item or a heritage conservation area only if it has assessed the impact of the proposed development on the heritage significance of the heritage item or the heritage conservation area”.

The Applicant provided the following statement with regard to Clause 36 in the Statement of Environmental Effects submitted with the application:

“The site is located to the south of the Daceyville Conservation Area. The proposal will not affect the significance of the area, however may improve the general amenity of the residential area through the provision of car parking bays and the Fields’ primary access along Banks Avenue resulting in potentially less car parking to the north of the site.”

An assessment of the application in accordance with the provisions of Clause 36 has been undertaken. The application involves the redevelopment of existing sporting facilities and fields. This involves the demolition of the existing amenities, clubhouse and grandstand on the site. At present, the existing amenities and clubhouse building is located in the centre of David Phillips Sports Field. The new single storey amenities and clubhouse facilities is proposed to be constructed further to the west of the site toward Banks Avenue. The proposed new facilities will be less visible from the streetscape than the existing facilities due to the sloping topography of the site. As such it is considered that the proposed development will be less likely to have any significant impact upon the land and buildings identified as being a part of the Daceyville Garden Suburb area in that;

- The proposed development does not affect or impact any views to or from the heritage conservation area or by bulk or scale or setback impacts, as the single storey height of the new amenities building is considered appropriate for a sporting facility;
- The proposed development does not undermine or otherwise cause physical damage to buildings within the heritage conservation area;
- The proposed development does not adversely impact on the heritage significance of the heritage conservation area; and
- The proposed development will result in the reduction of traffic using roads within the Daceyville Garden Suburb, with exception to local traffic due to the elimination of the existing Gwea Avenue entrance to the sports field by the relocation of this entry to Banks Avenue.

As such the proposal is considered acceptable with regard to Clause 36 of the BLEP 1995.

Clause 38 – Water, wastewater and stormwater systems

In accordance with Clause 38, Council must not grant consent to the carrying out of development on land for any purpose unless it is satisfied that adequate provision has been made for the disposal of stormwater from the land it is proposed to develop.

The subject site is well serviced by existing sewerage and water services that will cater for the proposed development. A Water Conservation Statement dated 4 December 2009 prepared by Whipps-Wood Consulting was submitted with the application. The statement is reproduced in part as follows;

- *“The proposed redevelopment of David Phillips Sports Field at Gwea Avenue Daceyville is intended to incorporate the following water sensitive urban design measures, assisting in the conservation of water and the maintenance of the site’s natural water balance.*
- *Rainwater storage is to be provided in underground tanks capturing runoff from the roof areas of the General Amenities and the Rugby Amenities building. A total of 35000L or 35m³ is anticipated.*
- *Absorption trench storage for the 5-year average recurrence interval storm event is to be provided between the western cricket fields. Stormwater runoff from the majority of impervious areas is to be directed to modular underground polypropylene storage cells with a total effective underground absorption volume of approximately 440m³ being provided.*
- *Existing bore water holes and pump systems are to be retained for irrigation of the sports fields.*
- *Water conservation within the site is achieved by incorporating rainwater storage and bore water supply for non-potable usage, which reduces the required draw off from the town’s main supply.*
- *Water balance to assist in replenishing natural volumes stored within the Botany basin aquifer is achieved by soil infiltration and absorption, which is a standard stormwater drainage requirement of Botany Bay Council.”*

It is considered that adequate provision has been made for the disposal of stormwater, in addition Council’s Development Engineer has reviewed the proposal and has provided conditions of consent.

S79C(a)(ii) The provisions of any draft environmental Planning instrument (draft EPI)

There are no draft EPI’s applicable to the site.

S79C(a)(iii) Any Development Control Plans (DCP)

Access Development Control Plan

The Access DCP applies to all new developments, applications for changes of use and the refurbishment/renovations of existing premises within the Botany Local Government Area, which Council considers would physically alter the building in a major way, and where access for all could be incorporated. The objectives of the DCP are as follows;

- Provide technical information to assist designers and developers in the provision of accessible developments.*
- Provide for a high level of accessibility to and within all developments within the Botany Local Government Area.*
- Raise the profile of the needs and access issues for people with disabilities within the Council, the local community, and relevant public authorities.*

- (d) *Ensure that new premises operated by Council allow access for all members of the community and to upgrade existing facilities, where possible.*

It is considered that the development satisfies the objectives of the Access DCP in that the proposed buildings have the ability to comply with the relevant provisions of the Building Code of Australia (BCA) and the non-discretionary standards contained in the Disability Discrimination Act (DDA) 1992. Further, the proposal also incorporates an accessible ramp from the street level at Banks Avenue (a public road and main entry point) to ground level on the fields/tennis court and as part of the Voluntary Planning Agreement as discussed earlier in the report, two disabled car parking spaces will be provided within the proposed car parking along the Banks Avenue road reserve.

Development Control Plan No. 29 – Waste Minimisation and Management Guidelines

The requirements of DCP No. 29 have been considered in the assessment of the development application. A Waste Management Report dated 17 December 2009 prepared by McLachlan Lister has been submitted with the application. The Report states that;

‘Buildings and other structures currently on site – existing two storey clubhouse with storage and amenities, 3 stand along single storey amenity building together with steel framed grandstand with precast concrete seating.

Brief Description of proposal – removal of the existing clubhouse and stand alone amenities building, removal of the existing grandstand, synthetic water based hockey, synthetic soccer field, tennis courts and new amenities to below relocated grandstand.

On going management –

- *The UNSW has contracted both grounds and maintenance staff for the fields themselves, while also a maintenance contractor (Spotless Pty Ltd) for all proposed infrastructure and buildings on site.*
- *UNSW has environmental management systems in place for its main Kensington Campus together with its off site locations (i.e. David Phillips Field)*
- *Waste storage and recycling area has been suitably located and will be suitably labelled within the proposed new main amenities building.*
- *In accordance with the Statement of Environmental Effects it is proposed that the new development will have the services of a full time UNSW staff member who will act as ground marshal for the field. This staff member will work together with the maintenance contractor who will be responsible for transferring materials from the fields and surrounding areas and keeping the entire area clean and tidy.”*

Subject to imposition of appropriate conditions, the proposed development is considered to satisfactorily address Council’s Waste Minimisation and Management Guidelines DCP.

Development Control Plan No. 32– Landscaping

The requirements of DCP No. 32 have been considered in the assessment of the development application. A proposed Landscape Planting Scheme accompanied the application and Arboriculture Assessment dated 12 December 2009 prepared by The

Ents Tree Consultancy was submitted with the application. The report provides the following recommendations;

- *“After reviewing the site plans and the information provided by the UNSW it is my recommendation the proposed plans for the David Phillips Field Redevelopment at the Daceyville site is allowed to proceed with the following actions carried out.*
- *It is recommended that trees 1-25, 31-35, 37-39, 44 –47, 49, 55, 57-77, 110-115, 121, 125-140, 149, 150, 152-160, 162, 170-227 and tree 271 be removed due to their position in relation to the works.*
- *It is recommended that all other trees on and adjoining the site as nominated in the field survey and the table attached in appendix 3 are retained in good condition for the duration of the works using the tree protection guidelines as outlined in appendix 2.*
- *The exception to these tree protection guidelines is the requirement of tree protection fencing for trees on the adjoining sites. It is envisaged that as there are no works planned to occur in these area and no other activities relating tho the works planned in these area that the existing fences be sufficient for tree protection. Trees 85-95 may also benefit from having a Tree Protection fence extending for the length of their NW to SE distance parallel to the existing fence at 1m from the trees base.*
- *All trees nominated to be retained will require sufficient water to be supplied during all phases of the works to ensure normal growth. This is particularly important during the phases where excavations are open. Failure to comply with this recommendation may result in permanent damage to the trees affected.*
- *It is recommended that the comprehensive Tree Protection Guidelines outlined in Appendix 2 are to be used to govern all works on site. Note: all works are to be conducted by suitably qualified persons and should comply with the Australian Standard for the pruning of amenity trees AS 4373.*

Council’s Landscape Officer reviewed the proposal and provided the following comments;

- *There are 170 trees on the site; 97 trees are proposed to be removed (57%) and 73 retained.*
- *There are approx. 100 street trees; 58 trees are proposed to be removed (58%) in Banks Avenue and 43 retained in Gwea Avenue/Astrolabe Park.*
- *In total, 155 trees on the site and Banks Avenue road verge are proposed to be removed.*
- *55 replacement trees are proposed to be planted. This number should be increased to be closer to the number removed through additional tree plantings on the northern, western and southern boundaries.*

The Applicant was advised of the above comments during a meeting held on 10 June 2010. On 24 June 2010 a revised Arboriculture Assessment report, Landscape Plan and Tree Removal Plan dated 23 June 2010 prepared by The Ents Tree Consultancy was submitted to Council. The revised Arboriculture report provided the following recommendations;

- *“After reviewing the survey and site plan together with the information provided by the UNSW it is my recommendation the proposed plan for the*

David Phillips Field redevelopment at the Daceyville site is allowed to proceed with the following actions carried out;

- *It is recommended that trees 78, 79, 81-84, 1-21, 170-204, 30-35, 38, 44-58, 152-154, 158, 110, 111, 113, 116, 61-63, 166-168 are removed due to their condition and location in relation to the works.*
- *It is recommended that all other trees on and adjoining the site as nominated in the field survey and the table attached in Appendix 3 are retained in good condition for the duration of the works using the tree protection guidelines as outlined in appendix 2.*
- *The exception to these tree protection guidelines is the requirement of tree protection fencing for trees on the adjoining sites. It is envisaged that as there are no works planned to occur in these area and no other activities relating to the works planned in these area that the existing fences be sufficient for tree protection. However it may be prudent to have a Tree Protection Zone (TPZ) fence line to the north boundary and south boundary where applicable. This fence would be parallel to the existing fence line at approximately 1m from the identified trees bases.*
- *All trees nominated to be retained will require sufficient water to be supplied during all phases of the works to ensure normal growth. This is particularly important during the phases where excavations are open. Failure to comply with this recommendation may result in permanent damage to the trees affected.*
- *It is recommended that the comprehensive Tree Protection Guidelines outlined in Appendix 2 are to be used to govern all works on site. Note: all works are to be conducted by suitably qualified persons and should comply with the Australian Standard for the pruning of amenity trees AS 4373.*

Council's Landscape Architect subsequently reviewed the above revised Arboriculture Assessment Report and Landscape Plans and provided the following comments;

"Following a meeting with the Applicant on 10th June, where a number of tree removal concerns with this development were raised, an amended Arborist report has been submitted which more accurately reflects proposed tree removals/locations and tree retention. This evolved from apparent discrepancies between proposed tree removals as indicated by the Consultant Arborist, an overlay of existing tree locations and proposed field layouts by Council and UNSW/Council intentions to preserve as many trees as possible.

To summarise, the Applicant propose to remove 4 trees in the northern boundary setback (originally 18), 19 trees in the eastern boundary embankment (originally 32), 26 trees in the southern boundary embankment (originally 40) and 4 trees on the western boundary (originally 7). On the Banks Avenue nature strip 34 trees are to be removed (not 57 as originally stated) as well as 8 small trees in the centre of the site.

This will enable a greater number of significant trees in the southern, south-western and northern areas of the site to be retained.

Northern boundary : trees 60-109 (except 78,79, 81, 84), specifically 64 and 65 which are 14m high Eucalypts and trees 66-77

which are immature Brush Boxes that currently provide an excellent screen.

South-western corner: trees 24-140, specifically 136 and 137, which are 8m high Figs, and trees 138-140, which are large Eucalypts.

Southern embankment : trees 149-162, specifically 159 and 160, which are 15m Eucalyptus.

South-eastern corner : a few additional trees where outside the new retaining wall.

On the Banks Avenue nature strip however 50 trees are to be removed (not 34 as stated in the amended Arborist report).

Overall, 60 of the 170 trees on site are to be removed (97 originally stated). Together with the street trees in Banks Avenue itself, tree removals total 150.

Replacement trees number approx. 55, however the Applicant will be required to plant 60 replacement trees on site and 85 replacement trees in Banks Avenue and surrounding streets.

In regard to the removal of street trees in Banks Avenue to accommodate the angled parking, the Arborist comments that the trees are :

“informally planted in an ad hoc manner..... are generally young and have an average health and form with a medium SULE (Safe Useful Life Expectancy). It is proposed to remove these trees to allow for the construction of formal streetscape planting.....Consideration was given to retaining the trees, however due to the harsh sandy growing conditions, the general deprived health of the species and additional impact of harsh trimming.....due to the overhead power lines, it was deemed better to replace the trees. Water Sensitive Urban Design (WSUD) planting.....will provide a much better long term solutionthan any of the existing trees were they attempted to be retained.....”.

Council’s Landscape Architects response: Not all of the trees are affected by overhead power cable pruning, in fact at least 15 trees are quite good specimens. The species planted thrive on sandy skeletal soils and were specifically selected for these conditions. The trees exhibit little difference in size and structure to other trees in the Local Government Area of the same species. Main differenced in structure are due to the close planting of the trees, which was specifically done to provide screening and a tree corridor. These trees successfully provide this and provide significant visual and landscape amenity. Landscape documentation has been submitted which details plant replacements on the site.”

The site currently contains approximately 170 trees. The development proposes the removal of 64 trees within the site, and 50 tree from the Banks Avenue road reserve to accommodate the proposed car parking area (subject to the VPA), and as such a total of 114 trees are to be removed as a result of the proposed development. The development proposes replacement planting of 28 trees within the site and 16 trees within the Banks Avenue road reserve totalling 44 trees to be replanted on-site and in the Banks Avenue road reserve. Supplementary tree planting off site is also to be provided by the imposition of a condition of consent, and proposes the following

numbers of supplementary tree planting within the surrounding road reserves of David Phillips Sports field;

- 20 trees on the eastern side of Banks Avenue road reserve fronting Rowland Park(opposite the site);
- 4 trees to be planted at the junction of the Cook Avenue and Astrolabe Park entrance; and,
- 10 trees within the southern side of the road reserve of Isaac Smith Street fronting Astrolabe Park.

As such the total number of tree replacement planting is 78, leaving a net loss of 36 trees as a result of the proposed development. In addition it has been agreed by Council and the Applicant that the ongoing care and maintenance for the tree planting to be undertaken by the Applicant within Council's road reserve of Banks Avenue and the existing landscaping within Gwea Avenue would be the responsibility of the Applicant not Council. This includes the financial responsibility for all landscaping maintenance within this public area. Council requested that the Applicant submit a Landscape Plan of Management to be incorporated into the VPA for the public domain works, for the ongoing maintenance of the landscaping within the affected road reserves. The Applicant submitted to Council on 23 July 2010 the Landscape Plan of Management for the Banks Avenue and Gwea Avenue curtilage to David Phillips Field. This Plan of Management has been reproduced in the VPA section of the report below.

