

Wollongong Local Planning Panel Assessment Report | 18 July 2023

WLPP No.	Item No. 3
DA No.	DA-2023/249
Proposal	Recreation facility - demolition of existing three (3) lane cricket net facility, relocation of three (3) trees and construction of five (5) lane cricket net facility with internal retractable netting
Property	Keira Village Park Keira Mine Road MOUNT KEIRA NSW 2500
Applicant	Keira Cricket Club
Responsible Team	Development Assessment and Certification - City Wide Team (EM)

ASSESSMENT REPORT AND RECOMMENDATION

Executive Summary

Reason for consideration by Local Planning Panel

The proposal has been referred to the Local Planning Panel for Determination pursuant to clause 2.19(1)(a) of the Environmental Planning and Assessment Act 1979. Under Clause 1(a) of Schedule 2 of the Local Planning Panels Direction of 30 June 2020, development is proposed on Community Land owned by Council.

Proposal

The proposal involves the demolition of an existing three (3) lane cricket net facility, the relocation of three (3) trees and construction of a five (5) lane new cricket net facility with internal retractable netting

Permissibility

The site is zoned RE1 Public Recreation pursuant to Wollongong Local Environmental Plan 2009. The proposal is categorised as a structure ancillary to a recreation facility use and is permissible in the zone with development consent.

Consultation

The proposal was exhibited in accordance with Council's Community Participation Plan between 3 May 2023 and 17 May 2023 with no public submissions received.

Referrals

Council's Geotech, Property Management, Recreation, Environment, Community Land, Development Engineering, Contributions and Landscape Officers have provided conditionally satisfactory referrals.

Main Issues

There are no significant issues arising from the assessment of the proposal.

RECOMMENDATION

DA-2023/249 be approved subject to the conditions at Attachment 4

1 APPLICATION OVERVIEW

Planning controls and compliance

The following planning controls apply to the proposal:

State Environmental Planning Policies:

- State Environmental Planning Policy (Resilience and Hazards) 2021
- State Environmental Planning Policy (Biodiversity and Conservation) 2021
- State Environmental Planning Policy (Industry and Employment) 2021

Local Environmental Planning Policies:

- Wollongong Local Environmental Plan (WLEP) 2009

Development Control Plans:

- Wollongong Development Control Plan 2009

Other policies

- Wollongong City Wide Development Contributions Plan
- Wollongong Community Participation Plan 2019
- Community Land Plan of Management for Council Owned Land 2022

The proposal is satisfactory with regard to the applicable planning controls as discussed in the body of this report.

1.1 DETAILED DESCRIPTION OF PROPOSAL

The proposal is for the following:

- Demolition of an existing, three lane cricket net facility
- Relocation of three trees
- Construction of a five-lane cricket net facility with internal retractable netting

1.2 BACKGROUND

Application Number	Description	Decision	Determined
ES-2015/30	Fire Safety (Essential Services) Licence	Determined	2 March 2023
DE-2018/127	Liquor Licence Exemption – Sporting Event – Old Boys Day	Determined	8 August 2018
DE-2019/45	Liquor Licence exemption form – Uni Bulldogs AFL Sporting Event	Determined	5 April 2019
DE-2019/120	Liquor Licence – Keir Cricket Club – Sporting Event	Determined	14 October 2019
RO – 2022/13	Open and/or Occupy Roadway / Footpath	Determined	20 January 2022

No pre-lodgement meeting was held for the proposal.

Customer service actions

There are no outstanding customer service requests of relevance to the development.

1.3 SITE DESCRIPTION

The site is 5.927ha and located at Keira Village Park Keira Mine Road MOUNT KEIRA and the title reference is Lot 100 DP 1226975. The site contains an existing cricket net development, oval and ancillary facilities and is currently utilised by local sport and community groups. The site is irregular in shape and relatively flat.

The locality is characterised by an educational establishment Edmund Rice College to the south, and residential dwelling houses to the east, north and west.

The property is owned by Council and is categorised as Community Land.

Property constraints

Council records identify the land as being impacted by the following constraints:

- Flooding: The site is identified as being located within an uncategorised flood risk precinct. The proposal does not represent an increased risk to life or property in regard to flooding.
- Riparian land: The area is mapped on the subject site; however, the proposed development is not considered to adversely impact on that land.

There are no restrictions on the title.



Figure 1: Aerial photograph

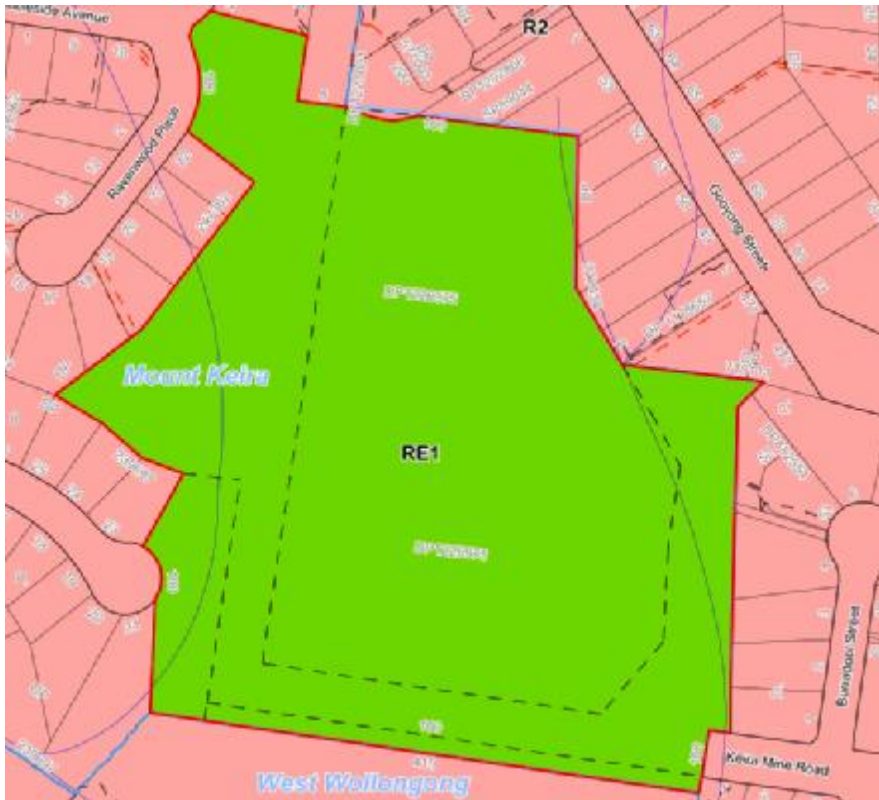


Figure 2: WLEP 2009 zoning map

1.4 SUBMISSIONS

The proposal was exhibited in accordance with Council's Community Participation Plan between 3 May 2023 and 17 May 2023 with no public submissions received.

1.5 CONSULTATION

1.5.1 INTERNAL CONSULTATION

Referrals

Council's Geotech, Property Management, Recreation, Environment, Community Land, Development Engineering, Contributions and Landscape Officers have provided conditionally satisfactory referrals.

1.5.2 EXTERNAL CONSULTATION

None required

2 ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979

2.1 SECTION 4.15(1)(A)(1) ANY ENVIRONMENTAL PLANNING INSTRUMENT

1.7 Application of Part 7 of Biodiversity Conservation Act 2016 and Part 7A of Fisheries Management Act 1994

This Act has effect subject to the provisions of Part 7 of the Biodiversity Conservation Act 2016 and Part 7A of the Fisheries Management Act 1994 that relate to the operation of this Act in connection with the terrestrial and aquatic environment.

NSW BIODIVERSITY CONSERVATION ACT 2016

Section 1.7 of the Environmental Planning and Assessment Act 1979 (EP&A Act) provides that Act has effect subject to the provisions of Part 7 of the Biodiversity Conservation Act 2016 (BC Act).

Part 7 of the BC Act relates to Biodiversity assessment and approvals under the EP&A Act where it contains additional requirements with respect to assessments, consents and approvals under this Act.

