

Item 1
**29A Boyce Street, Ryde - LDA2021/0155
 Sports field lighting to Gannan Park**
Report prepared by: Consultant Planner

Report approved by: Senior Coordinator - Development Assessment
 Manager - Development Assessment
 Director - City Planning and Environment

**City of Ryde
 Local Planning Panel Report**

DA Number	LDA2021/0155
Site Address & Ward	29A Boyce Street, Ryde NSW 2112 Lot 36 DP 249927 & Lot 23 DP 259418 East Ward
Zoning	RE1 Public Recreation R2 Low Density Residential Zone E2 Environmental Conservation
Proposal	Sports field lighting to Gannan Park including the installation of four (4) 22m high light poles and associated earthworks. The lighting would be used for training and social sports with the proposed hours of operation being: <ul style="list-style-type: none"> • Winter (April to August): Monday to Friday - 4pm to 9:30pm • Summer (September to March): Monday to Friday - 6pm to 9pm.
Property Owners	City of Ryde
Applicant	City of Ryde
Report Author	Brendon Clendenning, Consultant Planner
Lodgement Date	12 May 2021
Notification No. of Submissions	21 submissions received in total, nineteen (19) of which were 'unique' submissions: <ul style="list-style-type: none"> • Fourteen (14) submissions in objection to the proposed development. • Five (5) submissions in support of the proposed development.
Cost of Works	\$150,000.00
Reason for Referral to LPP	Conflict of Interest – Development for which the applicant or land owner is (a) the council. <i>Schedule 1, Part 1 of Local Planning Panels Direction and</i>

	Contentious development – (b) in any other case – is the subject of 10 or more unique submissions by way of objection. <i>Schedule 1, Part 2 of Local Planning Panels Direction</i>
Recommendation	Approval, subject to conditions.
Attachments	Attachment 1 – Draft conditions of consent Attachment 2 – Architectural plans

1. Executive Summary

The subject development application (LDA2021/0155) at 29A Boyce Street, Ryde, also known as Gannan Park (Lot 36 DP 249927 & Lot 23 DP 259418), seeks the installation of four (4) 22m light poles with associated luminaries and electrical works. The proposed hours of operation for the lighting poles are:

- 4pm to 9:30pm - Monday to Friday in Winter (April to August):
- 6pm to 9pm - Monday to Friday in Summer (September to March).

The site is zoned part RE1 Public Recreation, part E2 Environmental Conservation and part R2 Low Density Residential under the Ryde Local Environmental Plan 2014 (RLEP 2014). The site is currently not illuminated and is used for public recreation (including organised baseball and cricket). All of the works are proposed with the RE1 Public Recreation zoning.

The subject development application has been assessed in accordance with Section 4.15 of the *Environmental Planning and Assessment Act 1979*. During the assessment, issues were raised in regard to the inclusion of unrelated works on the application documentation, insufficient information in relation to the visual impacts of the proposal (i.e. elevation plans and shadow diagrams), and timing of traffic and parking assessment during times of social restriction. A letter was sent to the applicant detailing these issues on 23 July 2021 and a response from the applicant to this letter was received 29 September 2021. All issues raised were resolved within the resubmission and the proposal is deemed generally acceptable with regard to the relevant matters for consideration.

The subject development application (DA) was notified for a period of two (2) weeks in accordance with the City of Ryde Community Participation Plan and nineteen (19) unique submissions were received during the notification period, with 14 objecting to the proposal and 5 in support. Issues raised in the objections have been addressed in the report and include:

- Noise impacts.
- Light spill.
- Traffic and parking.
- Impacts to local flora and fauna.
- Potential inconsistency with the site master plan.
- Safety impacts.

Issues raised in support generally related to the increased opportunities for organised sports.

As the application has received greater than ten (10) objections, it meets the criteria for 'contentious development' in accordance with the Section 9.1 – Directions by the Minister, and is therefore required to be determined by the Ryde Local Planning Panel (RLPP). Furthermore, the site is owned by Ryde Council, creating a conflict of interest, giving an additional reason identified in the Minister's direction for determination by the RLPP.

The proposal is considered to be satisfactory and it is recommended that the RLPP support the application and approve the development, subject to recommended conditions of consent.

2. The Site & Locality

The subject site is known as 29A Boyce Street, Ryde and is public recreational land comprising of two allotments:

- Lot 36 DP 249927, comprising of the entirety of the playing fields and the majority of the park facility. The lot is regularly shaped aside from the south-eastern edge of the site, which is highly irregular and comprises of a number of property boundaries.
- Lot 23 DP 259418, a much smaller allotment which occupies the entirety of the Buna Street frontage at the southern end of the site, aligning with the rear property boundaries of houses fronting Buna Street.