Development Control Plan No. 34 – Contaminated Land

The requirements of DCP No. 34 have been considered in the assessment of the development application. As discussed earlier in the report, a Phase 1 Environmental Site Assessment dated February 2010 prepared by CETEC has been submitted with the application. Council's Environmental Scientist has reviewed the Environmental Site Assessment and has concurred with the report's recommendation that the subject site is suitable for redevelopment for the purposes of sporting and recreation and has provided conditions of consent. Based on the information provided and subject to the imposition of the recommended conditions of consent, the proposal is considered to satisfy the requirements of DCP No. 34 and SEPP 55.

Energy Efficiency Development Control Plan

The requirements of the Energy Efficiency DCP have been considered in the assessment of the development application. An Environmentally Sensitive Design (ESD) Statement dated 16 December 2009 prepared by BVN Architecture has been submitted with the application. The Statement advises that the following ESD strategies will be implemented into the site works for the redevelopment of the sports field;

"Site Works

- *The excavation to be undertaken on site will be minimal with the design working to the existing contours along the Banks Avenue boundary to reduce the amount of excavation. The bulk earth that is excavated will be used in the fill that is required under the tennis courts along Banks Avenue;*

- *A large percentage of the existing trees on the site will be retrained along the banks that occur along the Bonnie Doon Golf Courses and the Astrolabe Park boundary. The existing trees along Banks Avenue, will be removed and replaced with new trees that are more compatible with the current soil conditions in accordance with the Botany Bay Council DCP.*
- *Water sensitive urban design strategies are being implemented along Banks Avenue with the storm water run-off collected between the parking bays being diverted into pits to supply the new trees planted. This eliminates stormwater running back into Council storm water drains and supplies the new trees with water.*
- *A storm water absorption trench system will collect all storm water run off from the site and percolate the water back into the soil as required by Botany Bay Council.*

Existing Buildings/Site:

It is intended that the design for the David Phillips Field redevelopment will re-use the existing infrastructure on site wherever possible to minimise waste and resources used;

- *Most of the existing turf playing fields are being retained along with the existing irrigation system that is fed by bore water from the two existing bore pumps located on the site.*
- *It is intended that the demolition of the existing amenities will provide fill for the areas under the tennis courts if required as well as suitable material for rubble in the gabion retaining walls located along Banks Avenue, and the southern boundary. This minimises off site disposal of waste materials.*
- *The existing boundary fence will be kept and repaired locally where damaged or in need of repair*

New Amenities

It is intended that the design of the new Central Amenities and Grandstand building will implement the following ESD Strategies;

- *All toilets/urinals will be flushed using bore collected water in a water tank under the building platform;*
- *All WC and urinals will be fitted with smart flush cisterns*
- *All change rooms and offices are ventilated naturally by louvred windows and turbine fans located at high level to allow heat and steam to be exhausted as required;*
- *The hot water to the showers will be supplied by solar hot water systems located on the north facing roof slope above;*
- *Taps and shower fittings with high water efficiency ratings will be specified;*
- *Rainwater collected from the central amenities roof will be stored in a large capacity water tank located under the building. This tank is fed by the bore pumps and is used to flush the toilets and also water the hockey field as required.*
- *Rainwater collected from the grandstand amenities roof will be stored in a water tank located under the building. This tank will be used to flush the toilets*

- *The wall cladding material used on the Central Amenities, Grandstand Amenities and Grandstand will be “shadow clad” which is a product made from sustainably managed plantation forests.*
- *The concrete flooring system for the central amenities blocks will be a lightweight framing system requiring less energy and resources to install;*
- *Wherever possible energy efficient light fixtures will be used throughout the amenities buildings*
- *Wherever possible low emissions paint will be used on finished surfaces;*
- *Wherever possible synthetic materials such as carpets/linings will be sourced from manufacturers that have a commitment to ESD*
- *Wherever possible all timber used in joinery will be from plantation sources.*

The requirements of the Energy Efficiency Development Control Plan have been considered in the assessment of the development application. The ESD Statement submitted with the application indicates that the development aims to implement ESD principles in terms of water and building material reuse, natural ventilation, installation of water saving devices, energy efficient lighting and the use of plantation timbers where possible on walls and joinery.

Off Street Parking Development Control Plan

The site as it currently stands provides no car parking for the users of David Phillips Sports Field. As previously indicated in the report, car parking provision to meet the needs of the development is proposed to be provided outside the boundaries of the development site and is to be formalised by the preparation and the entering into of a Voluntary Planning Agreement between the Applicant (UNSW) and Council.

Notwithstanding this proposal, the provisions of the above DCP are considered as follows.

The requirements of the Off Street Parking DCP. have been considered in the assessment of the development application. Clause 3.5 of the DCP provided objectives for ‘Entertainment and Recreation’ development as follows;

- ensure, within any development, adequate parking for users is provided in a safe and convenient manner.*
- encourage the parking and access to be incorporated in the overall site and landscape design.*
- ensure adverse impacts on adjoining uses arising from traffic generation are kept to an acceptable minimum.*
- provide for disabled parking, where appropriate.*

The DCP contains no specific numerical controls for “*outdoor recreation*” and as such the DCP requires the assessment of car parking to be undertaken on the merits of the development. The DCP however does provide numerical controls for tennis courts, which requires 3 car parking spaces per court. Accordingly a Parking/Transport Assessment prepared by Halcrow MWT dated 7 December 2009 was submitted in support of the application. The report has been reproduced in part as follows;

“Proposed Access

The primary pedestrian access to the site will now be from Banks Avenue. It is intended that the existing vehicle access from Gwea Avenue is only to be used for emergency vehicles. The current access to the maintenance compound will be retained. It is also proposed to provide a pedestrian link to the Astrolabe car park and deliveries will be made to the Grandstand by means of an existing track from the Astrolabe car park. The likely increase in activity in the Astrolabe car park would help address the social issues which occur in this area (e.g. vandalism) which has resulted in the park being closed at 7pm. ‘

Proposed Parking

The proposed development will provide 60 parking spaces (including 2 disabled spaces) along the Banks Avenue frontage of the site. This will replace the informal parking that occurs intermittently in this area at present.

The current proposal also proposes 10 bicycle racks, which will provide parking for 20 bicycles. The parking is located in 2 areas, close to the Banks Avenue entrance and also close to the changing rooms. No specific motorcycle parking facilities are proposed.

The dimensions of the on-street parking bays generally comply with the requirements of Australian Standards and are satisfactory. The spaces will include a 600mm overhang onto the new 1.8m wide footpath.

Parking Surveys

Parking surveys were conducted at David Phillips Field and Little Bay sites. The survey results at David Phillips Field indicated that the surveyed Saturday (which was a finals weekend with exceptionally high levels of spectators compared to a normal weekend) was busier than Thursday evening with about 90% of the available parking spaces occupied during the peak periods. The survey results for Little Bay site indicated that on a Thursday evening about 85% of the available marked parking spaces were occupied.

Additional Parking Demand

The main difference between the existing site and the consolidated site is primarily the relocation of the sporting facilities from Little Bay site (i.e. synthetic hockey, soccer field, and baseball/softball field) and the relocation of 4 tennis courts from Kensington. The existing Little Bay site operates with 40 car spaces (with potential overflow able to accommodate up to 25 spaces on the busiest days) so the parking demand for the relocated facilities (which will result in one of the two soccer fields which is not being re-provided at David Phillips Field) will be slightly less than the existing site (maybe about 25%). Consequently the parking demand of the relocated elements of the site might be around 32 marked spaces.

With regard to the relocated tennis courts, the Council’s Development Control Plan would require 3 parking spaces for each of the courts. Therefore in total 12 parking spaces would be required for the 4 relocated tennis courts from the Kensington site. Consequently the additional facilities on the site would require an additional 44 parking spaces plus some overspill facilities for the busiest days.

As part of the redevelopment of David Phillips Field, an additional 60 formal on-street parking spaces (including 2 disabled spaces) will be provided as 90-degree spaces along Banks Avenue. It should be noted however that at present this area is used informally as a car park and up to 33 cars park here on busy game days (i.e. the finals

weekend). Consequently the new car parking will provide for about 27 additional car parking spaces and the surveys showed that there were 24 spaces unused and available in existing car parks and on adjacent roads on the finals weekend when higher than normal parking demands were taking place. In addition to the formal parking spaces, some information parking would be available on the grassed area near the Astrolabe car park.

Public Transport

Sydney buses provide services along Bunnerong Road and Gwea Avenue, which are within walking distance of the site.

Bicycle

There are no formal bicycle paths observed around the site. However the Regional Bike Plan by Southern Sydney Regional Organisation of Councils identified the planned bicycle routes in the vicinity of the site.

Car Share

Currently people undertaking sporting activities would travel individually to three different sporting facilities located some distance apart. However with the concentration of facilities to a single site, is likely that this would increase the opportunity for people to car share.

Travel Information

The University has an active website and also has a similar intranet. This give the opportunity for the University to give travel information to students about how they can travel to David Phillips Field without using their car.

Conclusions

- The proposed redevelopment of David Phillips Field would have an insignificant impact on the operation of surrounding roads and parking.*
- The proposed new car parking and existing available parking capacity should be able to address the anticipated additional parking demands.*
- The consolidated site would increase the opportunity for car sharing and encourage travel by other modes which would further reduce the level of parking demand.”*

An assessment of the application by Council Officers raised concerns with regard to the adequacy of the provision of car parking for the proposed development, the impact of the location of the proposed parking upon the construction of the cycleway as part of the Southern Sydney Regional Organisation of Councils proposed Cycleway along Banks Avenue, and if the activities conducted in Rowland Park (to the east of the site opposite Banks Avenue) will be conflictive in terms of “usage” times and the effect that this may have upon car parking availability. These issues were raised with the Applicant at a meeting held on the 20 April 2010. On 6 May 2010 Council also engaged an independent Traffic Consultant, Colston Budd Hunt & Kafes Pty Ltd to undertake a review of the above Parking/Transport Assessment.

On 24 May 2010 Colston Budd Hunt & Kafes Pty Ltd provided the following comments with regard to the review of the Parking/Transport Assessment;

- *“In summary our preliminary review of the traffic and parking aspects of the proposed expansion of the sporting facilities at the David Philips Field has found that;*
 - *Additional information is required to assess the potential traffic effects of the proposal;*
 - *The proposal will result in increased demands for on street parking in the area. Further information is requested on how the Applicant will mitigate these effects; and*
 - *The Applicant should provide further information to demonstrate that the proposed parking on Banks Avenue is safe and adequate.”*

On 26 May 2010 a letter prepared by the Applicant’s Traffic consultant (Halcrow) was submitted to Council in response to the matters raised at the meeting of 20 April 2010 as follows;

“1. Proposed Cycleway Diversion

Halcrow, together with BVN Architecture have exhausted a considerable amount of time investigating the suggested diversion of the cycleway. From these extensive investigations Halcrow believe that the University can provide an amended proposal, which will be of positive benefit when compared to the existing application. The amended proposal, in accordance with AS2890.6:2009 “Parking Facilities Part 6 Off Street parking for People with Disabilities” prepared by BVN Architecture (A_DA_A015 - rev A) demonstrates the amendments to the current scheme. The disabled spaces have been provided in accordance with AS2890 Part 6 rather than Part 5 “AS2890.5 Parking Facilities – On Street Parking” as we believe it improves provides better facilities for disabled vehicles. The proposal shows the following characteristics:

A “shared use” cycle footpath is proposed that is to be at least 2m wide. The 2m width is prescribed by the “Austroads Guide to Traffic Engineering Practice (Part 14)” as being the minimum width required for low use / local access “shared use” cycle footpath. The proposal provides a 300mm separation between the edge of the path and the eastern boundary fencing to prevent bicycles snagging their handlebars on the adjacent fence.

This separation is also prescribed by the “Austroads Guide to Traffic Engineering Practice” The “shared use” cycle footpath will commence on the north side of the Bonnie Doon Golf Club driveway, to avoid any conflict with cars entering and exiting the driveway. The “shared use” path will exit at the far northern end and into the carriageway at Gwea Avenue. This exit method thereby relieves cyclists of the existing obtuse situation where cyclists must negotiate a pinch point at the intersection of Gwea and Banks Avenue where the cycleway lane runs directly into the road-narrowing island.

As discussed at our meeting on the 20th April 2010, the provision of the “shared use” cycle footpath will have a nominal effect on the turning width for cars traveling north and turning into the proposed car parking along Banks Avenue. To provide a prescribed width of 2m to the “shared use” cycle footpath the proposal allows for a minimum “W” value, as required under Australian Standard 2890 of 11.2m. This permissible dimension will allow vehicles to turn an unimpeded 90 degree into parking spaces however vehicles in the through roadway lane behind will need to wait for reversing vehicles to back out of the parking space as the existing situation does not permit an adjacent through lane.

A mitigation strategy for this issue was discussed at the presentation meeting with Council on the 18 May 2010. It was agreed that council would condition any positive approval to the proposal with the provision of a positive speed control device (speed hump) to the centrally located entry along Banks Avenue together with the suggestion of perhaps a second positive speed control device (speed hump) to the south end of Banks Avenue. It was suggested by Council that the centrally located positive speed control device (speed hump) was also to be inclusive of a pedestrian crossing to link Rowland Park to the redeveloped David Phillips Field. In addition to the above, council also suggested for the inclusion of an additional disabled car space located at or near the ramped disabled entry to the site. With the inclusion of an additional disabled car space, 3 disabled car spaces would be included within the proposal. Halcrow together with the architect BVN Architecture have amended the proposal accordingly.

2. Potential Car Parking Sharing between Rowland and David Phillips Field

At the meeting called by Botany Bay City Council on the 20 April 2010, Council had expressed concern that the 60 car spaces proposed to the east boundary of the proposal along Banks Ave would not accommodate the existing “usage” of the neighbouring Rowland Park to the East when combined with the “usage” of a new redeveloped David Phillips Field, namely for the busier winter season.

The University of New South Wales noted that “usage” booking information for David Phillips Field and the Little Bay Field for the year of 2008 was readably available to compare against any “usage” booking information for Rowland Park.

Council noted that they could provide “usage” booking data Rowland Park, in order for The University to investigate the field bookings data in an attempt to: a) Demonstrate that 60 car spaces proposed along Banks Ave (together with the existing surrounding car parking) would be adequate to service the “usage” of the fields and overflow if necessary; and b) Demonstrate that main “usage” times of Rowland Park and a new redeveloped David Phillips Field would not be conflictive and provide opportunity for the users of Rowland Parks to utilise the proposed 60 car spaces to Banks Ave. Council issued this “usage” booking information for Rowland Park to the University on the 5 May 2010. Halcrow have also exhausted much time in the investigation of the above two issues by examining this “usage” booking information from Council for Rowland Park against the “usage “ booking data from The University for David Phillips Field and Little Bay and has the following observations.