Clause 7.2 of the Biodiversity Conservation Regulation 2017 provides the minimum lot size and area threshold criteria for when the clearing of native vegetation triggers entry of a proposed development into the NSW Biodiversity offsets scheme. Where there is no minimum lot size - as is the case for the subject site - the actual lot size applies.

For the subject site, entry into the offset scheme would be triggered by clearing of an area greater than 0.5 hectares based upon the actual lot size of the land as per above.

Three small trees are proposed to be relocated for the development. As such, the proposal does not exceed the clearing threshold and therefore does not trigger the requirement for a biodiversity offset scheme. Whilst the club proposed relocation of the three small trees, Council's Environment and Landscape officers have provided satisfactory referral advice for removal instead, with draft conditions relating to compensatory planting included.

2.1.1 STATE ENVIRONMENTAL PLANNING POLICIES

2.1.2 STATE ENVIRONMENTAL PLANNING POLICY (BIODIVERSITY AND CONSERVATION) 2021

The State Environmental Planning Policy (Biodiversity and Conservation) 2021 applies to the Wollongong Local Government Area, identified as being in the South Coast koala management area.

4.9 Development assessment process—no approved koala plan of management for land

There is no approved koala plan of management applying to the land, and the land has an area of at least 1 hectare (including adjoining land within the same ownership). As such, Clause 4.9 applies to the land. Three small trees are proposed for removal. These are relatively newly planted and do not have a diameter at breast height over bark of more than 10 centimetres. It is considered that the Panel can be satisfied that the development is likely to have low or no impact on koalas or koala habitat.

2.1.3 STATE ENVIRONMENTAL PLANNING POLICY (RESILIENCE AND HAZARDS) 2021

Chapter 4 Remediation of land

4.6 Contamination and remediation to be considered in determining development application

A desktop audit via Council's land information system database for property constraints and previous uses was undertaken to understand the likelihood of contamination issues.

The audit revealed previous stormwater works undertaken by Council in 2022 to the east of the proposed practice nets revealed asbestos within the soil. Containment cells were established on site to the east of the proposed nets. Contaminated materials are not expected within the proposed works area and only very minor excavation is required to install footings for the post supports. The geotechnical report did not indicate the presence of any contamination. However, draft conditions in relation to unexpected finds protocols and waste classification of excess soils have been included by Council's Environment officer so that the Panel as the determining authority can be satisfied that clause 4.6 matters are satisfied.

2.1.4 WOLLONGONG LOCAL ENVIRONMENTAL PLAN 2009

Clause 1.4 Definitions

Recreation area means a place used for outdoor recreation that is normally open to the public, and includes—

- (a) a children's playground, or

- (b) an area used for community sporting activities, or
- (c) a public park, reserve or garden or the like,

and any ancillary buildings but does not include a recreation facility (indoor), recreation facility (major) or recreation facility (outdoor).

Community land has the same meaning as in the Local Government Act 1993.

Part 2 Permitted or prohibited development

Clause 2.2 – zoning of land to which Plan applies

The zoning map identifies the land as being zoned RE1 Public Recreation.

Clause 2.3 – Zone objectives and land use table

The objectives of the zone are as follows:

- *To enable land to be used for public open space or recreational purposes.*
- *To provide a range of recreational settings and activities and compatible land uses.*
- *To protect and enhance the natural environment for recreational purposes.*
- *To cater for the development of a wide range of uses and facilities within open spaces for the benefit of the community.*

The proposal is satisfactory with regard to the above objectives.

The land use table permits the following uses in the zone.

Aquaculture; Boat sheds; Camping grounds; Caravan parks; Centre-based child care facilities; Community facilities; Environmental facilities; Environmental protection works; Extensive agriculture; Helipads; Information and education facilities; Kiosks; Markets; Recreation areas; Recreation facilities (indoor); Recreation facilities (major); Recreation facilities (outdoor); Respite day care centres; Restaurants or cafes; Roads; Signage; Take away food and drink premises; Water recreation structures

The proposal is categorised as a structure ancillary to a recreation area use as defined above and is permissible in the zone with development consent.

Clause 2.7 – Demolition requires development consent

The proposal seeks consent for the demolition of an existing cricket net facility. Draft conditions have been recommended in relation to demolition matters.

Part 4 Principal development standards

Clause 4.3 Height of buildings

The proposed building height of 3m does not exceed the maximum of 9m permitted for the site.

Clause 4.4 Floor space ratio

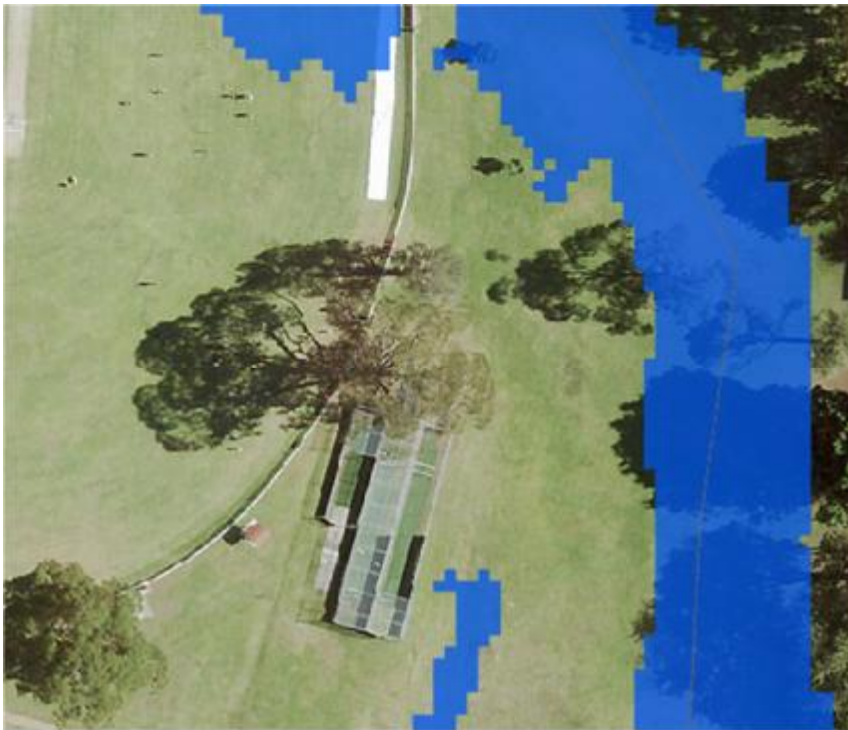
There is no maximum floor space ratio applicable to the site, and the development does not propose additional gross floor area.

Part 5 Miscellaneous provisions

Clause 5.21 Flood planning

The site is identified as being located within an uncategorised flood risk precinct. The area of the proposed cricket nets is within the Fairy Cabbage Catchment, with Council's 2020 flood study indicating that the area of the nets is outside of the mapped 1% AEP flood extent.

The proposal does not represent an increased risk to life or property regarding flooding, and is not expected to adversely impact on flood behaviour. Council's Development Engineers have provided a satisfactory referral.



Part 7 Local provisions – general

Clause 7.1 Public utility infrastructure

The proposal does not require further provision of public utility infrastructure.

Clause 7.2 Natural resource sensitivity – biodiversity

Council records indicate the site is partially affected by "Natural Resource Sensitivity – Biodiversity", however the works are not within the vicinity of the mapped vegetation. The application was referred to Council's Environment officer to assess likely impacts of the proposal in this regard and no objection was raised.



Clause 7.4 Riparian lands

Riparian lands are mapped on the subject site; however, the proposed development is not considered to adversely impact on that land.



Clause 7.6 Earthworks

The proposal comprises only minor earthworks for post footings.

2.2 SECTION 4.15(1)(A)(II) ANY PROPOSED INSTRUMENT

None applicable.

2.2.1 WOLLONGONG CITY WIDE DEVELOPMENT CONTRIBUTIONS PLAN

The estimated cost of works is \$353,000.00 and would normally attract a contributions levy of 1%. However, as the application is for community infrastructure, the applicant provided a written submission under 15 (i) of the Contributions Plan, requesting an exemption for privately funded community infrastructure. The request was referred to Council's Contributions Officer for consideration, and the request was supported.