A smaller public park, McCauley Park, adjoins to the north, and contains no buildings and limited facilities. The parks collectively have an area of approximately 4.51ha (Gannan-McCauley Park Masterplan Report). The playing fields are relatively flat, but are bound to the north-west by a terraced embankment of up to approximately 16m in height, which wraps around the western corner of the playing fields. Vegetation is located around the perimeter of the playing fields, particularly on the south-eastern and north-western sides, the latter connecting to vegetation at McCauley Park.

Pursuant to RLEP 2014, the playing fields and all proposed lighting towers are located within the RE1 Public Recreation zone. The embankment area is located within the E2 Environmental Conservation zone and a footpath on the eastern side of the property is located within the R2 Low Density Residential (**Figure 1**). The playing fields are currently used for public recreation, including organised sports, such as baseball and cricket. No fixed lighting is currently situated on the site; existing site facilities are located towards the southern end of the playing fields and include an amenities building, cricket nets, picnic shelter, and playground.

The site adjoins dwellings located on Buna Street, Boyce Street, Numa Road, Berripa Close and Minga Street. All adjoining residential dwellings are positioned so that they front the street, with their rear setbacks and boundaries forming the adjoining boundary to the park. The adjoining dwellings to the south and west sit above the park and

overlook the subject site from atop the embankment (**Figures 5 & 6**). Low fencing is located surrounding the carpark, but fencing does not restrict access for pedestrians.



Figure 1 - Zoning map of the subject site and immediate locality
Source: NSW Planning portal Spatial viewer



Figure 2 - Aerial photograph of the subject site (outlined in red) and the surrounding locality.
Source: nearmap.com



Figure 3 – Picnic shelter and cricket nets located on the subject site
Source: CPS site inspection.



Figure 4 – Playground located on the subject site
Source: CPS site inspection.

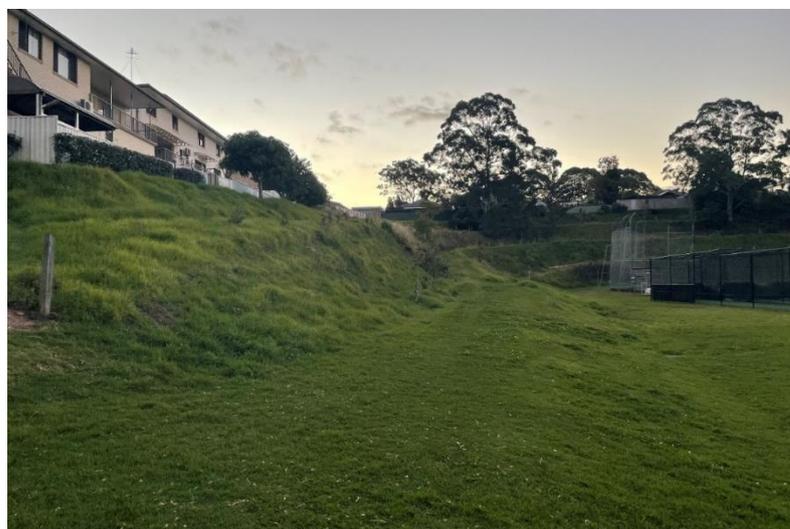


Figure 5 – The dwellings adjoining the park to the south (shown on the left) and the fall down to the park
Source: CPS site inspection.



Figure 6 – View of the embankment at the western corner of the site, looking north, with elevated above the park shown on the left

Source: CPS site inspection.

3. The Proposal

The application seeks the installation of four (4) 22m high light poles and associated luminaries and electrical works. The lighting would be used for training and social sports, for use from:

- Winter (April to August): Monday to Friday – 4pm to 9:30pm
- Summer (September to March): Monday to Friday – 6pm to 9pm

The four (4) light poles will be located in the southern end of the park, to illuminate the south-western playing field as shown in **Figure 7**.

Trenching and groundworks are proposed in order to install the necessary electrical supply to each pole location. Trenches of approximately 600mm depth is required, predominantly around the edges of the playing fields. Conduits and cabling are to be installed in the trenches.