2.1 Rowland Park and a new redeveloped David Phillips Field would not be conflictive in terms of “usage” times

Rowland Park comprises of 3 Football/soccer fields during the winter and cricket fields during the summer period. It was noted by Council in the presentation meeting on the 18 May 2010 that Council were trying to lower the total amount of hours played on the fields due to the deterioration of the grass turf. Firstly, from the examination of the “usage” booking information supplied by Botany Bay City council for Rowland Park, it was shown that the busiest periods for Rowland in the winter season are during the week, which does not coincide with main usage period for a new redeveloped David Phillips Field. Generally a new David Phillips Field “usage” booking information shows weekends are the main periods of utilisation and training during the evening of a weekday. This generally demonstrates that the proposed 60 car spaces proposed along Banks Avenue would be available for utilisation by the users of

Rowland Park or the general public at these times during the week. Secondly, the “usage” booking information supplied by Botany Bay City council for Rowland Park also shows that there is generally one pitch booked on a Saturday between 9am and 5pm (with no indication of what sport), together with only two pitches booked on a Sunday morning and one on a Sunday afternoon (also with no indication of the sport played). This typical weekends “usage” booking data appears to occur over the winter period of about 16 weeks and has nominal conflict with the “usage” booking data from David Phillips Field and Little Bay .

2.2 Adequate Parking provided by the David Philips Field Redevelopment & Rowland Park in terms of “usage”

Halcrow, together with the University has studied this question together with the “usage” booking data in an attempt to ascertain how to relate this information to the number of car spaces required to accommodate this “usage”? Following an extensive examination of this question it was generally established that the “usage” booking data is not entirely relevant to answer this question. It was put forward that the maximum “usage” of the site would be relative to the total hourly recurrent number of people (participate and spectator) as calculated by the type of game played continually back to back on all fields shown as a ratio against the number of car spaces provided. For example: Winter Season March – September The worst case scenario for the number of people possible on a new redeveloped David Phillips Field during a winter weekend.

- Rugby DP North x 15 per side = 30 + approx 20 spectators (as confirmed by clubs)*
- Football Synthetic field x 11 per side = 22 + approx 20 spectators (as confirmed by clubs)*
- Baseball DP south x 25 per side = 50 + approx 10 spectators (as confirmed by clubs)*
- Hockey Synthetic field x 11 per side = 22 + approx 20 spectators (as confirmed by clubs)*
- Tennis generally 5 courts x 4 players = 20 (general assumption)*

This equates to a worst case scenario of approximately 214 persons approximately per hour. It is noted that this would be highly unlikely due to the staggering of booking times over the weekend but must be considered as the total permissible by the composition of the fields. Consequently the University engaged Halcrow to provide an additional “Parking Audit” and “Travel Survey” that would confirm the true total parking provided and utilised at David Phillips Field inclusive of Rowland Park, Astrolabe Park and the relocated synthetic hockey field from the Little Bay Site. The additional parking audit and travel survey were performed on the 15 May 2010.

The parking audit and travel survey were conducted to establish the true weekend use of the fields during the winter period while also empirically demonstrating how many people travelled to site and by what mode of transport in an attempt to show how many car spaces would in fact be required for a new redeveloped David Phillips Field. The parking audit and travel survey are characterized as being performed on a busy winter Saturday with the parking audit being inclusive of Rowland Park, Astrolabe Park, David Philips Field and also Little Bay. On the day of the parking audit, the following activities were taking place;

- David Philips Field had games played at 10:45, 12.00, 12:55, 2:00 and 3:15 a total of 10 rugby teams played. There was also soccer training and games taking place.*

- Little Bay had junior hockey matches and training taking place in the morning and two senior men's matches took place in the afternoon. The soccer field was also used for training in the morning period.
- Rowland Park had soccer training and games being conducted in the late morning and early afternoon

The travel survey was conducted at David Phillips Field where each person entering the field was counted and also questioned as what mode of transport they had utilised to come to the site. From the survey a total of 313 people visited David Phillips Field from the time of 8am to 3pm, a period of 7 hours. This equated to an average of 44 people per hour. Of these 313 people that came to the site over this 7 hour period the following modes of transport were surveyed in the following order:

1. Car Driver 60%
2. Car Passenger 23%
3. Walk 10%
4. Public transport 2%
5. Motorbike 2%
6. Cycle 2%
7. Taxi 1%

The number of cars audited that were used to deliver all 313 people to David Phillips Field was counted at 148 cars which equates to 21 cars per hour or 1 car : 2.09 people, and is generally in accordance with the audit of people that travelled by car.

From the audit at the Little Bay site there were 180 cars counted from the time of 8am to 5pm, a period of 9 hours, with an average of 20 cars per hour. Through using the above bench mark ratio of car "usage" to people this equated to approximately 42 people per hour. When combining the parking audit information from Little Bay together with the existing

David Phillips Field to form the new redeveloped David Phillips Field this equates to a general winter weekend usage of:

- 41 cars per hour
- 86 people at the site per hour

The above is in accordance with the proposed 60 car spaces along banks Avenue while also providing a positive and formal location for the required parking away from the residential area north of Gwea Avenue.

The parking audit showed that of the area inclusive of Rowland Park, Astrolabe Park and David Phillips Field there are a total of 255 car spaces. 19 of these car spaces are located along the eastern boundary of the David Phillips Field site. As from the development application these 19 spaces would be replaced with 60 new car spaces giving a total of 296 inclusive of a net gain of 41 spaces to a new redeveloped David Phillips Field and surrounding area.

In the worst scenario case of 214 people on the site per hour and by utilising the bench mark ratio of 1 car : 2.09 people this would equate to a total of 102 car spaces being utilised and therefore being easily accommodated by the proposal and surrounding area. The parking audit confirmed this by demonstrating that on a typical winter weekend at David Phillips Field

inclusive of the surrounding area of Rowland and Astrolabe Park that only 45.5% of the total 255 car spaces were utilised at the peak time.

In conclusion, therefore:

1. *The development application proposes 60 car spaces parking along Banks Avenue that provides a net gain of 41 additional spaces to the area and addresses the concerns raised by Council in terms of “usage”*
2. *The original Parking / Transport Assessment Report and additional Parking Audit and Travel Survey have revealed that on a typical winter weekend for the new proposal (i.e. inclusive of the Little Bay parking) there is approximately 41% surplus parking which can accommodate any required overflow or spikes in demand resulting from Rowland Park.”*

A further meeting was held at Council on 10 June 2010 to discuss the above letters dated 24 May 2010 submitted by Colston Budd Hunt & Kafes Pty Ltd (Council’s Traffic Consultant) and 26 May 2010 submitted Halcrow (Applicant’s Traffic Consultant). Also in attendance at this meeting was Council’s Development Engineer and the Applicant’s Traffic Consultant. The issues raised in the Colston Budd Hunt & Kafes Pty Ltd (Council’s Traffic Consultant) letter dated 24 May 2010 were discussed and satisfactorily resolved between Council’s Development Engineer and the Applicant’s Traffic Consultant to a point where both parties advised that the application could proceed to determination on the grounds of traffic and car parking matters in the form submitted with the development application. Council’s Development Engineer has provided conditions of consent to be imposed upon the development with regard to car parking compliance with Australian Standards, the construction of the cycleway, installation of traffic calming devices and other general engineering and traffic conditions which will be incorporated in the terms of the VPA.

As such, the development is considered to satisfy the objectives of the Off Street Parking DCP in that the development provides adequate parking for the users of the sports facilities in a safe and convenient manner and the development provides for disabled car parking and does not adversely impact upon any adjoining uses in terms of traffic generation.

Voluntary Planning Agreement for Car Parking

The required car parking for the development is to be achieved on the public place of Banks Avenue through the mechanism of a Voluntary Planning Agreement (WVP) drawn between Council and the Applicant (UNSW). The VPA is discussed in detail later in the report.

S79C(a)(iv): Any matters prescribed by the regulations

The EP&A Regulations add further detail by prescribing matters that must be considered including, where relevant:

- *Standards for demolition;*
- *Fire safety considerations for changes of building use where either no building work or building work is proposed; and*
- *Provisions for rebuilding, alteration, enlargement or extension of an existing use.*

The proposed development is considered to be satisfactory with regards to these matters as demolition of the existing facilities will be conditioned to comply with the standards for demolition, the application does not proposed a change of use of the building, but does provide for the rebuilding and enlargement of an existing use.

(b) The likely impacts of the development including environmental impacts on both the natural and built environments, social and economic impacts in the locality.

These matters have been considered in the assessment of the Development Application. It is considered that the proposed development will have no significant adverse environmental, social or economic impacts on the locality. The primary matters are addressed in table below:

Likely Impact	Response
Urban form and Building design	The scale bulk form and character of the proposed amenities building is considered appropriate in the context of the site.
Environmental Impacts	<p>The proposed development reduces water consumption through on-site rainwater reuse, minimal excavation works, and minimises energy consumption as detailed in the Energy Efficiency/ESD Report dated 16 December 2009 prepared by BVN Architecture submitted with the application.</p> <p>The trees to be removed on the site, will be replaced in accordance with the submitted landscape plans and recommended conditions of consent. There are no known endangered species on the site, and the proposal is considered to minimise environmental impacts.</p>
Public Domain	The development provides for improvements to an existing sporting and recreational facility for use by the UNSW and the general public.
Utilities	The development was referred to Energy Australia and Sydney Water for consideration. In their letters dated 14 January 2010 and 1 March 2010 respectively, both Departments have advised that water and electricity supplies are available to the site and appropriate conditions have been imposed with respect to energy and water requirements.
Air and Microclimate	The development is not considered to adversely affect the quality of the air and microclimate conditions in that the development will not generate any emissions of dust, odours fumes, gases or pollutants.
Flora and Fauna	The subject site does not contain any critical habitats or threatened species, or wildlife corridors. A number of trees are proposed to be removed from the site to accommodate the provision of the additional sporting activates, however satisfactory replacement tree planting is proposed around the periphery of the site.

Waste	The proposal will provide for satisfactory water disposal in accordance with the Waste Management Plan dated 17 December 2009 prepared by McLachlan Lister (Applicant's consultant) submitted with the application.
Noise and Vibration	The proposal involves the redevelopment of the existing sporting fields and the provision of additional sporting activities. A Noise Assessment dated 15 th December 2009 prepared by Renzo Tonin & Associated was submitted with the initial plans for the proposed development, which included the reuse and relocation of the existing grandstand with the seating capacity for 800 persons. On 12 February 2010, Council received revised plans for the development application, which included the demolition of the existing grandstand and the construction of a new grandstand with a seating capacity for 300 persons, a revised Noise Assessment dated 8 February 2010 was also submitted. In summary, the above findings of the Noise Assessment indicate that the main source of noise emissions from the proposed development will be from the grandstand when it is at its capacity. It is considered that the revisions to the development to construct a new grandstand with a limited capacity of 300 persons, in place of the existing 800 seat capacity grandstand will reduce the potential for noise impacts upon nearby residences and that exceedence of the set noise criteria will only occur when the grandstand is at its capacity. It has been advised by the Applicant that this type of capacity may only occur during the busier sporting periods, for example semi-finals and finals and that even during these times, the grandstand may not be to capacity. Council's Health and Regulation Officer has also reviewed the development and has raised no issue with regards to the findings of the Noise Assessment or the proposed hours of operation. However, as a precautionary measure conditions of consent relating to general noise controls and more specifically controls for the amenity of the residential neighbourhood have been imposed upon the development. As such, it is considered that the development is considered acceptable with regard to noise and vibration.
Natural Hazards	The subject site is not known to be affected by any natural hazards including soil instability, flooding, tidal inundation and bushfire.

Safety, security and crime prevention	The NSW Police Force undertook a Safer by Design Assessment of the proposed development and in their letter dated 2 February 2010 have provided measures to address the recommendations, and appropriate conditions are proposed.
Social and economic impacts	The development provides for benefits the community in terms of health and social cohesion from the provision of sporting faculties and activities, which directly engage the community.
Cumulative Impacts	Consideration has been given to potential cumulative impacts . Subject to proposed conditions, the proposal is not considered to create any cumulative impacts upon the locality.

(c) The suitability of the site for the development.

These matters have been considered in the assessment of the development application. The site is not known to be affected by any site constraints or other natural hazards likely to have a significant impact on the proposed development. Accordingly, the proposed development for the redevelopment of David Phillips Sports Field including the demolition of the existing amenities, clubhouse building and grandstand, the construction of a new clubhouse and amenities, the construction of a new grandstand with seating capacity for 300 persons, new amenities beneath the grandstand, new fields for hockey, soccer, rugby, cricket, baseball and tennis courts, new lighting including floodlighting, site lighting, building lighting and emergency lighting, and to reuse existing lighting and light poles, from Little Bay and the existing lighting at David Phillips Field, and signage for use by the University of New South Wales, at a site located within the 6(a) Open Space and Recreation, and the unzoned Road Reserve, is permissible and is considered to be a suitable development in the context of the locality.

(d) Any submission made in accordance with the Act or Regulations.

These matters have been considered in the assessment of the development application. In accordance with Development Control Plan No. 24 – Notification of Development Applications, the development application was notified to surrounding property owners and in the local newspaper for a thirty (30) day period from 11 January 2010 until 11 February 2010. Amended plans and documentation were submitted to Council on 12 February 2010, the amended plans and documentation required re-notification to surrounding property owners due to changes to the layout and location of proposed buildings. The amended plans were notified to surrounding property owners and in the local newspaper for a thirty (30) day period from 23 February 2010 until 25 March 2010.

Two (2) submissions were received in response to the notification of the development application from the following properties;

- 4/5-7 Gwea Avenue, Daceyville (Southern Cross Care (Foley Gardens)); and
- 6/5-7 Gwea Avenue, Daceyville (Southern Cross Care (Foley Gardens)).

The concerns raised in the submissions are discussed in detail as follows;

Issue 1: *That patrons of the sports field already park their vehicles on the street and the nature strip and block driveways, with the introduction of additional facilities the parking issues will increase.*

Comment: The existing sports field does not currently contain provision for car parking for the patrons of the sporting facilities. The Applicant has advised that currently the patrons of the sporting field park their vehicles on the nature strip along Gwea Avenue or on surrounding roads. Whilst it is acknowledged that the proposed development involves the of additional sporting facilities from Little Bay and Kensington Campus to David Phillips Sports Field, it is also proposed to provide for sixty (60) car parking spaces for patrons of the David Phillips Sports Field and for patrons of Rowland Park along the Banks Avenue road reserve. This provision of car parking is to be formalised by the preparation and the entering into of a Voluntary Planning Agreement (VPA) between the Applicant (UNSW) and Council.

The revised plans submitted for the development on 12 February 2010, also propose the construction of a new grandstand building and amenities with a seating capacity for 300 persons in place of the initial proposal to relocate and reuse the existing grandstand, which currently has a seating capacity for 800 persons. This reduction in seating capacity numbers alone will assist in reducing the requirement for car parking for the development. In addition, the relocation of the primary pedestrian access to the field from Gwea Avenue, to Banks Avenue is also likely to decrease the on street parking along Gwea Avenue. As such it is considered that the VPA for the provision of car parking along the Banks Avenue road reserve will reduce the potential for the parking of vehicles on nature strips or across the driveways of nearby residential areas.

Issue 2: *Where are the coaches bringing the teams going to park?*

Comment: The Statement of Environmental Effects submitted with the application does not make mention of any association of coaches or buses with the proposed redevelopment of the sports field. However Council Officers raised this issue with the Applicant, who provided the following response;

“There are no known buses and or coaches used to the site by any of the UNSW sports clubs or any known external clubs that book and use the fields. UNSW would like to reiterate that the fields are used by weekend club and amateur level sports where relevant sport clubs and members make there individual way to the site.