2.3 SECTION 4.15(1)(A)(IIIA) ANY PLANNING AGREEMENT THAT HAS BEEN ENTERED INTO UNDER SECTION 7.4, OR ANY DRAFT PLANNING AGREEMENT THAT A DEVELOPER HAS OFFERED TO ENTER INTO UNDER SECTION 7.4

There are no planning agreements entered into or any draft agreement offered to enter into under S7.4 which affect the development.

2.4 SECTION 4.15(A)(IV) THE REGULATIONS (TO THE EXTENT THAT THEY PRESCRIBE MATTERS FOR THE PURPOSES OF THIS PARAGRAPH)

Environmental Planning and Assessment Regulation 2021

6 Determination of BASIX development

The proposal is not BASIX affected development.

61 Additional matters that consent authority must consider

Draft conditions are recommended with regard to demolition works.

62 Consideration of fire safety

No change of use proposed.

63 Considerations for erection of temporary structures

Not applicable.

2.5 SECTION 4.15(1)(B) THE LIKELY IMPACTS OF DEVELOPMENT

The proposal has been assessed in relation to the applicable planning controls, internal referrals and community consultation and is acceptable having regard to the likely impacts.

Context and Setting:

The proposal is not expected to have unreasonable impacts on the context and setting of the surrounding area and is an appropriate development for the site. The proposal is consistent with the existing and desired future character of the Mt Keira area in terms of design and consistency with the endorsed Master Plan and Plan of Management.

Access, Transport and Traffic:

The proposal is not envisaged to contribute to unreasonable traffic flows from the site or create negative impacts on the local road network or pedestrian facilities in the locality.

Public Domain:

The proposal is not expected to have unreasonable adverse impacts on the public domain.

Utilities:

The proposal is not envisaged to place an unreasonable demand on utilities supply. Existing utilities are adequate to service the proposal.

Heritage:

No heritage items will be impacted by the proposal.

Other land resources:

The proposal is considered to contribute to orderly development of the site and is not envisaged to impact upon any valuable land resources.

Water:

The proposal is not envisaged to have unreasonable water consumption.

Soils:

A draft unexpected finds protocol condition with respect to land contamination has been included in the consent, as have a number of draft conditions relating to soil erosion and sediment control. Subject to the implementation of these requirements, adverse impacts are not expected on soils.

Air and Microclimate:

The proposal is not expected to have any negative impact on air or microclimate.

Flora and Fauna:

The proposal involves the removal of 3 small trees. Council's Environment Officer and Landscape Architect have assessed the proposed tree removal and advised that the tree removal is not considered to result in adverse impacts on biodiversity in the area. Draft conditions are recommended for compensatory plantings.

Waste:

A draft condition has been included to ensure that an appropriate receptacle be in place for any waste generated during the construction.

Energy:

The proposal is not envisaged to have unreasonable energy consumption.

Noise and vibration:

A draft condition has been included to ensure that nuisance will be minimised during demolition and construction works.

Natural hazards:

There are no natural hazards affecting the site that would prevent the proposal.

Technological hazards:

There are no technological hazards affecting the site that would prevent the proposal.

Safety, Security and Crime Prevention:

This application is unlikely to result in any opportunities for criminal or antisocial behaviour.

Social Impact:

The proposal is not expected to result in negative social impacts.

Economic Impact:

The proposal is not expected to create negative economic impact.

Site Design and Internal Design:

The application does not result in departures from development standards or Council's development control plans.

Construction:

Draft conditions are recommended in relation to construction impacts such as hours of work, erosion and sedimentation controls, works in the road reserve, excavation, demolition and use of any crane, hoist, plant or scaffolding.

Cumulative Impacts:

The proposal is not expected to have negative cumulative impacts.

2.6 SECTION 4.15(1)(C) THE SUITABILITY OF THE SITE FOR THE DEVELOPMENT

Does the proposal fit in the locality?

The proposal is considered appropriate with regard to the zoning and current use of the site and is not expected to have negative impacts on the amenity of the locality or adjoining developments.

Are the site attributes conducive to development?

There are no site constraints that would prevent the proposal.

2.7 SECTION 4.15(1)(D) ANY SUBMISSIONS MADE IN ACCORDANCE WITH THIS ACT OR THE REGULATIONS

No submissions were received following notification.

2.8 SECTION 4.15(1)(E) THE PUBLIC INTEREST

The application is not expected to result in unreasonable impacts on the environment or the amenity of the locality. It is considered appropriate with consideration to the zoning and the character of the area and is therefore considered to be in the public interest.

Community Land Plan of Management (POM) for Council Owned Land – Adopted by Council March 2022

The POM for Council Owned Land identifies key attributes and key actions and projects to be undertaken in the area. It should be noted that the area subject of this development application is owned by Council and categorised as community land, and a Sportsground and Park. The proposal is consistent with the objectives in these action plans. A referral to Council's Community Land Officer was undertaken for comments

The 2022 Community Land Plan of Management (PoM) for Council Owned Land applies to all of Keira Village Park. The land is classified as community land under the LG Act 1993. Keira Village Park is categorised as a mix of Sportsground (for the cricket oval and clubhouse), Natural Area Bushland (for an area adjoining Parkman Place to the west of the cricket oval) and Park (for the remainder of the area, including the existing nets). The area occupied by the nets has always been categorised as "Park". The nets have been within Keira Village Park since at least 1986/87.

Expanding the nets from 3 to 5 within the area categorised as Park is permissible under the PoM as both a use and a development: "Active Uses... includes sporting activities" (pages 37,38) and as "Development for... informal sporting activities such as junior sports training" (page 48) for both Park and Sportsground community land categories.

A lease or a licensing of the nets to the cricket club beyond a casual booking would require a change in community land category to sportsground as occurred with the new club house was built and licensed sometime between 2016 and 2018.

The proposal is also considered to be consistent with the management objectives and outcomes outlined within the POM.

The proposal provides for additional recreational activities. The proposal will increase sportsground capacity and renew and enhance existing sports facility infrastructure with no conflict with the use of the site. Leases and licencing arrangements associated within the site are conditioned for and are a matter for separate consideration by Council's Property Department.

3 CONCLUSION

This application has been assessed as satisfactory having regard to the Heads of Consideration under Section S4.15(1) of the Environmental Planning and Assessment Act 1979, the provisions of Wollongong Local Environmental Plan 2009, Wollongong Development Control Plan 2009 and all relevant Council Codes and Policies. The proposal is considered supportable in the current form.

4 RECOMMENDATION

DA-2023/249 be approved subject to the conditions at Attachment 4

5 ATTACHMENTS

- 1 Plans
- 2 Site Inspection Photos
- 3 WDCP 2009 Compliance table
- 4 Draft Conditions



LEGEND

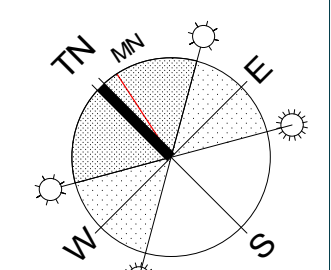
REV.	DESCRIPTION	DATE
A	FOR REVIEW	21.07.20
B	DEVELOPMENT APPLICATION	02.03.23

WOLLONGONG
T 02 4226 3600
NOWRA
T 02 4421 6822
BATEMANS BAY
T 02 4472 7388
W www.ej.com.au
PROJECT
Proposed Keira Cricket Club
Master Plan
CLIENT
Keira Cricket Club
SITE
Keira Mine Road, Keiraville, NSW
2500
DRAWING
LANDSCAPE MASTER PLAN