Figure 7 – Light pole location plan

Source: SEE (pg 9) prepared by Sure Environmental dated 17/02/2021

4. History

12 May 2021	The DA was lodged with Council.
18 May 2021 – 8 June 2021	The application was notified in accordance with the Ryde Community Participation Plan, during which 19 unique submissions were received.
23 July 2021	<p>A Request for Information (RFI) was sent to the applicant for further information regarding the following:</p> <ul style="list-style-type: none"> • Clarification on nature of proposal, given the site plans depicted additional works not noted in the Statement of Environmental Effects. • Updated elevation that depicts luminaries and any other attached parts i.e., glare shields. • Shadow analysis of the structures with consideration of surrounding residential lots. • Information that considers the tree protection zones of trees in proximity of any cable trenching. • Concerns that traffic and parking assessment may have been carried out during periods of COVID-19 restrictions. • Additional details of likely sporting fixtures to be scheduled at the park. • Consideration of soil instability on the site in the Geotechnical report (noting the potential that this may relate to other park works and that it would not be relevant to the proposed lighting). • Additional details of potential contaminates on the site (as above, noting the potential that this may relate to other park works and that it would not be relevant to the proposed lighting).
29 September 2021	<p>A response to the RFI provided the following information:</p> <ul style="list-style-type: none"> • Confirmation that the proposal did not relate to any other works aside from the lighting structures. • Section plans and shadow diagrams. • An updated aerial floodlight site plan. • Information on COVID-19 restriction during testing period, that confirmed restrictions on organised sport were not in place during traffic surveys. • Lighting and tree protection plan.

5. Planning Assessment

5.1 Biodiversity Conservation Act 2016

The *Biodiversity Conservation Act 2016* (BC Act) and the *Biodiversity Conservation Regulation 2017* are a mandatory consideration pursuant to Part 4 of the *Environmental Planning and Assessment Act 1979* (EP&A Act) where a site contains Threatened Species or Ecological Communities.

The proposed location of the light poles is in an area free from native vegetation and the associated trenching additionally avoids native vegetation disturbance. The lights will be positioned so the immediate light intensity will be directed to the sports field below. Spill lighting will occur to surrounding native vegetation which is located along the perimeter of the sports field reserve and adjacent to McCauley Park.

Consultant Ecologists, South East Environmental were engaged to determine whether there will be a significant biodiversity impact as a result of the proposal. A desk top assessment based on relevant mapping software, previous flora and fauna studies undertaken in the area and a site/survey plan was reviewed to determine the resultant impacts. The following was determined:

- NSW BioNet has not recorded any sightings of threatened species on or immediately surrounding the site.
- Three of the five closest threatened species sightings (between 2012 and 2020) registered on the BioNet are that of the Powerful Owl.
- There was a record of an Eastern Osprey in 1988.
- There is a record of a floral species Netted Bottle Brush which is not relevant to this consideration given it is not present on site.

The Powerful Owl is a large owl which is listed as vulnerable under the *NSW Biodiversity Conservation Act 2016*. The Powerful Owl roosts in dense vegetation and is often sighted foraging in open areas. It was considered highly unlikely that the vegetation on the perimeter of Gannan Park would be suitable for roosting by the Powerful Owl. However, there is potential for the surrounding vegetation to be used for foraging. In the worse case scenario, the proposed sports lights may influence the foraging habits of the Powerful Owl but this is not considered detrimental and the lights would only delay foraging in the immediate area to a later time of the evening. The installation of the lights is highly unlikely to cause risk of disturbance to the Powerful Owl.

As the record of the Eastern Osprey is more than 30 years ago, it is considered highly unlikely that the species remains in the area. The Eastern Osprey feeds exclusively on fish and is generally found nesting and roosting in vegetation immediately adjacent to waterways. As the subject site is located approximately 2km to the west of the nearest significant body of water, Lane Cove River, it was concluded that this species is not at risk for disturbance from the proposed lights.

There are several non-threatened native species, mostly birds, which are likely to be located within the trees surrounding Gannan Park. There is also a high probability of brush-tailed possums residing within the park; however, the lights are highly unlikely to deter any brush-tailed possum from its usual foraging and nesting habits.

The results of the assessment determined that there would be little to no impact to any threatened native fauna species and therefore no requirement for the Biodiversity Offset Scheme to be implemented on the site. The comments from South East Environmental concluded that proposal is considered acceptable with regards to flora and fauna impacts.