The presence of formal buses or coach transportation is not used to the site due to the weekend club and amateur level sports played and that amateur level sports do not have the finance for coaches or bus transportation. It is also noted that the distance from the field to the Kensington campus permits bicycle and walking as shown by the UNSW travel survey.

At very limited times, it is noted that club vans (not coaches or buses) have been used by UNSW Sports & Rec clubs and external clubs when having booked and used the fields (eg: Maccabi). These vans have parked in general parking spaces that surround the fields, generally to Gwea Ave, which will now be able to park in the proposed formalized parking to Banks Ave away from the residential area. It is also noted that during all the traffic auditing and surveying inclusive of the travel survey conducted by UNSW there was no known use of coaches or buses (or vans) to the field.”

It is noted that whilst buses and coaches are not currently used in association with the sporting facilities at David Phillips Sports Field, it is a possibility that due to the increase and upgrade of sporting facilities that buses and coaches may be used on occasion. It is expected that these vehicles would temporarily stop/park along Banks Avenue for the purposes of dropping off and picking up patrons and would not permanently park at the sports field whilst games are in process. As such it is considered that the temporary stopping/parking for the purposes of delivering or picking up sports teams etc, would not create any significant impact to the traffic flow along Banks Avenue. In addition it should be noted that Council's Development Engineer, and the Roads and Traffic Authority at their SRDAC meeting of 24 March 2010, did not raise any issues with the development application in regard to potential traffic generation or traffic impacts upon the locality.

Issue 3: *It is understood that the plans state a parking area and the entrance to the sports fields is from Banks Avenue, but this may create problems.*

Comment: The development proposes the relocation of the primary pedestrian access to the fields from Gwea Avenue, to Banks Avenue. This is considered to be the most appropriate access to the site given that Banks Avenue is wider and more accessible road by car, bus etc and as part of the Southern Regional Organisation of Council's Regional Bike Plan a new cycleway is to be provided along the Banks Avenue frontage of the sports field. The application was also independently reviewed by Colston Budd Hunt & Kafes Pty Ltd on behalf of Council who after subsequent discussions with Council, the Applicant and the Applicant's Traffic Consultant (Halcrow) have advised that the application is now considered to be satisfactory in terms of car parking and traffic impacts. In addition the application was referred to the Sydney Regional Development Advisory Committee (SRDAC) of the Roads and Traffic Authority (RTA) for consideration with regard to traffic impacts and generation. The SRDAC at their meeting of 24 March 2010 raised no issue with the proposal subject to the imposition of two (2) conditions relating to car parking and sign posting in accordance with the relevant Australian Standards, which have been imposed upon the development as conditions of consent.

Issue 4: *That the noise level from the sports fields is high at times, with drums, bands and other entertainment. This necessitates the need to close windows and outside doors, with the introduction of additional facilities the noise issue will increase which is a concern considering the proximity of the retirement village on Gwea Avenue, which also has a dementia/Alzheimer's section.*

Comment: The proposal involves the redevelopment of the existing sporting fields and the provision of additional sporting activities. A Noise Assessment dated 15th December 2009 prepared by Renzo Tonin & Associated was submitted with the initial plans for the proposed development, which included the reuse and relocation of the existing grandstand with the seating capacity for 800 persons. On 12 February 2010, Council received revised plans for the development application, which included the demolition of the existing grandstand and the construction of a new grandstand with a seating capacity for 300 persons, a revised Noise Assessment dated 8 February 2010 was also submitted. The revised Noise Assessment states the follows;

"We understand that the scope of the project has now changed and the 800 seat grandstand that was to be relocated to the west side of the fields has been omitted.

In lieu of this a 300 seat concrete tier is now proposed. The main amenities building has also been simplified down to four change rooms.

The original noise assessment assumed that the 800-seat grandstand filled with people shouting would have a sound power level of 110dB(A). Now that the maximum number of people concentrated in the seating area has been reduced to 300, the estimated sound power level is 106dB(A).

Section 6.1 of the original noise assessment predicted noise levels of up to 61dB(A) at the nearest received due to people noise from the grandstand when at its capacity. This was an exceedance of the set noise goal by up to 14dB(A) , however it would only likely occur once a year since the grandstand is only used at capacity for one event per year during Rugby finals. The assessment stated that:

When one event is predicted to exceed the noise goal by 14dB(A), the annual events ratio graph from the NGLG (Noise Guide For Local Government) indicated that this one event is equivalent to four events that are below the noise goal. Council may take this into account when conditioning the usage times of the fields and the number of annual events allowed”.

With the reduced capacity tiered seating, noise levels of up to 57dB(A) are predicted, which is a 10dB(A) exceedance during capacity use. The annual exceedance is equivalent to three events that are below the noise goal. Council should consider this reduced impact when assessing the proposal and the weekend grade sport played at the site. The reduction in size of the amenity building is not expected to have any material impact on noise emissions from the site.”

In summary, the above findings of the Noise Assessment indicate that the main source of noise emissions from the proposed development will be from the grandstand when it is at its capacity. It is considered that the revision to the development to construct a new grandstand with a limited capacity of 300 persons, in place of the existing 800 seat capacity grandstand will reduce the potential for noise impacts upon nearby residences and that exceedance of the set noise criteria will only occur when the grandstand is at its capacity. It has been advised by the Applicant that this type of capacity may only occur during the busier sporting periods, for example semi-finals and finals and that even during these times, the grandstand may not be to capacity. Council's Health and Regulation Officer has also reviewed the development and has raised no issue with regards to the findings of the Noise Assessment or the proposed hours of operation. However, as a precautionary measure conditions of consent relating to general noise controls and more specifically controls for the amenity of the residential neighbourhood have been imposed upon the development. As such, it is considered that the development is considered acceptable with regard to noise and vibration.

Issue 5: *That there will be floodlights involved with the redevelopment, and concern that they will face into the lounge and bedrooms of nearby residences;*

Comment: The application involves the reuse of existing lighting and light poles, from Little Bay and the existing lighting at David Phillips Field for the provision of new lighting to the development including floodlighting to the sporting fields, site lighting for safety and security, building lighting for the grandstand, indoor and outdoor lighting of the clubhouse and amenities buildings and emergency lighting for the facility. An External Sports Lighting and Electrical Services Report has been submitted with the development application which concluded that the proposed lighting at the development is in accordance with the relevant Australian Standards for

each individual sport, the Australian Standards for '*Potential Obtrusive Effects of Outdoor Lighting*', and lighting restrictions imposed by the Civil Aviation Safety Authority (CASA) and as such will not adversely impact upon the amenity of neighbouring properties. However as a precautionary measure to ensure that the proposed floodlighting does not create any adverse impacts upon the neighbouring properties a condition of consent is recommended to be imposed upon the development requiring that all floodlighting to the premises may remain operational for a maximum period of thirty (30) minutes beyond the span of hours permitted in accordance with the approved hours of operation for David Phillips Sports Field.

Issue 6: "*That the fencing will need to be far more security friendly than the present one*"

Comment: It is not entirely clear if the concern raised above relates to the aesthetics of the existing security boundary fencing, or that the existing boundary fencing is not considered to be satisfactory in terms of providing security for the site. However, the development proposes the retention of the existing chain wire security fencing along the north-western, western and southern boundaries of the site. New security fencing is proposed along the north-eastern (Gwea Avenue) and the eastern (Banks Avenue) boundary of the site. The proposed is a mix of chain wire fencing to the north-eastern boundary and metal palisade fencing to the eastern boundary to a maximum height of 2.1m, which is the general height for security fencing for sporting facilities, and it in accordance with the Australian Standards 1725 – 2003 for *Chain Link Fabric Security Fences & Gates*. The application was also referred to the NSW Police who have assessed the proposed development in accordance with the Crime Prevention Guidelines, *Safer By Design Crime Risk Evaluation*, and have advised that the development proposes a "low crime risk rating" on a sliding scale of low, moderate, high and extreme crime risk. However for precautionary measures, the NSW Police also recommended general conditions for crime prevention with regard to the installation of CCTC cameras around the proposed buildings, the installation of appropriate security lighting within the development and to the car park, the installation of an alarm system to the buildings, and the erection of warning signs around the perimeter of the site. These conditions have been imposed upon the development as recommended conditions of consent in the attached schedule.

Concluding comments:

The Panel will note that the source of the two objections arise from occupants of the Aged Hostel premises on Gwea Avenue, Daceyville. The matters relevant to their submissions viz noise, traffic and parking area dealt with both in the manner in which the application has been submitted to Council and the terms of the consent as proposed to be Panel particularly in regard to:-

- Spectator facilities;
- Noise emission limits;
- Relocation of main entry to the sports field, away from Gwea Avenue to Banks Avenue; and
- The provision of parking for sixty (60) vehicles on the Banks Avenue road reserve,

All of which serve to respond to the principal terms of both submissions.

(e) The public interest.

These matters have been considered in the assessment of the proposed development. The proposed development also satisfies the requirements and objectives contained in the BLEP 1995 and the relevant Development Control Plans as discussed in detail in the above report.

No detrimental impacts to the interests of any level of government are known, and the proposal implements ESD/and Energy Efficiency principles as detailed in the Energy Efficiency/ESD Report submitted with the application.

Consideration has been given to crime prevention in the design and operations of the facility, and public consultation has been undertaken in accordance with relevant policy requirements. As such, it is considered that approval of the proposed development will have no significant adverse impacts on the public interest.

Other Matters

External Referrals

Roads and Traffic Authority

The application was referred to the Roads and Traffic Authority (RTA) on 7 January 2010 for consideration under Clause 104, Schedule 3 of the SEPP Infrastructure 2007. The Roads and Traffic Authority by letter dated 24 March 2010, provided the following recommendations for the development;

“Council should consider the following SRDAC comments in determining the application;

- 1. On street parking associated with the proposed development should be designed in accordance with AS 2890.5-1993.*
- 2. All works/regulatory signposting associated with the proposed development are to be at no cost to the RTA.”*

Due to the provision of carparking within the road reserve of Banks Avenue and not within the subject site, the above RTA recommendations have been incorporated into the Voluntary Planning Agreement (VPA) for the car parking and public domain works as discussed earlier in the report.

Energy Australia

The application was referred to Energy Australia for comment on 7 January 2010. The following response was received on 14 January 2010.

“I refer to your letter of 7 January 2010 concerning a development application for David Philips Field. I wish to advise that, following an investigation of electrical loadings in the area including that which might be expected for the proposed development, you are requested to make provision of accommodation for an electricity substation within the premises a condition of any development consent.”

The above recommendations from Energy Australia will be imposed upon the development as a condition of consent requiring the replacement of the existing substation by a larger substation or the installation of a second substation.

NSW Fire Brigade

The application was referred to NSW Fire Brigade for comment on 7 January 2010. The following response was received by Council on 15 April 2010 as follows;

“I refer to your correspondence dated 23 February 2010 regarding the above development application and amended plans. The NSW Fire Brigades has reviewed the amended plans and the development application and the following recommendations are provided;

- 1. The New South Wales Fire Brigades expects that all buildings will comply with the requirements of the Building Code of Australia and relevant Australian Standards.*
- 2. To facilitate the NSWFB fire fighting operations, a carriageway width of four metres is to be provide within 20 metres of the grounds shed and the kiosk and accessible by the NSWFB. If this is not provided access gates in the perimeter fence to allow quick intervention to each building would be required. The gates should be a minimum of one metre. These gates can be locked and it is recommended that the three closest fire stations be issued with keys to reduce intervention time.*
- 3. To facilitate rapid fire fighting intervention and other emergency service response the NSWFB recommends that all street and roadways titles are permanently signposted.”*

The above recommendations from NSW Fire Brigade will be imposed upon the development as a condition of consent.

NSW Police

The application was referred to NSW Police for comment on 7 January 2010. The following response was received from NSW Police by Council on 2 February 2010, which raised the following issues to be addressed by the Applicant;

- “Is CCTV footage being installed or considered around the clubhouse and grandstand area?*
- What lighting is being used around buildings mainly after closing, is this lighting vandal proof? Sensor motion operated? And will it also light the car park area?*
- Is the perimeter of the grounds fenced? And presuming yes, what times is the gates/car park closed to the public?*
- Is the Clubhouse licensed?*
- Will the Clubhouse, greens keeper shed, and other relevant buildings have a security system? I.e. back to base?*
- Will there be any internal/external patrols by a private security company?*
- Fire exit and lift areas?*
- The toilet blocks & change rooms etc, will be locked at the completion of the night?”*

The Applicant was requested to address the above issues. On 19 February 2010, Council received the following response from the Applicant with regard to the above issues;

- “Is CCTV footage being installed or considered around the clubhouse and grandstand area?*

“Yes a digital security camera system is to be installed in accordance with the UNSW Design and Construction Guidelines Rev 4.1 – Appendix 6 Integrated Security Systems. The system comprises of digital cameras connected to a system that utilised a common

Integrated Security network and communications cabling infrastructure to provide images from any desired location within the development.”

- What lighting is being used around buildings mainly after closing, is this lighting vandal proof? Sensor motion operated? And will it also light the car park area?

“The proposed lighting to the buildings will be insulated in accordance with the UNSW Design and Construction Guidelines Rev 4.1 - E.3.2 Lighting that requires all external lighting to meet the following parameters:

- *Compliance with all relevant lighting standards and the OH&S Act;*
- *Appropriate walkway lighting for pedestrians between buildings and car park facilities;*
- *Appropriate lighting for roadways and car parking where required;*
- *Appropriate lighting for pedestrians to ensure their safety and a secure environment;*
- *Lighting compatibility with security cameras with lighting to be uniform and a maximum of 10 lux.*

Any proposed light fixture or luminary selection will also be in accordance with the UNSW Design and Construction Guidelines Rev 4.1 – E.3.2 Lighting that requires any fixture to be;

- *Vandal resistant*
- *UV stable*
- *Resistant to corrosion*
- *Weather proof*
- *Easy access for maintenance of lamp*
- *Energy management provision and controls*

The lighting control system shall be in accordance with the UNSW Design and Construction Guidelines Rev 4.1 – E.3.2 Lighting with a centralised system that will control all light fittings provided for lighting to pathways and pedestrians. This system shall be connected to the network and communications cabling infrastructure and be part of the whole Building Automation and Control System (BACS). The sports field lighting will also be connected and controlled by this centralised system and coordinated with the relevant field bookings and usage.”

- Is the perimeter of the grounds fenced? And presuming yes, what times are the gates/car park closed to the public?

“Yes. The perimeter of David Philips Field is fenced with the entry gates to be shut following the end of permitted use to the field in accordance with local council provisions. We understand that the field is currently utilised until 10pm in accordance with the council restriction for the sports field lighting and associated noise from use.”

- Is the Clubhouse licensed?