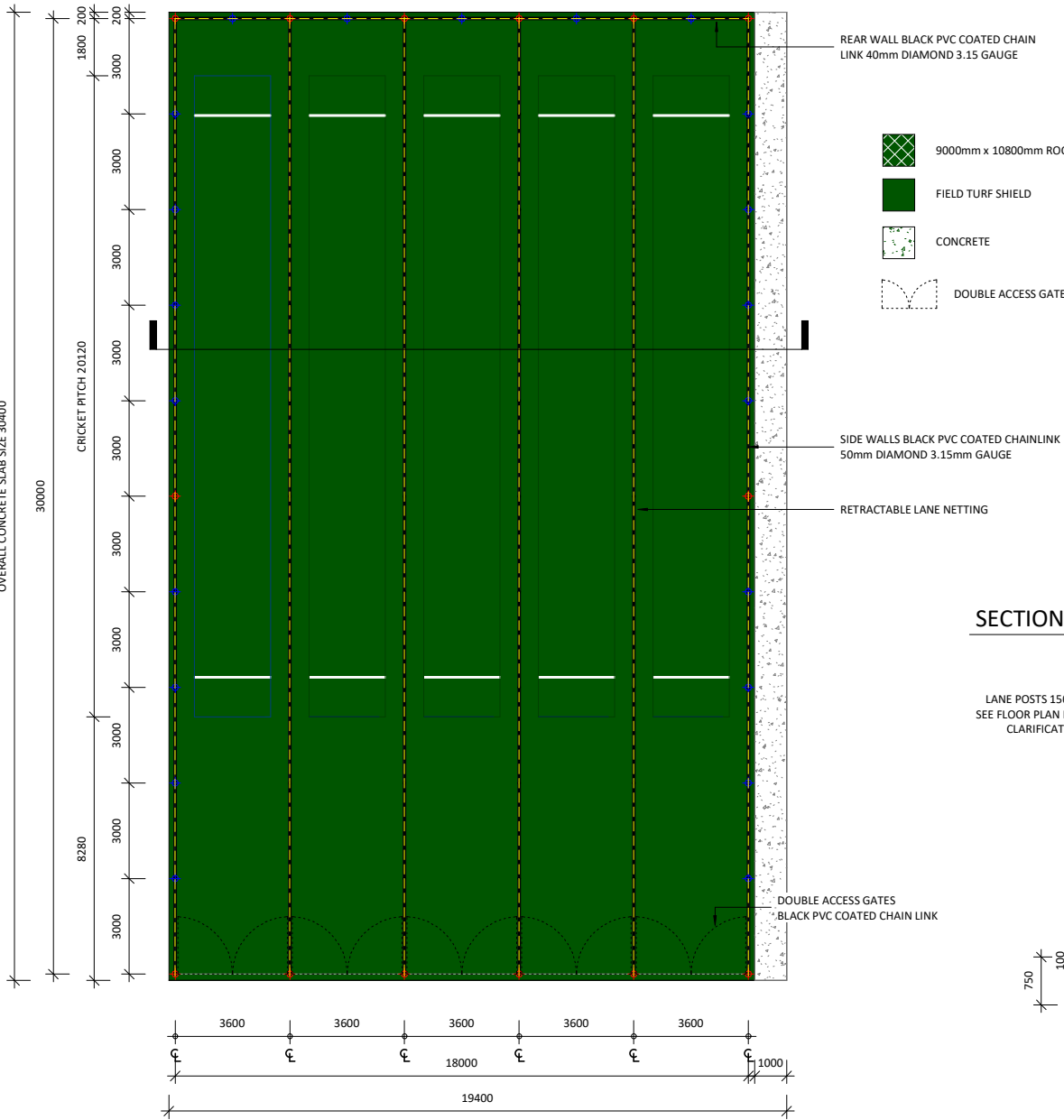


20-0022
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DATE 02.03.23
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CHECKED GB

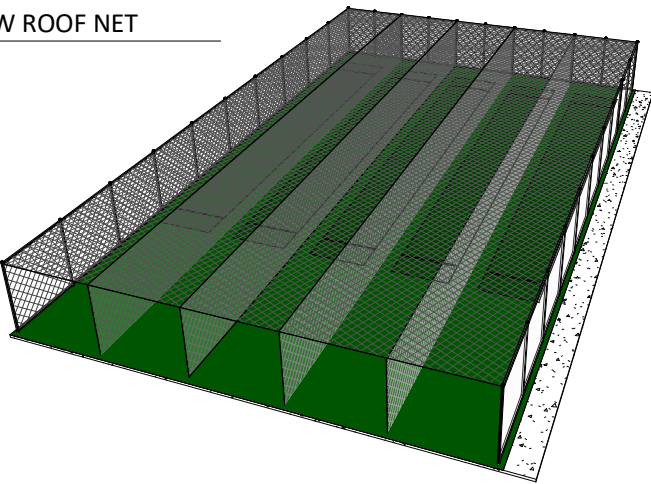
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REV. B
No. IN SET 1 OF 1



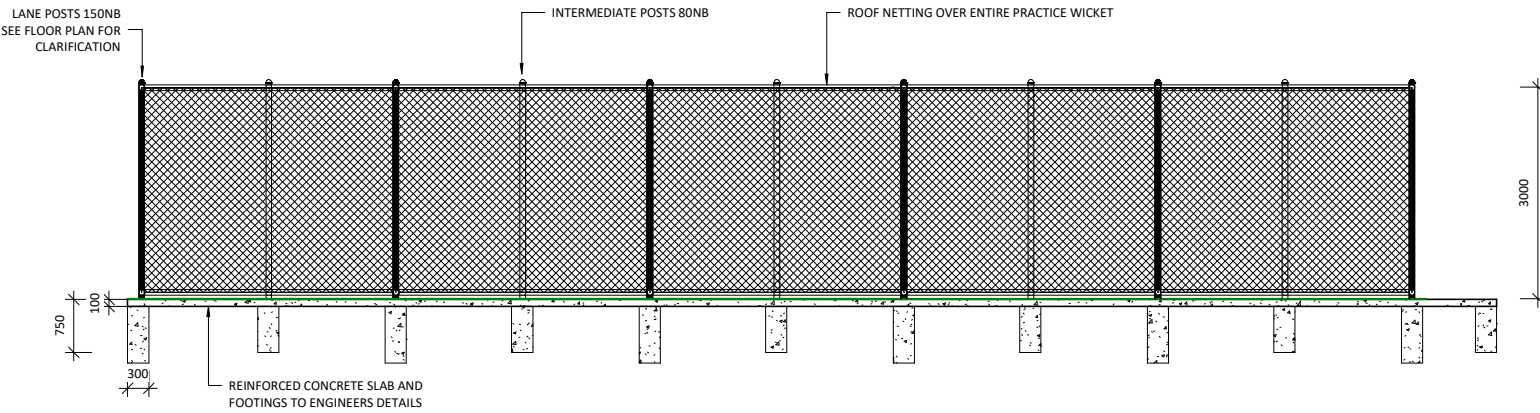
FLOOR PLAN



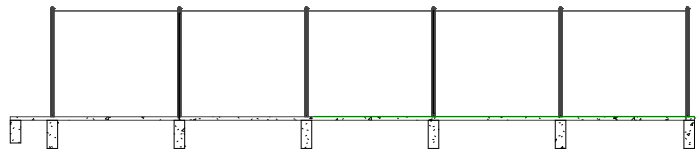
3D VIEW ROOF NET



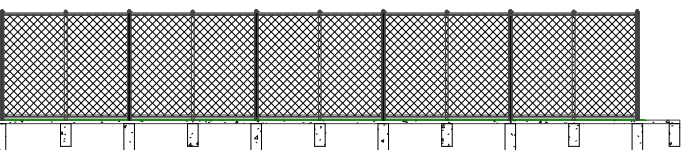
SECTION VIEW



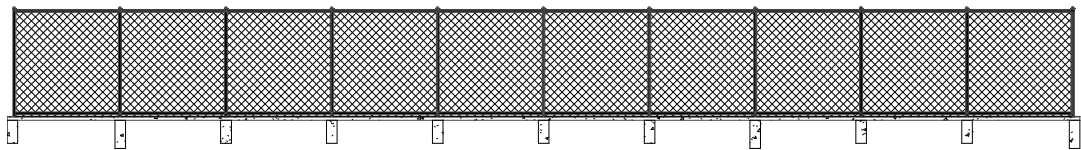
FRONT ELEVATION



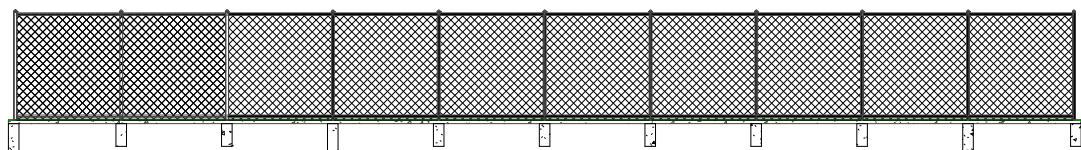
REAR ELEVATION



SIDE ELEVATION - RIGHT

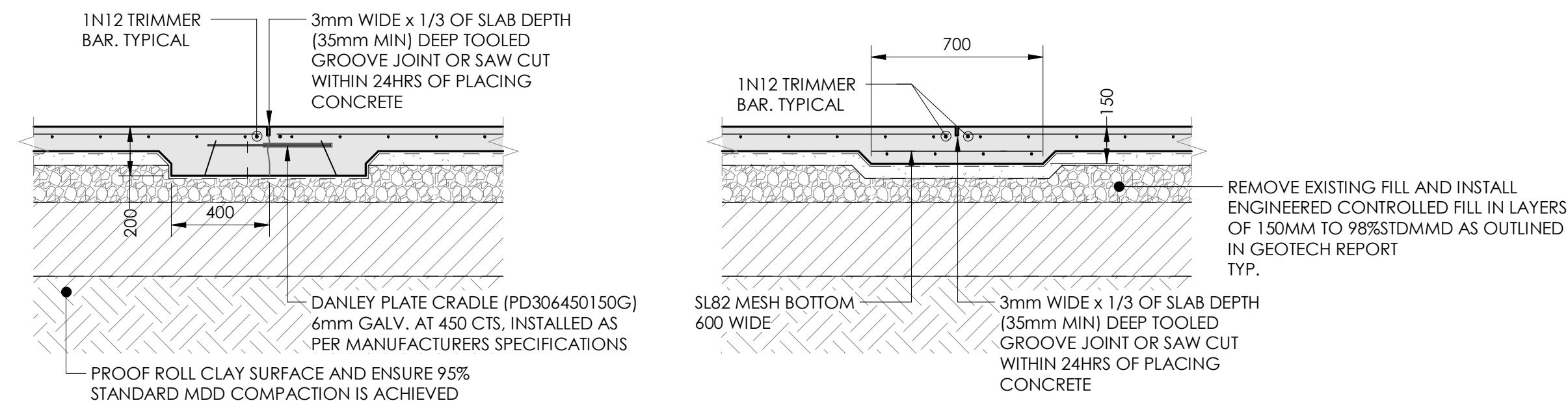
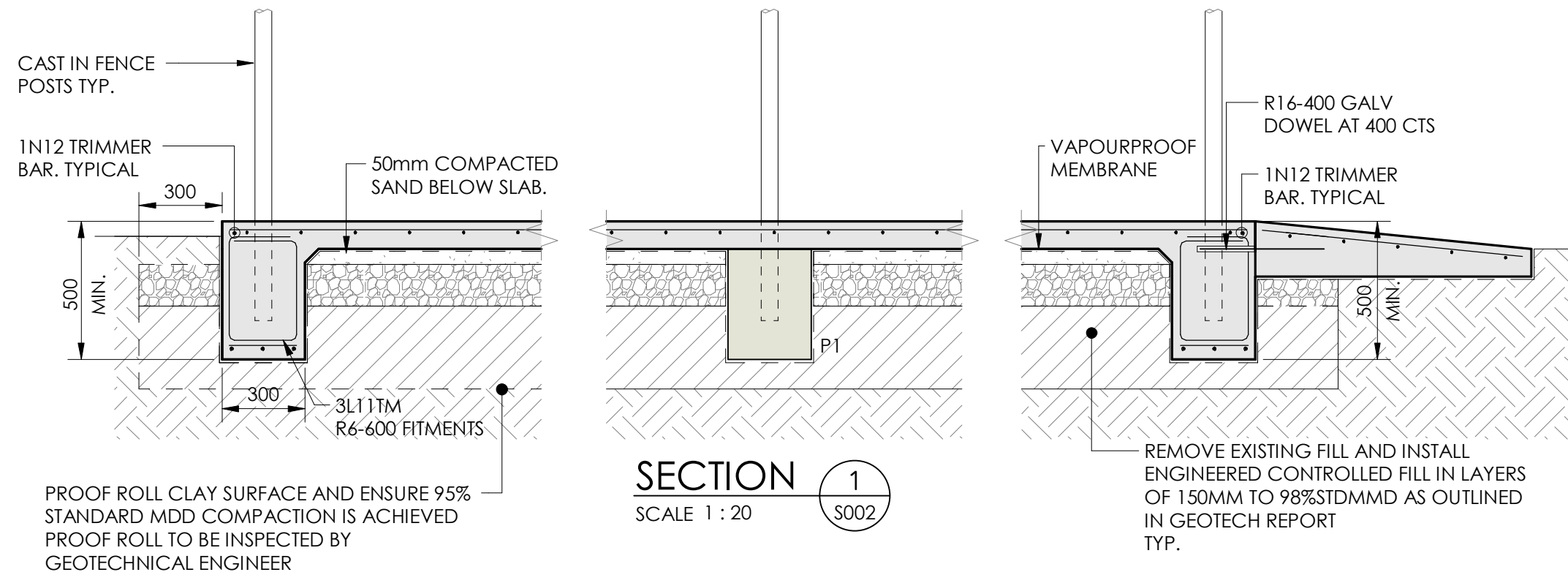
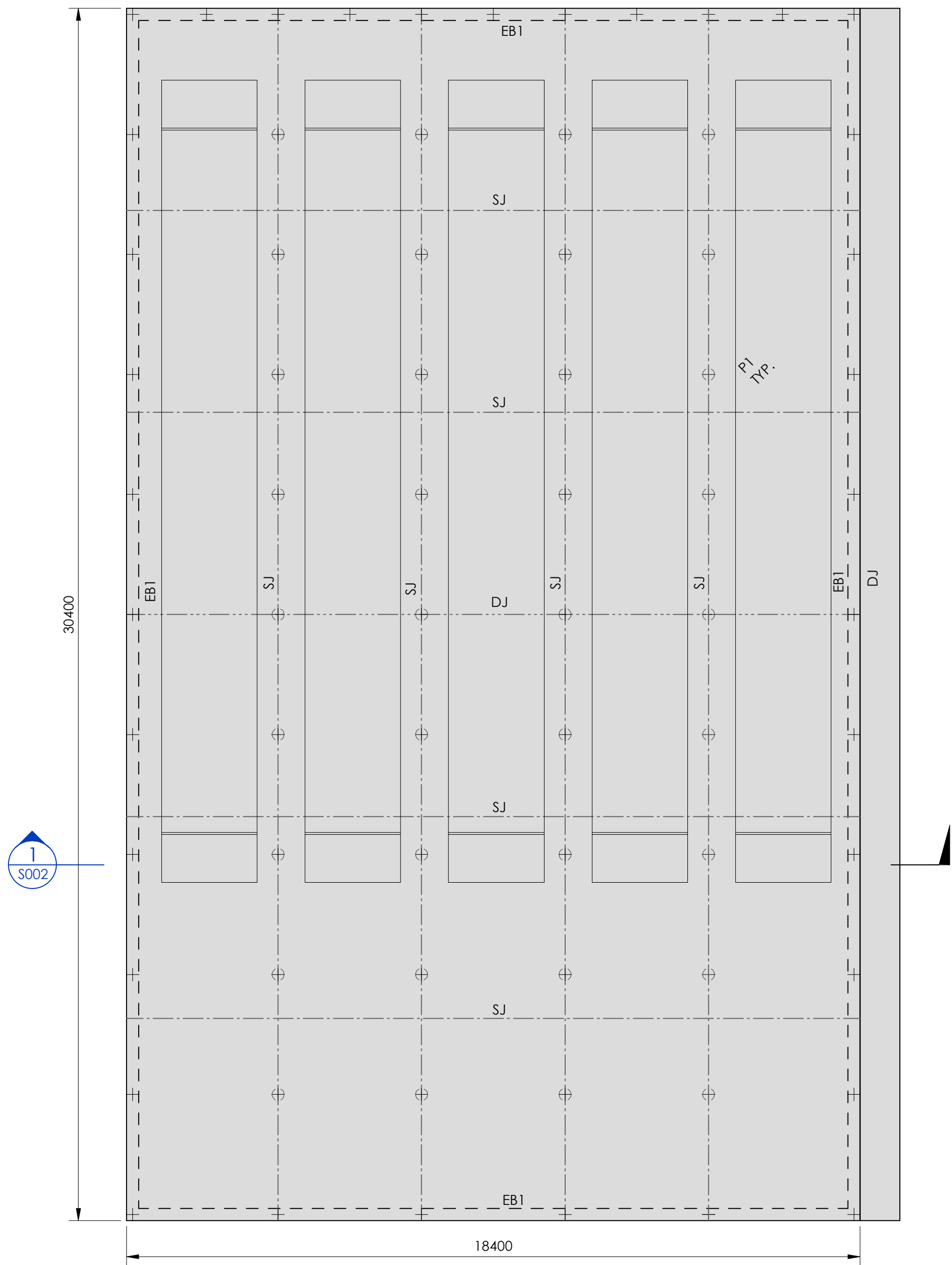