“It is currently not the intention of the University to seek a liquor licence of a Place of Public Entertainment (POPE) licence. IN the same manner that the current clubroom and facilities are used, we intend to use the new facilities for post match gatherings and meetings of the various sports clubs that utilised the David Phillips Field.”

- Will the Clubhouse, greens keeper shed, and other relevant buildings have a security system? i.e. back to base?

“Yes. The proposal will have a security system in accordance with the UNSE Design and Construction Guidelines Rev 4.1 – Appendix 6 Integrated Security Systems and will incorporate a fully functional intruder alarm system that will relay back to a Central Monitoring Station. There are to be sirens in the vicinity of the alarm system, which sound locally in the event of an alarm activation and include alarm escalation if the alarm is not acknowledged within a certain timeframe.”

- Will there be any internal/external patrols by a private security company?

“Yes. SNP Pty ltd is the current contracted security company that provides security patrols to all UNSW campuses.”

- Have fire exit and lift areas been provided?

“The proposal will be in accordance with the Building Code of Australia and provide conforming fire egress. The proposal does not include any lifts within the development” .

- The toilet blocks & change rooms etc, will be locked at the completion of the night?

“Yes. As is the current practice, the change rooms and amenities will be locked at the end of each evening.”

The above information was referred to the NSW Police for further comment. On 8 March 2010 Council received the following advice from the NSW Police;

“I refer to the above and your correspondence dated 23rd January and 23rd February 2010. In accordance with the Environmental Planning and Assessment Act 1979, Section 79C Crime Prevention Guidelines, a Safer By Design Crime Risk Evaluation has been prepared.

As a result of this process a low crime risk rating has been identified for the proposed development on a sliding scale of low, moderate, high and extreme crime risk. ‘

The key recommendations from the assessment include;

- *Installation of CCTV cameras around the proposed buildings within the development;*
- *Monitoring and maintenance of the secure fencing to ensure no entry is gained after hours by unauthorised persons;*
- *To ensure the entry and exit points to the complex are closed off and secured at the ends of the nights events with an after hours security patrol to be considered by the organisation.*
- *Appropriate lighting along pedestrian pathways, car park facilities, around building and fields is recommended for safety and crime prevention.*
- *A monitored alarm system installed within the building and outer sheds to detect unauthorised entry into the premises;*
- *Warning signs strategically placed around perimeter fences and buildings warning intruders of security strategies in place.”*

The above recommendations from NSW Police will be imposed upon the development as a conditions of consent with regard to safety and security measures.

Sydney Water

The application was referred to Sydney Water for comment on 7 January 2010. The following response was received from Sydney Water on 1 March 2010;

“Thank you for your letter of 7 January 2010 regarding development application 10/175 Gwea Avenue Daceyville. Sydney Water has received the proposal and provides the following comments for Council’s consideration;

Sydney Water Servicing

To service this redevelopment, a pump to the sewer system to the manhole located in the corner of Gwea Avenue and Cook Avenue is needed.

Sydney Water will further assess the impact of the development when the proponent applied for a Section 73 Certificate. This assessment will enable Sydney Water to specify any works required as a result of the development and to assess if amplification and/or changes to the system are applicable. Sydney water requests Council to continue to instruct the proponents to obtain a Section 73 Certificate from Sydney Water.

The proponent must fund any adjustments needed to Sydney Water infrastructure as a result of any development. The proponent should engage a Water Servicing Coordinator to get a Section 73 Certificate and manage the servicing aspects of the development. Details are available from any Sydney Water Customer Service Centre on 132092 or Sydney waters website at www.sydneywater.com.au

Stormwater

The proposed development may have an adverse impact on Sydney Water’s stormwater assets. The operation of pits draining to the absorption system may cause a blockage that would result in overflows to Sydney Waters’s stormwater system.

Sydney Water notes that;

- *The proposed Atlantis storage unit cannot be cleaned or maintained once material or rubbish enters the units. Therefore the stormwater entering the units must be cleaned or filtered prior to entry into the storage unit. For smaller flows (less than 30 litres per second) this can be done through a large Atlantis Filtration Unit that uses a geotextile to filter material.*
- *Maximesh by itself does not provide sufficient screening, though it does assist as a course screen prior to the geotextile filtering of the Atlantis system. The area of Maximesh screen for the design flows does not meet the current standards. Conventional practice in drainage design requires a screen area of approximately 50 times greater than the discharge area, which means the opening into the Atlantis units should be at least 18m² and covered by a second removable geotextile covering that can be easily detached for cleaning.*
- *Alternatively a Gross Pollutant Trap (GPT) could be installed on the 675mm pipe to provide better cleaning and a tank style absorption system provided that can be physically accessed for manual cleaning.*

The proposed development is likely to increase irrigation requirements for sporting fields. Sydney water acknowledges that although rainwater harvesting off the roof is being utilised for toilet flushing, the proposed development provides an opportunity for

stormwater re-use on site to irrigate the fields. This revised approach would need to be assessed to determine if there is sufficient water available for irrigation. Where stormwater from the site cannot generate sufficient flow, it may be possible to source water from Sydney Water's Birds Gully Stormwater System. Sydney Water's Stormwater Harvesting and Reuse brochure helps guide third parties on how to establish a scheme by using water from our stormwater assets which is available at www.sydneywater.com.au/OurSystemsAndOperations/StormwaterManagement/PDF/stormwater_harvesting_brochure.pdf

The above recommendations from Sydney Water were referred to the Applicant. The Applicant provided to Council a Feasibility Letter dated 25 May 2010 from Sydney Water with regard to the proposed development. The first section of the Feasibility Letter has been reproduced as follows;

*"This Feasibility Letter (Letter) is a guide only. It provides general information about what Sydney Water's requirements could be if you applied to us for a Section 73 Certificate (Certificate) for your proposed development. **The information is accurate at today's date only.***

If you obtain development consent for that development from your consent authority (this is usually your local Council) they will require you to apply to us for a Section 73 Certificate. You will need to submit a new application (and pay another application fee) to us for that Certificate by using your current or another Water Servicing Coordinator (Coordinator).

Sydney Water will then send you either a:

- Notice of Requirements (Notice) and Works Agreement (Agreement); or*
- Certificate.*

These documents will be the definitive statement of Sydney Water's requirements. There may be changes in Sydney Water's requirements between the issue dates of this Letter and the Notice or Certificate. The changes may be:

- if you change your proposed development, e.g. the development description or the plan/ site layout, after today, the requirements in this Letter could change when you submit your new application; and*
- if you decide to do your development in stages then you must submit a new application (and pay another application fee) for each stage."*

The Feasibility Letter continues on to provide a list of Sydney Water's requirements which are required for the Section 73 Certificate, the letter did not raise any issues with the proposed development or reasons as to why a Section 73 Certificate may not be issued by Sydney Water for the proposed development. As such it is considered that Sydney Water has no issues with the proposed development, subject to the imposition of a Condition of Consent requiring the Applicant to apply to Sydney Water for a Section 73 Certificate as explained in the above letter provided by Sydney Water. All the remaining recommended conditions from Sydney Water dated 1 March 2010 will not be imposed upon the development as the matters have been satisfactorily resolved by the Applicant's request to Sydney Water for the Section 73 Certificate and the subsequent Feasibility Letter for the Section 73 Certificate from Sydney Water dated 25 May 2010.

Internal Referrals

The application was referred to Council's Environmental Scientist, Development Engineer, Health and Regulation Officer and Landscape Architect for comment. All departments have provided conditions of consent, which have been imposed upon the development in the Schedule of Consent Conditions below.

Voluntary Planning Agreement (VPA)

The Applicant has submitted an offer to enter into a VPA dated Friday 23 July 2010. The VPA confirms that the offer to enter into an agreement is for the purpose of carrying out works in kind which include:-

- The provision of sixty (60) car parking spaces within the existing Banks Avenue road reserve owned by Botany Bay City Council, including design and construction together with capital cost acceptance;
- The construction of a cycleway along the David Phillips Sports Field frontage of Banks Avenue, including design and construction together with capital cost acceptance;
- The installation of two (2) traffic calming devices to enable cyclists to choose a safe point to cross to the eastern side of Banks Avenue at a location where the traffic speeds are low, and with capital cost acceptance; and,
- Plan of Management for landscaping works in the public domain and its maintenance together with the acceptance of all costs associated with the maintenance of landscaping on public land that is contiguous with the outer boundaries of the David Phillips Sports Field and the nearside kerbs of Banks Avenue and Gwea Avenue.

It will be a condition of consent that the VPA be executed, exhibited and implemented prior to the use and occupation of the premises. The Applicant (UNSW) has submitted the following documentation being the 'Issues List for the Voluntary Planning agreement', 'Traffic Calming Devices' and the 'Landscape Plan of Management' the with regard to the VPA. These documents have been reproduced below.

"UNSW/BBCC Issues List for the Voluntary Planning Agreement – David Philips Field Redevelopment Curtilage, Issue A 23 July 2010"

<i>Items for Agreement</i>	<i>Responsibility BBCC</i>	<i>Responsibility UNSW</i>	<i>Estimated Cost</i>	<i>Comment</i>
<i>Issue 1: Design of Banks Avenue Car Parking Area (BACP Area)</i>				
<i>Design Timetable and Project Management</i>		✓	UNSW	<i>The design will be as set out in the DA documentation and has been designed in accordance with the relevant DCP's.</i>
<i>Preliminary Design</i>		✓	UNSW	
<i>Detailed Drawings</i>		✓	UNSW \$50,000.00	<i>The design costs have been based on a proportion of the overall project consultancy costs plus an increased proportion of the traffic consultant's costs.</i>
<i>Approvals Risk</i>		✓	UNSW	
<i>Design Failings</i>		✓	UNSW	
<i>Issue 2: Construction of BACP Area</i>				
<i>Project Management of</i>		✓	UNSW	<i>PM fees are included in</i>

<i>the Construction</i>				<i>consultants fees</i>
<i>Site Preparation/Demolition/Remediation</i>		✓	UNSW	
<i>Tendering for the Contractor</i>		✓	UNSW	
<i>Managing the Contractor</i>		✓	UNSW	
<i>Care, control and management of the BACO Area during construction</i>		✓	UNSW	<i>The BACP Area will be part of the overall construction site for the project and the appointed contractor will be the principal on site</i>
<i>Carrying out the works and including reasonable signage</i>		✓	UNSW	
<i>Paying for the Works</i>			UNSW \$300,000.00	<i>Being the estimated construction cost plus builder's preliminates and margin and contingency</i>
<i>Achieving Practical Completion by Target Date</i>		✓	UNSW	
Issue 3: Post Completion BACP Area Ownership, Maintenance and Operations				
<i>Defects during the 12 month defect liability period</i>		✓	UNSW	<i>Included in the construction costs</i>
<i>Ownership of the BACP Works and Area following Practical Completion</i>	✓		BBCC Budget neutral	
<i>Maintenance of Hard Surfaces (Car Parking and Bike Path)</i>	✓		BBCC Budget neutral	<i>The BACP is currently operated, maintained and budgeted for by BBCC</i>
<i>Maintenance Costs and Standards for Hard Surfaces</i>	✓		BBCC Budget neutral	<i>The BACP works will retire any deferred maintenance in the Area.</i>
<i>Liability for the BACP Area following Practical Completion</i>	✓		BBCC Budget neutral	<i>The UNSW does not anticipate any additional operating costs above BBCC's existing levels for the area</i>
<i>Maintenance of Soft Landscaping in Banks and Gwea Nature Strip</i>		✓	UNSW \$10,000.00	<i>All landscaping along the David Phillips Field Banks Avenue and Gwea Avenue nature strips will be maintained by the University as part of the grounds maintenance contract for David Phillips Field. This Landscaping will be maintained in accordance with the landscape management plan submitted to BBCC. The costs of this addition to the existing David Phillips ground contract is estimated at up to \$10,000 per annum</i>
<i>Security</i>	✓		BBCC Budget neutral	<i>RE Parking Conditions: The current parking conditions in the BACP Area is free all day on street parking</i>

<i>Insurance</i>	✓		<i>BBCC Budget neutral</i>	<i>UNSW would prefer the status quo to continue in the BACP Area</i>
<i>Parking Conditions</i>			<i>BBCC Budget neutral</i>	<i>While BBCC has no current plans to change parking conditions in the area, UNSW understands that it is within BBCC's powers to change the parking conditions across the entire Rowlands Park/Astrolabe Park/David Phillips precinct. BBCC agrees not to single out the BACP Area for any parking conditions that are different to the remainder for the parking spaces in the precinct.</i>
<i>Issue 4: The Pedestrian Crossing/Speed Hump in Front of the New DP Banks Avenue Entrance</i>				
<i>Design</i>		✓	<i>UNSW \$5000.00</i>	<i>A per relevant RTA and BBCC specifications</i>
<i>RTA Approvals Risk</i>	✓	✓	<i>UNSW</i>	<i>Following DA determination, UNSW will use all reasonable endeavours to obtain all relevant approvals (including RTA) but, if approval is not granted, UNSW and BBCC agree that the pedestrian crossing/speed hump will not be built.</i>
<i>Construction</i>		✓	<i>UNSW \$40,000.00</i>	<i>By the UNSW as a variation to the project</i>
<i>Ownership and Maintenance (excluding defects)</i>	✓		<i>BBCC Budget neutral</i>	<i>The road is currently maintained and budgeted for by BBCC</i>
<i>Issue 5: The Removal and Replanting of Significant Trees</i>				
<i>Design</i>		✓	<i>UNSW \$10,000.00</i>	<i>Landscape consultants approximate fees for project</i>
<i>Works</i>		✓	<i>UNSW \$200,000.00</i>	<i>UNSW will carry out the removal and replanting of trees on accordance with the submitted and approved DA plans, documentation and conditions. Part of the \$200,000.00 budgeted for landscaping (inclusive of prelims and margin) will be spent on the soft landscaping in the BACP Area and the balance will be spent on replanting and landscaping on the UNSW's land within the David Phillips Field boundary.</i>
<i>Consultation with BBCC</i>	✓	✓	<i>UNSW</i>	<i>UNSW and BBCC agree that it is in the best interests of the project, where possible to maintain as many significant trees as reasonably possible. Where any significant trees (and in particular those trees referred to a trees numbered</i>

				<i>#154 and #158) can be retained through the use of an alternative, reasonable and non-cost prohibitive construction methodology, UNSW will with prior on-site consultation with the relevant BBCC officer, use this alternative methodology.</i>
<i>Maintenance</i>		✓	UNSW	<i>UNSW to own and maintain landscaping on its land. UNSW to maintain landscaping in the BACP Area, and the Gwea Avenue nature strip in accordance with the submitted landscaping Management Plan.</i>
<i>Ownership and Maintenance (excluding defects)</i>	✓		<i>BBCC Budget neutral</i>	<i>BBCC to own, and UNSW to maintain landscaping in the BACP Area.</i>

Traffic Calming Devices

Council's Development Engineer reviewed the proposal and recommended that two (2) raised thresholds (speed humps) be provided in Banks Avenue from the main entrance to the development and Rowland Park, and further to toward the southern boundary of the site. These thresholds not only provide for a safe pedestrian crossing over of Banks Avenue, to access the site, but will also provide for safe crossing of Banks Avenue for cyclists using the cycleway, which is proposed to be constructed as part of the VPA.

The Applicant has also provided a letter prepared by their Traffic Consultant, Halcrow, dated 22nd July 2010 received by Council 23 July 2010 in relation to the proposed Traffic Calming Device to be installed to the southern boundary of the site on Banks Avenue. This letter has been reproduced as follows;

"David Philips Field – Traffic Calming Devices

As discussed with Botany Bay City Council on 19th July 2010, it is proposed that a second speed (hump) calming device is to be provided at the southern end of the proposed 90 degree street parking to Banks Avenue.

The proposed southern speed (hump) calming device would be located on northern side of the entry point where the existing cycleway leaves the road and joins the shared footpath/cycleway fronting the site. With this arrangement it would allow cyclists, travelling south bound on the shared footpath/cycleway, to leave the path beyond the proposed speed (hump) calming device. This would enable such cyclists to choose a safe point to cross to the east side of the road

(to allow them to continue to travel south) at a location where traffic speeds are low. It would also allow the north bound cyclist to leave the on-road cycleway section in a low speed environment and enter the shared footpath/cycleway.

Furthermore, this arrangement would slow vehicles down on approach to the 90 degree street parking area of Banks Avenue and, together with the proposed central speed (hump) calming device and the existing northern speed (hump) calming device, would form a low speed zone along the full length of proposed 90 degree street parking thereby enabling cars to manoeuvre safely in and out of spaces at low speed.

The consistency of the speed calming devices throughout this section of Banks Avenue (i.e. one northern, one southern and one central) would be highly beneficial in safety terms to cyclists, pedestrians and motorists.”

As such it is agreed by both parties that the installation of the traffic calming devices will reduce the potential safety risks for motorists, pedestrians and cyclists using David Phillips Sports Field, Rowland Park or the general pedestrian walkway and cycleway along Banks Avenue. The construction of the traffic calming devices along Banks Avenue will form part of the VPA for the sites redevelopment.

Plan of Management – Landscaping and Ongoing Maintenance

The Applicant submitted a Landscape Plan of Management for the Banks Avenue and Gwea Avenue curtilage to David Phillips Sports Field, on 23 July 2010. The Plan of Management has been reproduced below, and is to be incorporated into the VPA for the public domain works as discussed earlier in this report.

“UNSW LANDSCAPE PLAN OF MANAGEMENT FOR THE BANKS AVE AND GWEA AVE CURTILAGE TO DAVID PHILLIPS FIELD

1. Introduction

The University of New South Wales is internationally recognised as one of Australia’s leading educational facilities and is a member of the prestigious “Group of Eight” research universities.

Trees contribute significantly to the experience of the University’s sports campus at David Phillips Field and provide an aesthetic and functional role. The UNSW community is very protective of its trees and is concerned with their appearance, health and maintenance.

These following specifications are for all trees on the UNSW property of David Phillips Field including those trees on the adjacent nature strips on Banks Ave and Gwea Ave. Information about these trees will be held on the UNSW Tree Database. Regular maintenance works will be scheduled as needed throughout the year.

The David Phillips Field is located within the Local Government Area (LGA) of Botany Bay City Council (BBCC) and the UNSW is committed to complying with the BBCC’s Tree Preservation

Orders which can be found at:

<http://www.botanybay.nsw.gov.au/pdf/communicating/june/TreePreservationDL.pdf>

The purpose of this plan of management is to establish UNSW’s commitment to BBCC to maintain to an appropriate standard the landscaping on the Banks Ave and Gwea Ave nature strips surrounding the David Phillips Field.

2. UNSW’s Grounds Maintenance Responsibilities

2.1. UNSW’s Grounds Maintenance Scope

UNSW is responsible for providing professional services aimed at:

- Horticultural maintenance of the curtilage areas of David Phillips Field being the Gwea Ave roadside verge together the Water Sensitive Urban Design (WSUD) street trees and planters of Banks Ave;*
- Ensuring UNSW customer service on a day to day basis as per the current agreement; and*
- Ensuring the implementation of this new service with the existing management plans, strategies and programs.*

UNSW shall be responsible for the services in conjunction with the maintenance of the

University's Sporting Fields at David Phillips Field Daceyville.

2.2. UNSW's Grounds Maintenance Services

The following is a summary of the areas of maintenance required:

- *Turf maintenance to the Gwea Ave roadside verge;*
- *Garden Beds and native vegetation areas of the Gwea Ave roadside verge; and*
- *The roadside tress and Water Sensitive Urban Design (WSUD) planters to Banks Ave.*

In the carrying out of any turf maintenance activity, UNSW shall:

- a) *Collect and dispose of litter and debris from turf areas prior to the commencement of any other works.*
- b) *Not cause any damage to any other trees, shrubs, turf or any other landscape elements or assets. Trees shall not sustain any damage as a result of turf cutting. UNSW is responsible for any corrective treatments, removals and replacements deemed necessary by a BBCC Grounds Representative as a result of damage caused by UNSW.*
- c) *Cut turf to a uniform height across the turf surface.*
- d) *Remove and dispose of all turf clippings, leaves, mulch, litter etc on adjacent hard surfaces, paths, garden beds, etc at the completion of cutting.*
- e) *Maintenance of the turf to the roadside verge of Gwea Ave to the standard of abutting turf.*
- f) *Maintain the turf edging abutting hard surfaces, paths, fences, trees, buildings, garden areas and site infrastructure.*
- g) *Collect and dispose of all litter, dead vegetation, pruning, turf clippings and weeds at the time of service.*
- h) *Turf to roadside verge of Gwea Ave shall not exceed 50mm above any pathway, garden edge or kerb. Variation to cutting height will only be assessed by a BBCC Grounds Representative on request by UNSW.*
- i) *Roadside verge tress of Gwea Ave that are less than three years old or with a trunk diameter of up to 75mm shall be kept clear of turf to a distance no less than 300mm. Trees older than three years or with a trunk diameter greater than 75mm shall be maintained clear of turf to a distance not less than 500mm.*
- j) *Roadside verge tress within the Banks Ave Parking area shall be maintained in accordance with the requirements of the Water Sensitive Urban Design (WSUD) planters.*

3. UNSW's Tree Maintenance Responsibilities

3.1. Tree Maintenance Scope

The objectives of the service are to:

- *Maintain healthy, structurally sound, well formed and attractive trees to the Gwea Ave roadside verge and WSUD planters to Banks Ave with limited diseases, insects, deadwood and damage therefore reducing the likelihood of any issues Relating to OHS and structural damage to buildings and the exterior landscape;*
- *Perform regular maintenance works to be done throughout the year;*
- *Immediately and effectively deal with significant pest and disease outbreaks that may affect the trees to the Gwea Ave roadside verge and WSUD planters to Banks Ave; and*
- *Provide an emergency call out service (24 hours/7 days) to undertake works on trees within the Gwea Ave roadside verge and Banks Ave WSUD planters presenting an immediate risk to people or property.*

3.2. Tree Maintenance Services

The services to the trees of the Gwea Ave roadside verge and WSUD planters to Banks Ave include but are not restricted to:

- *Tree Pruning;*
- *Tree Removal;*
- *Stump Treatment / Removal;*
- *Programmed maintenance;*
- *Reactive Tree Maintenance;*
- *24hr Emergency call out;*
- *Disposal Of Waste Material;*
- *Tree Planting;*
- *Bush land Tree Maintenance;*
- *Root pruning.*

In summary, the services encompass:

- *All levels of tree management, supervision and delivery of tree maintenance services as set in the weekly program of works delivered by the UNSW Grounds Manager*
- *Availability of qualified staff, materials, equipment and all resources necessary to conduct the new services in a safe, effective and timely manner;*
- *Key staff contactable by mobile phone at all times; and*
- *A positive and sensitive approach to customer relations when working on UNSW external properties and on adjacent BBCC owned nature strips. UNSW will be responsible for gaining all necessary approvals from relevant authorities for any landscaping works external to the David Phillips Field property boundaries. This may include liaison with the RTA, Sydney Buses, the BBCC and emergency services when works require diversion or control of traffic on main roads.*
- *Detailed records of all maintenance works will be recorded on a works completed form and returned to the UNSW Grounds Manager for entry into the UNSW database.*

4. UNSW's Proposed Delivery Method

UNSW proposes to engage a contractor to perform the above service. Such service shall be considered as a proposed variation in accordance with the relevant landscape maintenance contracts for David Phillips Field (Tree Maintenance Contract 2010 / 03570 & Grounds Maintenance Contract 2008/4679). UNSW shall pay for the service, and the contractor shall perform the service, in accordance with the terms of these agreements. These agreements are available for review by BBCC at any time on site at the UNSW Kensington Campus."

Conclusion

Development Application No. 10/175 for the redevelopment of the existing sporting fields and amenities of the David Phillips Sports Fields to consolidate UNSW sporting facilities and the use of the facilities by the UNSW, and includes the following works to be undertaken at David Phillips Sports Field;

- Demolition of the existing amenities, clubhouse building and grandstand;
- Retention of the existing grounds shed on the north western corner of the site;
- Retention of existing fencing along the southern, western and northern boundaries;
- Construction of a new clubhouse and amenities;
- Construction of a new grandstand with a seating capacity of 300 persons;

- New amenities beneath the grandstand;
- New fields for the sporting activities of; hockey, soccer, rugby, cricket, baseball,
- New tennis courts,
- New lighting including floodlighting, site lighting, building lighting and emergency lighting, and to reuse existing lighting and light poles, from Little Bay and the existing lighting at David Phillips Field;
- Erection of identification signage;
- Erection of new spectator fencing to grandstand;
- Erection of new retaining wall and fencing along north eastern and eastern boundary;
- Construction of concrete tiered spectator stand adjacent to the new baseball field;
- Erection of sight screens to the baseball field;
- Construction of cricket practice nets, baseball bullpen, and baseball dugouts adjacent to the new baseball field; and
- Erection of scoreboards to each new field.

has been assessed in accordance with the relevant requirements of the Environmental Planning and Assessment Act 1979 and is recommended for approval subject to conditions of consent.

RECOMMENDATION

In view of the preceding comments, it is RECOMMENDED that the Joint Regional Planning Panel, as the Consent Authority, resolve to;

- (a) Approve Development Application No. 10/175 for the redevelopment of the existing sporting fields and amenities of the David Phillips Sports Fields to consolidate UNSW sporting facilities and the use of the facilities by the UNSW, and includes the following works to be undertaken at David Phillips Sports Field;
- Demolition of the existing amenities, clubhouse building and grandstand;
 - Retention of the existing grounds shed on the north western corner of the site;
 - Retention of existing fencing along the southern, western and northern boundaries;
 - Construction of a new clubhouse and amenities;
 - Construction of a new grandstand with a seating capacity of 300 persons;
 - New amenities beneath the grandstand;
 - New fields for the sporting activities of; hockey, soccer, rugby, cricket, baseball,
 - New tennis courts,
 - New lighting including floodlighting, site lighting, building lighting and emergency lighting, and to reuse existing lighting and light poles, from Little Bay and the existing lighting at David Phillips Field;
 - Erection of identification signage;
 - Erection of new spectator fencing to grandstand;
 - Erection of new retaining wall and fencing along north eastern and eastern boundary;
 - Construction of concrete tiered spectator stand adjacent to the new baseball field;
 - Erection of sight screens to the baseball field;
 - Construction of cricket practice nets, baseball bullpen, and baseball dugouts adjacent to the new baseball field; and
 - Erection of scoreboards to each new field.

subject to the Conditions imposed in the attached schedule; and

(b)

- (i) Endorse the provision of a Voluntary Planning Agreement for public domain Work, and
- (ii) Recommend to the Council that it enter into a Voluntary Planning Agreement (VPA) under Section 93F of the Environmental Planning and Assessment Act, 1979, in respect of the public domain works in regards to the provision of sixty (60) car parking spaces, the construction of a new cycleway along the Banks Avenue Road Reserve, along with the installation of two (2) traffic calming devices on Banks Avenue, and exhibit the agreement and associated explanation notes.

Premises: Gwea Avenue, Daceyville

DA No: 10/175

SCHEDULE OF CONSENT CONDITIONS

- 1 The development is to be carried in accordance with the following plans and documentation listed below and endorsed with Council's stamp, except where amended by other conditions of this consent:

Drawing No.	Author	Date
Site Detail Plan Sheet 1 or 1, Drawing No. DP001	Information Services The University of New South Wales	Received by Council 17 December 2009
Architectural Plan No's: A DA A001 '01'; A DA A002 '01'; A DA A003 '01'; A DA A004 '01'; A DA A005 '01'; A DA A006 '01'; A DA A Z004 '01'	BVN Architecture	15 December 2009 received by Council 17 December 2009
Architectural Plan No's: A DA A000 '02'; A DA A007 '02'; A DA A008 '02'; A DA A009 '02'; A DA A010 '02';	BVN Architecture	Revised 3 February 2010 received by Council 12 February 2010

A DA A011 '02'; A DA D001 '02'; A DA D002 '02'; A DA D051 '02'; A DA D101 '02'; A DA E001 '02'; A DA E002 '02'; A DA E003 '02'; A DA E051 '02'; A DA E052 '02'; A DA E101 '02'; A DA F051 '02'; A DA F101 '02'; A DA Z001 '02'; A DA Z002 '02'; A DA Z003 '02';		
Parking Plan A DA A015 'B'	BVN Architecture	Revised 24 June 2010 Received by Council 25 June 2010
Hydraulic Services Plan No's: I01/P2; I02/P2; I03/P2; I04/P2; I05/P2; I06/P2l; I07/P2; I08/P2; I09/P2; I10/P2; I11/P2	Whipps-Wood Consulting	Revised 1 February 2010, received by Council 12 February 2010
Landscape Plan No's. 2921.L1 'H'; 2921. L5 'H'; 2921.L6 'H'; 2921.L7 'H'	Environmental Partnership	4 December 2009 received by Council 17 December 2009

Landscape Plan No's; 2921.L3 'I'; 2921.L4 'I';	Environmental Partnership	2 February 2010 received by Council 12 February 2010
Landscape Plan No. 2921.L2 'J'	Environmental Partnership	16 June 2010 received by Council 25 June 2010
Tree Removal Plan N; 2921.ARB2 'B'	Environmental Partnership	21 June 2010 received by Council 25 June 2010
Lighting and Electrical Services Plan No.'s E001 '1'; E002 '1'; E003 '1';	ARUP	Received by Council 17 December 2009

Document	Author	Date
Statement of Environmental Effects	URBIS	December 2009 received by Council 17 December 2009
E.S.D Statement for David Phillips Field, UNSW Sports Masterplan	BVN Architecture	16 December 2009 received by Council 17 December 2009
Parking/Transport Assessment	Halcrow MWT	7 December 2009 received by Council 17 December 2009
1) Geotechnical and Hydrogeological Investigation Report. Project Reference No: CN091102	Jeffery and Katauskas Pty Ltd	November 2009 received by Council 17 December 2009
2) Soil and Groundwater Contamination Assessment Report. Project Reference No. CN091102	CETEC	November 2009 received by Council 17 December 2009
3) Hazardous Materials Assessment Report. Project Reference No. CN091102	CETEC	November 2009 received by Council 17 December 2009
Arboriculture Assessment for Development Application	The Ents Tree Consultancy	12 December 2009 received by Council 17 December 2009
Noise Assessment. Report No. TE595-	Renzo Tonin & Associates	15 December 2009 received by Council 17