SIDE ELEVATION - LEFT



REVISION SCHEDULE		
Date	Rev	Description
12/11/22	A	Initial floor plans & elevations issued for client review

CLIENT KEIRA CRICKET CLUB INC.	
PROJECT 5 LANE PRACTICE WICKET	
ADDRESS KEIRA VILLAGE PARK KEIRA MINE ROAD, MOUNT KEIRA NSW 2500	
DRAWING TITLE FENCE SETOUT	
DATE: 12/11/22	DRAWN BY: JM - J9DESIGN
SCALE: As indicated@A1	PROJECT No: 3 LANE 30m
REVISION: A	DWG No J9-412-01
 Dynamic Sports Facilities Australia Licence Number 243497C Unit A, 5 Slegewick Place Moss Vale NSW 2577 1300 653 130 www.dsfa.com.au	



DOWELLED JOINT 'DJ' SAW CUT JOINT 'SJ'

TYPICAL SLAB JOINT DETAILS

SCALE 1 : 20

GROUND FLOOR PLAN

SCALE 1 : 100

1. PROVIDE 1% MINIMUM FALL FOR DRAINAGE OFF CONCRETE SLAB.
2. STRUCTURAL SIZES SHOWN ARE THE MINIMUM ALLOWABLE THICKNESS
3. ALL SLABS TO BE 100mm THICK POURED ON A VAPOUR BARRIER NOMINAL SAND BLINDING ON WELL COMPACTED GROUND U.N.O.
4. ALL SLABS TO BE REINFORCED WITH SL82 FABRIC TOP THROUGHOUT U.N.O.
5. SAWCUTS TO BE AT A MAXIMUM SPACING OF 6.5m CENTRES.
6. EXCAVATE EXISTING SILTY TOPSOIL AND EXISTING UNCONTROLLED FILL AS OUTLINED IN GEOTECH REPORT.
7. PROOF ROLL COMPLETE SURFACE AND PREPARE SURFACE TO ACHIEVE MINIMUM 95% STANDARD COMPACTION. PROOF ROLL TO BE INSPECTED BY GEOTECHNICAL ENGINEER.
8. INSTALL ENGINEERED CONTROLLED FILL IN MAX 150mm LAYERS WITH MIN 98% STANDARD MDD IN ACCORDANCE TO GEOTECH REPORT.
9. PROVIDE 150mm BASE COURSE COMPRISING OF DGB20 ROADBASE COMPACTED TO 98% STANDARD MDD.
10. PROVIDE 50mm COMPACTED SAND BELOW SLAB.
11. ENSURE WELL DRAINED SITE AND NO PONDING OF STORMWATER OCCURS AROUND SLAB.
12. + - DENOTES FENCE POSTS LOCATIONS.

STRUCTURAL RAFT FOOTING SCHEDULE						
TAG	TYPE	WIDTH	DEPTH	REO BTM	REO TOP	REO TIES
EB1	EXTERNAL	300	500	3L11TM	-	R6-600

STRUCTURAL PIER SCHEDULE		
TAG	DIAMETER	COMMENTS
P1	300	800 DEEP, INSTALLED AT FENCE POST LOCATIONS



CLIENT
Dynamic Sports Facilities

STATUS
PRELIMINARY

THIS DOCUMENT IS ISSUED BY JONES NICHOLSON Pty. Ltd. (ABN 51 003 316 032) AND IS SUBJECT TO THE RELEVANT CONTRACT BETWEEN JONES NICHOLSON Pty. Ltd. AND ITS CLIENT. THE CONCEPTS AND INFORMATION CONTAINED IN THE DOCUMENT ARE THE COPYRIGHT OF JONES NICHOLSON Pty. Ltd. USE OR COPYING OF THE DOCUMENT WITHOUT WRITTEN PERMISSION OF JONES NICHOLSON Pty. Ltd. CONSTITUTES AN INFRINGEMENT OF COPYRIGHT.

DISCIPLINE
STRUCTURAL DESIGN

DRAWING TITLE
GROUND FLOOR PLAN

PROJECT
New Cricket Wicket Structure

ADDRESS
Keira Village Park, 2 Keira Mine Road MT KIERA NSW 2500

PROJECT DETAILS
DESIGN N.J.
DRAWN W.G.
DATE JAN '23
DRG SIZE A1
SCALE As indicated
PROJECT N.J.
MGR
WWW.JN.COM.AU

N0230043
S002 A

ATTACHMENT 2



Figure 1: Existing cricket nets, facing north



Figure 2: View adjacent to existing cricket nets, facing north-west



Figure 3: Existing cricket nets and proposed location of new nets



Figure 4: Three trees proposed for removal

CHAPTER A1 – INTRODUCTION

8 Variations to development controls in the DCP

None proposed

CHAPTER A2 – ECOLOGICALLY SUSTAINABLE DEVELOPMENT

Development controls to improve the sustainability of development throughout Wollongong are integrated into the relevant chapters of this DCP.

Generally speaking, the proposal is considered to be consistent with the principles of Ecologically Sustainable Development.

CHAPTER D1 – CHARACTER STATEMENTS

Mount Keira

The proposal is considered to be consistent with the existing and desired future character for the locality.

CHAPTER E1: ACCESS FOR PEOPLE WITH A DISABILITY

The development is required to comply with the disability provisions of the National Construction Code, and verification of compliance occurs at Construction Certificate stage. No external and/or additional access to recreation area is proposed; all access is through the existing entries and exits.

CHAPTER E2: CRIME PREVENTION THROUGH ENVIRONMENTAL DESIGN

The proposal has been designed with regard to CPTED Principles and is considered to be generally consistent with the objectives of this chapter. Councils Environment Officer have reviewed the application and indicated no objection to the proposed works. Conditions are recommended with regard to lighting of the site and landscaping selection.

CHAPTER E3: CAR PARKING, ACCESS, SERVICING/LOADING FACILITIES AND TRAFFIC MANAGEMENT

The application proposes no additional parking or access points. The proposal is not expected to increase traffic

CHAPTER E6: LANDSCAPING

Councils Landscape Architect has reviewed the application submission and indicated no objections to the proposal subject to conditions. Adequate landscaped area is to be retained and no objections to the removal of the 3x trees have been identified. Compensatory planting has been recommended.

CHAPTER E7: WASTE MANAGEMENT

The proposal involves demolition of the existing cricket nets. Standard conditions of consent are recommended.

CHAPTER E12 GEOTECHNICAL ASSESSMENT

The application has been reviewed by Council's Geotechnical Engineer in relation to site stability and the suitability of the site for the development. Appropriate conditions have been recommended.