01F02 (Rev 1)		December 2009
Waste Management Plan	McLachlan Lister	17 December 2009 received by Council 17 December 2009
External Sports Lighting and Electrical Services DA Report	ARUP	December 2009 received by Council 17 December 2009
Water Conservation Statement	Whipps-wood Consulting	4 December 2009 received by Council 17 December 2009
Statement of Environmental Effects – Resubmission	URBIS	Revised February 2010 received by Council 12 February 2010
Phase 1 Environmental Site Assessment. Project Reference No: CN100201	CETEC	February 2010, received by Council 12 February 2010
Soil and Groundwater Contamination Assessment Report. Project Reference No: CN091102	CETEC	November 2009, Amended February 2010, received by Council 12 February 2010
Addendum to Noise Assessment	Renzo Tonin & Associates	8 February 2010 received by Council 12 February 2010
Arboriculture Assessment for Development Application. Issue B	The Ents Tree Consultancy	23 June 2010 received by Council 25 June 2010
Further Additional Traffic Analysis Information Request	Halcrow MWT	23 June 2010 received by Council 25 June 2010
Proposed Drainage Gardens Engineering Statement	Northrop	24 June 2010 received by Council 25 June 2010
Traffic Calming Devices Statement (for inclusion in Voluntary Planning Agreement)	HALCROW	22 July 2010 received by Council 23 July 2010
UNSW Landscape Plan of Management for the Banks Avenue and Gwea Avenue Curtilage to David Phillips Field	UNSW	Received by Council 23 July 2010
UNSW/BBCC Issues List for Voluntary	UNSW	Received by Council 29 July 2010

Planning Agreement for David Phillips Curtilage Issue A 23 July 2010		
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2 Construction works:

- (a) All building work must be carried out in accordance with the provisions of the Building Code of Australia;
- (b) It is a condition of this consent that the Applicant must, prior to commencement of demolition activities permitted by this consent remit to Council the following fees; -
 - (i) Builders Security Deposit \$50,000.00
 - (ii) Development Control \$2200.00
- (c) Certification that is required under Section 116G of the EP & A Act 1979, must take into account the likely reuse of floodlight towers and that those towers on installation within the grounds of David Phillips Sports Field must be brought into compliance with Part 2.1 of the Housing Provisions of the BCA Volume 2.
- (d) Where new buildings on the development site are listed within Table 2.1 of AS 2021-2000 *Acoustics – Aircraft Noise Intrusion – Building Siting and Construction*, they must comply with that Standard based on the 20-25 ANEF contour.

3 Prior to Certification for construction the required Long Service Levy payable under Section 34 of the Building and Construction Industry Long Service payments Act 1986 must be paid. The Long Service Levy is payable at 0.35% of the total cost of the development, however, this is a State Government fee and can change without notice.

4 This Consent relates to land in Lot 3876 in DP 91234 and as such, building works must not encroach on to adjoining lands or the adjoining public place, other than public domain work, which forms part of this application.

5 Hours of operation:

- (a) The hours of operation for the use of David Phillips Sports Field must be in accordance with the following schedule;
 - (i) Weekday use as follows;
 - (1) Monday: 8am-10pm
 - (2) Tuesday: 8am-9pm
 - (3) Wednesday 8am-9pm
 - (4) Thursday: 8am-9pm
 - (5) Friday: 8am-9pm
 - (ii) Saturday's: 8am to 10pm;
 - (iii) Sunday's: 8am to 6pm; and

- (iv) Public Holidays: 8am to 9pm.
 - (b) Floodlighting may remain operational for a maximum period of thirty (30) minutes beyond the span of hours permitted under Condition No. 5(a)(i),(ii),(iii) and (iv) above.
- 6 In accordance with the requirements of Energy Australia, it is a condition of this Consent that provision for accommodation for an electricity substation within the premises must be made.
- 7 Compliance with the following NSW Police requirements;
 - (a) As the proposed development may be exposed to break and enter, trespass , stealing malicious damage and steal from a motor vehicle offences, a closed circuit surveillance system (CCTV) which complies with the Australian Standard – *Closed Circuit Television System (CCTV) AS:4806:2006* needs to be implemented to receive, hold or process data for the identification of people involved in anti-social behaviour or criminal behaviour. The system is obliged to conform to Federal, State or Territory Privacy and Surveillance Legislation. Staff will need to be trained in the operation of the system.
 - (b) This system should consist of surveillance cameras strategically located in and around the development to provide maximum surveillance coverage of the area, particularly areas which are difficult to supervise. (Areas with no guardianship)
 - (i) Cameras should be strategically mounted outside the development building at inaccessible heights to monitor activity at the location mainly after hours. These cameras need to be placed at angles to encourage maximum footage and quality of images captured but also in incorporates vandal proof features.
 - (c) Digital or analogue technology should be used to receive, store and process data. Recording equipment should be secured away from public access areas to restrict tampering with the equipment and data. This equipment needs to be checked and maintained on a regular basis.
 - (d) A monitored intruder alarm system which complies with the Australian Standard – *Systems Installed within Client's premises AS:2201:1998* should be installed within the premises to enhance the physical security and assist in the detection of unauthorized entry to the premises. (including ground keeper's sheds). This standard specifies the minimum requirements for intruder alarm equipment and installed systems. It shall apply to intruder alarm systems in private premises, commercial premises and special installations. The system should be checked and tested on a regular (at least monthly) basis to ensure that it is correct use of the system.
 - (e) Lighting levels for this development must be commensurate with crime risks identified in this evaluation. The emphasis should be on installing low glare/high uniformity lighting levels in line with Australian Standard AS:1158 <http://www.standards.org.au>
 - (f) Lighting sources should be compatible with requirements of any surveillance system installed within the development.

- (g) Sensor lighting around enclosed areas of the development to stop persons congregating around unlit areas.
- (h) Appropriate lighting that complies with Australian Standards should be implemented along pedestrian pathways, car park facilities, around buildings and the fields is recommended for safety and crime prevention to heighten surveillance.
- (i) The current Security Management Plan be revised and updated accordingly, in conjunction with the planned changes to the site. A copy of the revised Security Management Plan is to be available to the Police and or authorized inspectors upon demand.
- (j) Warning signs should be strategically posted around the perimeter fences and buildings warning intruders of what security treatments have been implemented to reduce opportunities for crime;
 - (i) Warning, trespasser will be prosecuted;
 - (ii) Warning these premises are under electronic surveillance
 - (iii) Directional signage should be posed at decision-making points (e.g. Entry/egress points) to provide guidance to users of the development. This can also assist in access control and reduce excuse-making opportunities by intruders.
 - (iv) Restrictions on access to areas/entry doors after certain times, e.g. closure of access to premises via the carpark.
- (k) To ensure the entry and exit points to the complex are closed off and secured at the end of the last scheduled sporting event.
- (l) Monitoring and maintenance of the outer perimeter fencing and access points to prevent the after hours access by unauthorized persons.

8 Compliance with the following NSW Fire Brigade requirements;

- (a) An emergency control and evacuation plan which complies with the Australian Standard, Emergency Control Organization and Procedures for Buildings, Structure and Workplace, AS: 3745:2002 should be prepared and maintained by your development to assist management, staff and the public in the event of an emergency. This standard sets out the requirements for the development of procedures for the controlled evaluation of building structures and workplaces during emergencies. Further information in relation to planning or emergencies can be obtained from Emergency NSW <http://www.emergency.nsw.gov.au> or Emergency Management Australia <http://www.ema.gov.au>
- (b) The New South Wales Fire Brigades expects that all buildings will comply with the requirements of the Building Code of Australia and relevant Australian Standards.
- (c) To facilitate the NSWFB fire fighting operations, a carriageway width of four metres is to be provide within 20 metres of the grounds shed and the kiosk and accessible by the NSWFB. If this were not provided access gates in the perimeter fence to allow quick intervention to each building would be required. The gates should be a minimum of one metre. These gates can be locked and it is recommended that the three closest fire stations be issued with keys to reduce intervention time.

- (d) To facilitate rapid fire fighting intervention and other emergency service response all entry and exit points and any directional signs to the facility are signposted and maintained.
- 9 The Applicant to arrange with the relevant public utility the alteration or removal of any affected services in connection with the development. Any such work being carried out at the Applicant's cost.
- 10 A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained. Application must be made through an authorised Water Servicing Coordinator. Please refer to "Your Business" section of Sydney Water's web site at www.sydneywater.com.au then the "e-developer" icon or telephone 13 20 92.
- 11 Following the application for a Section 73 Compliance Certificate, a "Notice of Requirements" will detail water and sewer extensions to be built and charges to be paid. Please make early contact with the Co-coordinator, since building of water/sewer extensions can be timed consuming and may impact on other services and building, driveway or landscape design. The Section 73 Certificate must be submitted to the Principle Certifying Authority prior to use and occupation of the premises.
- 12 Groundwater use:
 - (a) This Consent does not permit onsite groundwater treatment or remediation. If this is required a separate development application is to be lodged with Council for consideration; and,
 - (b) It is a condition of this consent that the Applicant (UNSW) must in any bi-annual period submit to Council a chemical analysis of the groundwater which demonstrates that the groundwater, if used for irrigation purposes is in accordance with DECCW standards for this use.
- 13 Any new information that comes to light during demolition or construction which has the potential to alter previous conclusions about site contamination and remediation must be notified to Council immediately.
- 14 Hazardous or intractable wastes arising from the demolition process shall be removed and disposed of in accordance with the requirements of WorkCover NSW and the Department of Environment, Climate Change and Water and with the provisions of:
 - (i) New South Wales Occupational Health and Safety Act, 2000;
 - (ii) The Occupational Health and Safety (Hazardous Substances) Regulation 2001;
 - (iii) The Occupational Health and Safety (Asbestos Removal Work) Regulation 2001;
 - (iv) Protection Of the Environment Operations Act 1997 (NSW) and DECCW Waste Classification Guidelines (2008).

- 15 Soil disposal:
- (a) Any soil disposed of offsite shall be classified in accordance with the procedures in the DECCW Waste Classification Guidelines (2008).
 - (b) All imported fill shall be validated in accordance with Department of Environment and Conservation approved guidelines to ensure that it is suitable for the proposed development from a contamination perspective. Imported fill shall be accompanied by documentation from the supplier, which certifies that the material is suitable for the proposed land use and not contaminated based upon analyses of the material.
- 16 The demolition and disposal of materials incorporating lead such as lead paint and dust paint shall be conducted in accordance with *AS2601-2001 Demolition of structures*. The removal, cleaning and disposal of lead-based paint shall conform with relevant EPA guidelines including the '*Lead Safe A renovator's guide to the dangers of lead*', NSW EPA, 1998. Hazardous dust shall not be allowed to escape from the site. Any existing accumulations of dust (e.g. ceiling voids and wall cavities) shall be removed by the use of an industrial vacuum fitted with a high efficiency particulate air (HEPA) filter. All dusty surfaces and dust created from work shall be suppressed by a fine water spray. Water shall not be allowed to enter the street and storm water systems. Demolition shall not be performed during high winds, which may cause dust to spread beyond the site boundaries.
- 17 In relation to the demolition of the existing building (or part of a building) on the site:
- (a) A Preliminary Hazard Analysis Report prepared by an appropriately qualified consultants to be submitted to Council detailing whether any hazardous materials exist on the site (e.g. lead in paints and ceiling dust or asbestos).
 - (b) Should any hazardous materials be identified as per item (i), a Work Management Plan shall be submitted to Council in accordance with AS2601 - Demolition of Buildings. The report shall contain details regarding:
 - (i) The type of hazardous material;
 - (ii) The level or measurement of the hazardous material in comparison to relevant Guidelines;
 - (iii) Proposed methods of containment; and
 - (iv) Proposed methods of disposal.
- 18 The demolition and construction operation shall not give rise to offensive odour or other air impurities in contravention of the *Protection of the Environment Operations Act 1997*. The Principal contractor shall ensure that all practical means are applied to minimise dust and odour from the site. This includes:
- (a) Covering excavated stockpiles,
 - (b) The use of fine mists of hydrocarbon mitigating agents on impacted stockpiles or excavation areas,
 - (c) Maintenance of equipment and plant to minimise vehicle exhaust emissions,

- (d) Erection of dust screens on the boundary of the property and/or closer to potential dust sources,
 - (e) All loads entering or leaving the site are to be covered,
 - (f) The use of water sprays to maintain dust suppression,
 - (g) Keeping excavated surfaces moist.
- 19 Prior to Certification for the demolition of buildings constructed before 1970, the demolition activity must be the subject of a Work Plan prepared in accordance with *AS2601-1991 Demolition of structure* by a person with suitable expertise and experience. The Work Plan should outline the identification of any hazardous materials, including surfaces coated with lead paint, method of demolition, the precautions to be employed to minimise any dust nuisance and the disposal methods for hazardous materials.
- 20 Soil and water management during construction:
- (a) A Soil and Water Management Plan (also known as an Erosion and Sediment Control Plan) shall be prepared according to '*Do It Right On-Site*' *Soil and Water Management for the Construction Industry* (available from Council) and NSW EPA's *Managing Urban Stormwater: Construction Activities* and submitted to Council prior to Certification for construction. This Plan shall be implemented prior to commencement of any site works or activities. All controls in the plan shall be maintained at all times during the construction works. A copy of the Soil and Water Management Plan shall be kept on-site at all times and made available to Council Officers on request.
 - (b) Throughout the construction period, Council's warning sign for soil and water management shall be displayed on the most prominent point of the building site, visible to both the street and site workers. A free copy of the sign is available from Council's Customer Service Counter.
- 21 A Construction Management Program shall be submitted to, and approved in writing by the Council prior to Certification for construction. The program shall detail:-
- (a) The proposed method of access to and egress from the site for construction vehicles, including access routes through the Council area and the location and type of temporary vehicular crossing for the purpose of minimising traffic congestion and noise in the area, with no access across public parks or public reserves being allowed except entry from Cook Road, Astrolabe Park and Astrolabe Road.
 - (b) The proposed phases of construction works on the site and the expected duration of each construction phase.
 - (c) The proposed order in which works on the site will be undertaken, and the method statements on how various stages of construction will be undertaken.
 - (d) The proposed manner in which adjoining property owners will be kept advised of the timeframes for completion of each phase of development/construction process. An updated website by the Applicant (UNSW) detailing the progress of the construction process is deemed acceptable.