CHAPTER E13 FLOODPLAIN MANAGEMENT

The site is identified as being located within an uncategorised flood risk precinct. The area of the proposed cricket nets is within the Fairy Cabbage Catchment, with Council's 2020 flood study indicating that the area of the nets is outside of the mapped 1% AEP flood extent.

The proposal does not represent an increased risk to life or property in regard to flooding, and is not expected to adversely impact on flood behaviour. Council's Development Engineers have provided a satisfactory referral.

CHAPTER E14 STORMWATER MANAGEMENT

Stormwater is proposed to be disposed of to existing stormwater system.

CHAPTER E17 PRESERVATION AND MANAGEMENT OF TREES AND VEGETATION

The proposal involves the removal of 3x trees. Councils Environment Officers & Landscape Officers have assessed the proposal against the provisions of this clause and advised that the removal of the nominated trees are not considered to result in adverse impacts on biodiversity in the area. These are expected to be re-planted on site. Conditions are recommended in this regard.

CHAPTER E21 DEMOLITION AND HAZARDOUS BUILDING MATERIALS MANAGEMENT

Standard demolition conditions of consent are recommended.

ATTACHMENT 4 - DRAFT CONDITIONS FOR: DA-2023/249

For Office Use Only – Do Not Mail

Consent has been granted subject to the following conditions:

1. Approved Plans and Supporting Documentation

Development must be carried out in accordance with the following approved plans and supporting documentation (stamped by Council), except where the conditions of this consent expressly require otherwise.

Plan No	Revision No	Plan Title	Drawn By	Dated
A01	B	Landscape Master Plan	Edmiston Jones Pty Ltd	2 March 2023
J9-412-01	A	Fence Setout	J9DESIGN	12 November 2022
S002	A	Ground Floor Plan	Jones Nicholson Pty Ltd	3 February 2023

In the event of any inconsistency between the approved plans and the supporting documentation, the approved plans prevail. In the event of any inconsistency between the approved plans and a condition of this consent, the condition prevails.

Note: an inconsistency occurs between an approved plan and supporting documentation or between an approved plan and a condition when it is not possible to comply with both at the relevant time.

General Conditions

2. Tree Retention/Removal

This consent permits the removal of trees as indicated on the Landscape Master Plan prepared by Edmiston Jones Pty Ltd dated 2/3/23. No other trees shall be removed without prior written approval of Council.

3. Geotechnical Conditions

- Earthworks are to be undertaken in accordance with AS3798 Guidelines on Earthworks for Commercial and Residential Developments.
- At the completion of site preparation earthworks, the geotechnical consultant is to prepare a works-as-executed report detailing encountered geotechnical conditions and how the remedial works addressed these conditions so that the residual geotechnical constraints can be accommodated within the structural designs for the development.
- Foundation systems are then to be designed for Class H or P soils. Other foundation systems may be acceptable if supported by the geotechnical advice.

4. Property Management Conditions

- The proposed net structure is outside the current licenced area that Keira Cricket Club has with Council.
- The Club accepts all maintenance and replacement responsibility for the proposed new equipment.
- The proposed works must be completely funded by the grant being applied for.
- Council as landowner reserves the right to review and approve any specifications, proposed works methodology, design, project timeframes and project management in

relation to any works on the property. This may include any commentary or changes relating to accessibility or assets generally.

- e. Should the proposed works trigger any requirement to upgrade any services or utilities at the property, Council reserves the right (at its complete discretion) to determine whether or not an upgrade will be supported and whether or not it will need to be funded by the proponent as part of the project.

5. Recreation Services Conditions

- a. Council's Sportsfield Coordinator and/or maintenance staff must be consulted prior to the planting of the compensatory plantings.
- b. Council's Sportsfield Coordinator and/or maintenance staff must be consulted to determine a suitable location for the storage of topsoil on site.
- c. The existing three lane cricket net facility must be demolished as part of this project and all associated waste materials disposed of appropriately.

6. Compliance with the Building Code of Australia (BCA)

Building work must be carried out in accordance with the requirements of the BCA.

7. Construction Certificate

A Construction Certificate must be obtained from Council or a Registered Certifier prior to work commencing.

A Construction Certificate certifies that the provisions of Part 3 of the Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021 have been satisfied, including compliance with all relevant conditions of Development Consent and the Building Code of Australia.

Note: The Certifier must cause notice of its determination to be given to the consent authority, and to the Council, by forwarding to it, within two (2) days after the date of the determination, the plans and documentation referred to in Section 13 of the Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021.

8. Disability Discrimination Act 1992

This consent does not imply or confer compliance with the requirements of the Disability Discrimination Act 1992.

It is the responsibility of the applicant to guarantee compliance with the requirements of the Disability Discrimination Act 1992. The current Australian Standard AS 1428.1:2009: Design for Access and Mobility is recommended to be referred for specific design and construction requirements, in order to provide appropriate access to all persons within the building.

9. Occupation Certificate

An Occupation Certificate must be issued by the Principal Certifier prior to occupation or use of the development. In issuing an Occupation Certificate, the Principal Certifier must be satisfied that the requirements of section 6.9 of the Environmental Planning and Assessment Act 1979, have been complied with as well as all of the conditions of the Development Consent.

Before the Issue of a Construction Certificate

10. Landscape Maintenance Plan

The implementation of a landscape maintenance program for the trees to be removed and replaced for a minimum period of 12 months to ensure that replacement trees become well established by regular maintenance. Details of the program must be submitted to the Principal Certifier prior to release of the Construction Certificate.

11. Tree Protection and Management

The existing trees are to be retained upon the subject property and any trees on adjoining properties shall not be impacted upon during the excavation or construction phases of the development. This will require the installation and maintenance of appropriate tree protection measures, including (but not necessarily limited to) the following:

- a. Installation of Tree Protection Fencing - Protective fencing shall be 1.8 metre cyclone chainmesh fence, with posts and portable concrete footings. Details and location of protective fencing must be indicated on the architectural and engineering plans to be submitted to the Principal Certifier prior to release of the Construction Certificate.

12. Present Plans to Sydney Water

Approved plans must be submitted online using Sydney Water Tap, available through www.sydneywater.com.au to determine whether the development will affect Sydney Water's sewer and water mains, stormwater drains and/or easements, and if further requirements need to be met.

The Principal Certifier must ensure that Sydney Water has issued an approval receipt prior to the issue of a Construction Certificate.

Visit www.sydneywater.com.au or telephone 13 20 92 for further information.

Before the Commencement of Building Work

13. Tree Protection

Prior to commencement of any work on the site, including any demolition, all trees not approved for removal as part of this consent that may be subjected to impacts of this approved development must be protected in accordance with Section 4 of the Australian Standard Protection of Trees on Development Sites (AS 4970:2009).

Tree Protection Zones must be established prior to the commencement of any work associated with this approved development.

No excavation, construction activity, grade changes, storage of materials stockpiling, siting of works sheds, preparation of mixes or cleaning of tools is permitted within Tree Protection Zones.

14. Signs On Site

A sign must be erected in a prominent position on any site on which building work or demolition work is being carried out:

- a. showing the name, address and telephone number of the Principal Certifier for the work, and
- b. showing the name of the principal contractor (if any) for any building work and a telephone number on which that person may be contacted outside working hours, and
- c. stating that unauthorised entry to the worksite is prohibited.

Any such sign is to be maintained while the building work or demolition work is being carried out, but must be removed when the work has been completed.

Note: This does not apply in relation to building work or demolition work that is carried out inside an existing building that does not affect the external walls of the building.

15. Temporary Toilet/Closet Facilities

Toilet facilities are to be provided at or in the vicinity of the work site on which work involved in the erection or demolition 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.

Each toilet provided must be:

- a. a standard flushing toilet; and
- b. connected to either:
 - i. the Sydney Water Corporation Ltd sewerage system or
 - ii. an accredited sewage management facility or
 - iii. an approved chemical closet.

The toilet facilities shall be provided on-site, prior to the commencement of any works.

16. Enclosure of the Site

The site must be enclosed with a suitable security fence to prohibit unauthorised access, to be approved by the Principal Certifier. No building work is to commence until the fence is erected.

17. Demolition Works

The demolition of the existing nets shall be carried out in accordance with Australian Standard AS 2601:2001: The Demolition of Structures or any other subsequent relevant Australian Standard and the requirements of SafeWork NSW.

No demolition materials shall be burnt or buried on-site. The person responsible for the demolition works shall ensure that all vehicles leaving the site carrying demolition materials have their loads covered and do not track soil or waste materials onto the road. Any unforeseen hazardous and/or intractable wastes shall be disposed of to the satisfaction of the Principal Certifier. In the event that the demolition works may involve the obstruction of any road reserve/footpath or other Council owned land, a separate application shall be made to Council to enclose the public place with a hoarding or fence over the footpath or other Council owned land.

18. Demolition Notification to Surrounding Residents

Demolition must not commence unless at least two (2) days written notice has been given to adjoining residents of the date on which demolition works will commence.

19. Appointment of Principal Certifier

Prior to commencement of work, the person having the benefit of the Development Consent and a Construction Certificate must:

- a. appoint a Principal Certifier and notify Council in writing of the appointment irrespective of whether Council or a Registered Certifier is appointed; and
- b. notify Council in writing of their intention to commence work (at least two [2] days notice is required).

The Principal Certifier must determine when inspections and compliance certificates are required.

20. Waste Management

The developer must provide an adequate receptacle to store all waste generated by the development pending disposal. The receptacle must be regularly emptied and waste must not be allowed to lie or accumulate on the property other than in the receptacle. Consideration should be given to the source separation of recyclable and reusable materials. The receptacle shall be on site for the duration of the works.

21. Public Liability Insurance

All contractors working in Council's road reserve and/or public reserve areas shall take out public liability insurance for a minimum amount of \$10 Million. The policy shall specifically indemnify Council from all claims arising from the execution of the works. Written evidence of this insurance shall be supplied to the Principal Certifier and Council (in the event that Council is not the Principal Certifier) prior to the commencement of any such works in any road reserve or public reserve area.

22. Temporary Sediment Fences

Temporary sediment fences (eg haybales or geotextile fabric) must be installed on the site, prior to the commencement of any excavation, demolition or construction works in accordance with Council's guidelines. Upon completion of the development, sediment fencing is to remain until the site is grassed or alternatively, a two (2) metre strip of turf is provided along the perimeter of the site, particularly lower boundary areas.

23. All-weather Access

An all-weather stabilised access point must be provided to the site to prevent sediment leaving the site as a result of vehicular movement. Vehicular movement should be limited to this single accessway.

While Building Work is Being Carried Out

24. While Building Work is Being Carried Out - Imported Fill Material

Any imported fill material brought onto the site shall be virgin excavated natural material as defined by the NSW Environment Protection Authority, that is natural material such as clay, gravel, sand, soil or rock fines that has been excavated or quarried from areas that are not contaminated with manufactured chemicals, or with process residues, as a result of industrial, commercial, mining or agricultural activities, and that does not contain sulfidic ores or soils, or any other waste including fragments or filaments of asbestos. A certificate from a suitably qualified environmental consultant confirming the fill material is not contaminated shall be submitted to Council for its records.

25. While Building Work is Being Carried Out - New Information/Unexpected Finds

In the event that demolition and/or construction works cause the generation of odours or the uncovering of potential or actual Acid Sulfate Soils, or other previously unidentified contaminants or hazardous materials, works must immediately cease and the Principal Certifier and Council (in the event that Council is not the Principal Certifier) must be notified in writing within seven (7) days and an appropriately qualified environmental consultant appointed to undertake an assessment of the potential contaminant and works required to make the site safe from potential human health and environmental harm.

26. While Building Work is Being Carried Out - Excess Excavated Material - Disposal

Excess excavated material shall be classified according to the NSW Environment Protection Authority's Waste Classification Guidelines – Part 1: Classifying Waste (2014) prior to being transported from the site and shall be disposed of only at a location that may lawfully receive that waste.

27. Restricted Washing of Equipment or Disposal of Materials on any Tree Dripline Area

No washing of equipment and or the disposal of building materials such as cement slurry must occur within the drip line of any tree which has been nominated for retention of the site and adjacent property.

28. Hours of Work

The Principal Certifier must ensure that building work, demolition or vegetation removal is only carried out between:

- 7:00am to 5:00pm on Monday to Saturday.

The Principal Certifier must ensure building work, demolition or vegetation removal is not carried out on Sundays and public holidays, except where there is an emergency.

Unless otherwise approved within a construction site management plan, construction vehicles, machinery, goods or materials must not be delivered to the site outside the approved hours of site works.

Any variation to the hours of work requires Council's approval.

Any request to vary the approved hours shall be submitted to the Council in writing detailing:

- a. The variation in hours required (length of duration);
- b. the reason for that variation (scope of works;
- c. the type of work and machinery to be used;
- d. method of neighbour notification;
- e. supervisor contact number; and
- f. any proposed measures required to mitigate the impacts of the works

Note: The developer is advised that other legislation, such as Noise Guidelines for Local Government January 2023, may control the activities for which Council has granted consent, including but not limited to, the *Protection of the Environment Operations Act 1997*.

29. Construction Noise

While building work is being carried out and where no noise and vibration management plan is approved under this consent, the applicant is to ensure that any noise caused by demolition, vegetation removal or construction does not exceed an LAeq (15 min) of 5dB9A) above background noise, when measured at any lot boundary of the property where the construction is being carried out.

30. Waste Management

While building work, demolition or vegetation removal is being carried out, the Principal Certifier must be satisfied all waste management is undertaken in accordance with the approved waste management plan.

Upon disposal of waste, the applicant is to compile and provide records of the disposal to the Principal Certifier, detailing the following:

- a. The contract details of the person(s) who removed the waste.
- b. The waste carrier vehicle registration.
- c. The date and time of waste collection.
- d. A description of the waste (type of waste and estimated quantity) and whether the waste is expected to be reused, recycled or go to landfill.
- e. The address of the disposal location(s) where the waste was taken.
- f. The corresponding tip docket/receipt from the site(s) to which the waste is transferred, notifying date and time of delivery, description (type and quantity) of waste.

Note: If waste has been removed from the site under an EPA Resource Recovery Order or Exemption, the applicant is to maintain all records in relation to the Order or Exemption and provide the records to the Principal Certifier and Council.

31. Piping of Stormwater to Existing Stormwater Drainage System

Stormwater for the land must be piped to Council's existing stormwater drainage system.

32. No Adverse Run-off Impacts on Adjoining Properties

The design and construction of the development shall ensure there are no adverse effects to adjoining properties, as a result of flood or stormwater run-off. Attention must be paid to ensure adequate protection for buildings against the ingress of surface run-off.

Allowance must be made for surface run-off from adjoining properties. Any redirection or treatment of that run-off must not adversely affect any other property.

Before the Issue of an Occupation Certificate

33. Compensatory Planting

The developer must make compensatory provision for the trees required to be removed as a result of the development. In this regard, three (3) 200 litre container mature plant stock shall be placed as indicated on Landscape Master Plan. The suggested species are *Waterhousia floribunda*.

34. Deed of Variation

Council as landowner reserves the right to seek variations to the relevant licence agreement to reflect the ongoing maintenance obligations at its discretion and therefore requests that as the nets are outside of the existing licenced area, that a Deed of Variation be entered into to include the nets into the existing licence prior to issue of an Occupation Certificate.

Occupation and Ongoing Use

35. Loading/Unloading Operations/Activities

All loading/unloading operations are to take place at all times wholly within the confines of the site or within the road reserve under an approved traffic control plan.

Reasons

The reasons for the imposition of the conditions are:

1. To minimise any likely adverse environmental impact of the proposed development.
2. To ensure the protection of the amenity and character of land adjoining and in the locality.
3. To ensure the proposed development complies with the provisions of Environmental Planning Instruments and Council's Codes and Policies.
4. To ensure the development does not conflict with the public interest.