- (e) The proposed method of loading and unloading excavation and construction machinery, excavation and building materials, formwork and the erection of any part of the structure within the site. Wherever possible mobile cranes should be located wholly within the site.
 - (f) The proposed areas within the site to be used for the storage of excavated materials, construction materials and waste containers during the construction period.
 - (g) The proposed method/device to remove loose material from all vehicles and/or machinery before entering the road reserve, any run-off from the washing down of vehicles shall be directed to the sediment control system within the site.
 - (h) The proposed method of support to any excavation adjacent to adjoining properties, or the road reserve. The proposed method of support is to be designed and certified by an Accredited Certifier (Structural Engineering), or equivalent.
 - (i) Proposed protection for Council and adjoining properties.
 - (j) The location and operation of any on site crane. Please note that a crane may require prior approval from Sydney Airports Corporation.
 - (k) The location of any Construction Zone (if required) approved by Council's Traffic Committee, including a copy of that approval.
 - (l) A Traffic Management Plan for public domain work on Banks Avenue, Daceyville.
- 22 All wastewater and the stormwater system (including all pits, pipes, absorption, detention structures, treatment devices and rainwater tanks) shall be regularly maintained (at least once per year) in order to ensure that they remain effective. All solid and liquid waste that is collected during maintenance shall be disposed of in a manner that complies with the appropriate Environmental Guidelines.
- 23 Dilapidation Report:
- (a) The Applicant must supply the Consent Authority with a dilapidation report that clearly depicts any existing damage to the road, kerb, gutter, footpath, driveways, water supply, sewer works, street trees, street signs or any other Council assets in the vicinity of the development. The report must be submitted to the Consent Authority prior to Certification for construction.
 - (b) Any damage not shown in the Dilapidation Report submitted to Council before site works had commenced, will be assumed to have been caused as a result of the site works undertaken and must be rectified at the Applicant's expense, prior to occupancy of any building .
- 24 Toilet facilities are to be provided at or in the vicinity of the work site on which work involves: -
- (a) Demolition or erection of a building is being carried out, at the rate of one toilet for every 20 persons or part of 20 persons employed at the site;
 - (b) Each toilet provided:

- (i) Must be a standard flushing toilet; and,
 - (ii) Must be connected:
 - (1) To a public sewer; or
 - (2) If connection to a public sewer is not practicable to an accredited sewerage management facility approved by the Council; or,
 - (3) If connection to a public sewer or an accredited sewerage management facility is not practicable to some other sewerage management facility approved by the Council.
 - (iii) The provisions of toilet facilities in accordance with this clause must be completed before any other work is commenced.
- 25 Prior to Certification for construction, the Applicant shall contact "Dial Before You Dig on 1100" to obtain a Service Diagram for and adjacent to the property. The sequence number obtained from "Dial Before You Dig" shall be forwarded to Council for our records. Any damage to utilities/services will be repaired at the Applicant's expense.
- 26 Care must be taken to protect Council's roads, including the made footway, kerbs, etc and where plant and vehicles enter the site. Protecting constructions shall be maintained in a state of good repair and condition throughout the course of construction and kept in a safe condition. The area must be safe for pedestrian traffic at all times. Any damage to Council's road reserve will be repaired and the full cost shall be borne by the Applicant.
- 27 The use of any part of Council's road reserve or other Council lands must have prior approval of Council. For example, should the development require a building waste container(s) (building skip), then such container shall not be placed or left on a public road or road related area (e.g. footpath, nature strip, shoulder, road reserves, public carparking, service stations, etc) without the prior approval of Council's Assets and Traffic Department.
- 28 Building operations such as brick cutting, washing tools or brushes and mixing mortar shall not be carried out on public roadways or footways or in any other locations which could lead to the discharge of materials into the stormwater drainage system or onto Council's lands.
- 29 Hosing down or hosing/washing out of any truck (concrete truck), plant (e.g. concrete pumps) or equipment (e.g. wheelbarrows) on Council's road reserve or other property is strictly prohibited. Fines and cleaning costs will apply to any breach of this condition.
- 30 Concrete trucks and trucks used for the transportation of building materials or similar, shall not traffic soil cement or other materials onto the road reserve. Hosing down of

vehicle tyres shall be conducted in a suitable off-street area where wash waters do not enter the stormwater system or enter Council's land.

31 Stormwater drainage works:

- (a) Stormwater drainage works discharging from the site into a public system or public land require approval from Council under Section 68 of the Local Government Act. The extent of work must be determined by the Consent Authority prior to Certification for construction. All works are to be designed and constructed in accordance with Council's current Stormwater Guidelines. Design plans must be approved by Council prior to Certification for construction.
- (b) A certificate is to be provided by a practicing Civil engineer that the stormwater system has been constructed in accordance with the Certification for construction and accepted practice, prior to use and occupation of the premises.
- (c) All stormwater runoff from the site shall pass through a pollution control device capable of removing litter and sediment prior to entering the public stormwater system. Details of the pollution control device shall be submitted to Council prior to use and occupation of the premises.

32 The submission to, and approval by Council, of stormwater drainage details in accordance with AS/NZS3500.3, Council's Guidelines For The Design of Stormwater and generally in accordance with plans prepared by Whipps-wood Consulting Engineers drawings HDA01/P2 - HDA11/P2 Revised 01/02/10 and as modified below prior to Certification for construction.

33 The operation of the sports field shall be conducted in such a manner as not to cause an increase in interference with or materially affect the amenity of the neighbourhood by reason of vibration, odour, fumes, vapour, steam, soot, ash, dust, particulate matter, waste water, waste products or other impurities which are a nuisance or injurious to health.

34 Noise from construction activities associated with the development shall comply with the NSW Environment Protection Authority's Environmental Noise Manual – Chapter 171 and the *Protection of the Environment Operations Act 1997*.

(a) Level Restrictions

Construction period of 4 weeks and under:

- (i) the L_{10} sound pressure level measured over a period of not less than 15 minutes when the construction site is in operating must not exceed the background level by more than 20 dB(A).

Construction period greater than 4 weeks and not exceeding 26 weeks:

- (ii) the L_{10} sound pressure level measured over a period of not less than 15 minutes when the construction site is in operating must not exceed the background level by more than 10 dB(A).

(b) Time Restrictions

Monday to Friday 07:00 am to 06:00 pm

Saturday 07:00 am to 04:00 pm

No Construction to take place on Sundays or Public Holidays.

35 Noise from operations:

(a) General Noise Condition

- (i) The operation of all plant and equipment shall not give rise to an equivalent continuous (LAeq) sound pressure level at any point on any residential property greater than 5dB(A) above the existing background LA90 level (in the absence of the noise under consideration).
- (ii) The operation of all plant and equipment when assessed on any residential property shall not give rise to a sound pressure level that exceeds LAeq 50dB(A) day time and LAeq 40 dB(A) night time.
- (iii) The operation of all plant and equipment when assessed on any neighbouring commercial/industrial premises shall not give rise to a sound pressure level that exceeds LAeq 65dB(A) day time/night time.

For assessment purposes, the above LAeq sound levels shall be assessed over a period of 10-15 minutes and adjusted in accordance with EPA guidelines for tonality, frequency weighting, impulsive characteristics, fluctuations and temporal content where necessary.

(b) Noise controls specific to the amenity of the residential neighbourhood

- (i) The La10 noise level emitted from the premises shall not exceed the background noise level in any Octave Band Centre Frequency (31.5Hz – 8kHz inclusive) by more than 5 dB between 8:00am and 9:00pm when measured at the boundary of any residential property; and,
- (ii) Notwithstanding compliance with the above (Condition No. 41(b)(i)), the noise from the premises shall not be audible within any habitable room in any residential premises between the hours of 9:00pm one day and 8:00am the day following Monday to Sunday.

36 Any lighting (including floodlighting) on the site shall be designed so as not to cause nuisance to other residences in the area or to motorists on nearby roads, and to ensure no adverse impact on the amenity of the surrounding area by light overspill. All lighting shall comply with *AS4282-1997 Control of the obtrusive effects of outdoor lighting*.

37 External finishes:

- (a) External finishes of the building are to be robust and graffiti / vandal resistant. An anti-graffiti coating may be required;
- (b) The owner/occupier of the site shall be responsible for the removal of all graffiti from the building within 48 hours of its application.

- 38 Food premises:
- (a) Any food premises (including kiosk/canteen) that is constructed on the site must meet the following requirements:
 - (i) *the Food Act 2003,*
 - (ii) *Food Regulations 2004;*
 - (iii) *the Food Standards Code as published by Food Standards Australia and New Zealand and*
 - (iv) *the Australian Standard AS 4674-2004: Construction and fit out of food premises.*
 - (b) Prior to commencing trading the occupier of the premises must, if deemed necessary to do so, register the food premises with Council, and register with the New South Wales Food Authority (contact details for registration for the Food Authority NSW are; - <http://www.foodnotify.nsw.gov.au/nafsis> or by telephone 1300 650 124.
- 39 The Applicant has permission to remove those trees identified in the revised Arborist report by The ENTS Tree Consultancy, dated 23rd June 2010, and the Tree Removal Plan by Environmental Partnership (dwg 2921.ARB2 Issue B) with the exception of trees numbered #154 (7 metre *F. macrophylla*) and #158 (11 metre *E. haemastoma*). 158 shall be retained in situ and a determination made at construction of the retaining wall as to its retention. Tree no #154 shall be retained in situ or transplanted elsewhere on site. Trees may only be removed after Certification for construction has been issued.
- (a) For street tree removal, a qualified Arborist with public liability insurance must be engaged. All work is to take place on the Council road reserve with the appropriate safety and directional signage implemented to ensure public safety and access. Road and footpath closures require Council approval. Removal shall take place without damage to Council infrastructure or underground services other than as contemplated by the proposed works. Council shall take no responsibility for any damage incurred to persons, property or services during the tree removal works.
 - (b) All other vegetation on site shall be retained and protected in accordance with the Tree Preservation Order. Canopy pruning or further tree removals requires the consent of Council's Tree Preservation Officer under separate application.
- 40 In order to ensure that all trees to be retained, as identified in the revised Arborist report dated 23rd June 2010, including #154 and #158, are protected during construction and their health and structural stability ensured, the following is required:
- (a) Trees to be retained are to be tagged with clearly visible marking tape at a height of approx. 2 metres from ground and numbered with the corresponding number in the Arborist Report dated 23rd June 2010.
 - (b) Engage the Consultant Arborist for erection/removal of protective fencing, mulching, watering and root trimming of all trees to be retained. The Arborist shall be engaged for the entire construction phase of the development.
 - (c) Prior to commencing any work trees to be retained shall be physically protected by erecting protective fencing in accordance with the Arborists'

recommendations to form the Tree Protection Zone (TPZ). Areas within the fencing are to be mulched and watered as required to ensure tree survival. Fencing shall remain in place until construction is complete.

- (d) The demolition plan and all relevant Landscape Certification plans for construction shall show trees required to be protected and the TPZ.
- (e) Within the TPZ, and the Council nature strip in Gwea Avenue, there shall be no construction work, no alteration to ground levels, no stockpiling, storage or sorting of waste or building materials, no concrete mixing, strictly no washing down of concrete mixers/tools and no chemicals mixed/disposed of. Any work necessary within the TPZ shall be under the direction of the Consultant Arborist.
- (f) Excavation within the TPZ of any tree shall be carried out manually to minimise root damage or disturbance.
- (g) There shall be no canopy pruning of trees to be retained or further tree removals unless approval has been granted by Council's Tree Officer under separate application. Pruning shall be undertaken by a qualified Arborist in accordance with AS 4373.
- (h) All excess/waste concrete and debris shall be removed from areas to be landscaped to a nominal depth of 200mm, not buried, to minimise soil contamination.
- (i) The Applicant shall undertake any tree maintenance/remedial pruning reasonably recommended by Council or the Consultant Arborist at the completion of construction.

41 Landscaping

- (a) Supplementary tree planting off site is to be installed by and at cost to Applicant within the surrounding road reserves of David Phillips Sports field as follows;
 - (i) Twenty (20) trees on the eastern side of Banks Avenue road reserve fronting Rowland Park (opposite the site);
 - (ii) Four (4) trees to be planted at the junction of the Cook Avenue and Astrolabe Park entrance; and,
 - (iii) Ten (10) trees within the southern side of the road reserve of Isaac Smith Street fronting Astrolabe Park.

Note: The nature, location and species of the above supplementary tree planting will be specified in the Voluntary Planning Agreement (VPA) for the public domain works.

- (b) Landscaping shall be installed in accordance with the Landscape Documentation by Environmental Partnership (*Dwgs 2921.L2 Issue J, L3 and L4 Issue I and L5 Issue H*) and Banks Avenue Shared Cycleway, Pedestrian Path and Parking Layout by BVN Architecture (*Dwg A015, Issue B*), and in accordance with part (a) of this condition prior to use and occupation of the premises.
- (c) The landscaped areas on the property shall be installed and maintained in accordance with the approved landscape documentation, the conditions of consent and Council's Landscape DCP (No.32) at all times.

- (d) An experienced Landscape Contractor shall be engaged to undertake the landscaping on Council land to Council requirements. The contractor shall be engaged for a minimum period of 26 weeks from final completion of landscaping for maintenance and defects liability, replacing plants in the event of death, damage, theft or poor performance in accordance with the Landscape Plan of Management prepared by UNSW and received by Council 23 July 2010.
 - (e) At the completion of landscaping, the Applicant is required to obtain a Certificate of Compliance from the Landscape Consultant to certify that the landscaping has been installed in accordance with the Council approved landscape plan. The Certificate is to be submitted to the City of Botany Bay Council prior to use and occupation of the premises.
- 42 To ensure satisfactory growth and maintenance of the turf fields and landscaping, the existing borewater irrigation system is to be made good to the turf fields and adjacent landscape areas by a suitably qualified landscape contractor, prior to use and occupation of the premises. The irrigation system shall comply with the relevant Australian Standards, and be maintained in working order at all times.
- 43 Rigid polyethylene sheet type tree root barriers shall be installed on the inside edge of the Water Sensitive Urban Design (WSUD) planters in the Banks Avenue road carriageway to a min. depth of 900mm. Root deflectors/directors surrounding the rootball of the tree are not permitted. The Applicant is required to contact Council's Landscape Architect for an inspection of the root barriers prior to backfilling with soil/aggregate. A secondary inspection of the WSUD planters by Council's Landscape Architect and Engineer is required after backfilling and prior to planting out.
- 44 It is a condition of this consent that when the existing boundary fencing to Gwea Avenue frontage is to be replaced, the Applicant must ensure that the replacement fencing is consistent and in keeping with the metal palisade fencing installed along Banks Avenue frontage of the development site.
- 45 During construction work the Council nature strips in Banks and Gwea Avenue and the frontage to Astrolabe Park shall be maintained in a clean and tidy state at all times and shall be suitably repaired and/or replaced by the Applicant (UNSW) in accordance with Council Specifications at the completion of construction work and prior to the use and occupation of the premises.
- 46 The Applicant being informed that this approval shall be regarded as being otherwise in accordance with the information and particulars set out and described in the Development Application registered in Council's records as Development Application No. 10/175 dated as 17 December 2009 and that any alteration, variation, or extension to the use, for which approval has been given, would require further Approval from Council.

Certified Mr Rodger Dowsett.....
 Director - Planning and Development