5.2 State Environmental Planning Instruments

Instrument	Proposal	Compliance
State Environmental Planning Policy (Resilience and Hazards) 2021		
Chapter 4 - Remediation of Land		
<p>The provisions of this SEPP requires Council to consider the potential for a site to be contaminated.</p>	<p>Pursuant to Clause 4.6(1) consideration has to be given as to whether the land is contaminated and the suitability of use.</p> <p>The subject application was accompanied by details of the soil contents of the site, contained within the Geotechnical Investigation Report, prepared by JK Geotechnics. There were contaminants found in the samples taken on the site and therefore Council's Environmental Health Officer (EHO) requested for a 'Stage 2' Detailed Site Investigation, so as to better understand the potential for land contamination.</p> <p>However, the amended application documentation noted that the areas of concern, related to other components of the site upgrades, and not to the proposed lighting. The applicant noted that the contaminants that were found, were not in proximity of the proposed poles or trenching and were of a level that is not toxic to human health.</p> <p>Council's Environmental Health Officer (EHO) reviewed this comment and was satisfied that the land is suitable in its current form for the proposed development.</p>	<p>Yes</p>
State Environmental Planning Policy (Biodiversity and Conservation) 2021		
Chapter 2 Vegetation in non-rural areas		
<p>The provisions of this SEPP</p> <p>The objective of the SEPP is to protect the biodiversity values of trees and other vegetation and to preserve the amenity of the area through the preservation of trees and other vegetation.</p>	<p>The Lighting and Tree Protection Plan submitted with the application indicates that the required trenching will be well removed from existing trees and that no further consideration of potential tree impacts was warranted.</p> <p>The proposal has been considered by a Consultant Ecologist and is not considered to result in any adverse impact upon surrounding biodiversity.</p> <p>The proposal is additionally considered to be satisfactory by Council's Consultant</p>	<p>Yes</p>

	Landscape Architect/Arborist subject to the recommended conditions of consent.	
Chapter 10 Sydney Harbour Catchment		
This Plan applies to the whole of the Ryde Local Government Area. The aims of the Plan are to establish a balance between promoting a prosperous working harbour, maintaining a healthy and sustainable waterway environment and promoting recreational access to the foreshore and waterways by establishing planning principles and controls for the catchment as a whole.	The site is located within the designated hydrological catchment of Sydney Harbour and therefore is subject to the provisions of the planning instrument. However, the site is not located on the foreshore or adjacent to the waterway and therefore, with the exception of the objective of improved water quality, the objectives of the planning instrument are not applicable to the proposed development. The objective of improved water quality is satisfied through compliance with the provisions of Part 8.2 of Ryde DCP 2014. The proposed development raises no other issues and otherwise satisfies the aims and objectives of the planning instrument.	Yes

5.3 Ryde Local Environmental Plan 2014 (RLEP 2014)

The subject site is primarily zoned RE1 Public Recreation, with areas also within the E2 Environmental Conservation and R2 Low Density Residential zones under the provisions of RLEP 2014. (See Figure 1). The site is used as a 'recreation area' and is a permissible form of development in the RE1 and R2 zones but not in the E2 zone. The proposal does not seek any works within the E2 zoned land, and no change of use is sought. The development is therefore permissible.

The following table provides a summary of the key provisions that apply to the proposal:

Clause	Proposal	Compliance
4.3 Height of Buildings		
N/A 	No maximum height is prescribed. The maximum height of the proposed development is 22m.	N/A
4.4 Floor Space Ratio		
N/A	No FSR is proposed.	N/A

Clause	Proposal	Compliance
 <p>Figure 9 FSR Map under RLEP 2014</p>		
5.10 Heritage Conservation		
<p>(1) The objectives of this clause are as follows—</p> <p>(a) to conserve the heritage significance of heritage items and heritage conservation areas, including associated fabric, settings and views,</p> <p>(b) to conserve the heritage significance of heritage items and heritage conservation areas, including associated fabric, setting and views,</p> <p>(c) To conserve archaeological sites,</p> <p>(d) to conserve Aboriginal objects and Aboriginal places of heritage significance</p>	<p>The subject site does not contain an item of environmental heritage and is not located within a heritage conservation area.</p> <p>The nearest heritage items are along Badajoz Road, approximately 400m to the south-east of the site, and include a house at 7 Badajoz Road (Item 9), and a stone marker in the road, located outside 60 Badajoz Road. Both items are of local heritage significance.</p> <p>Considering the distance to the nearest heritage item, the proposal is unlikely to impact on the heritage significance of these items.</p>	<p>Yes</p>
6.2 Earthworks		
<p>(1) The objective of this clause is to ensure that earthworks for which development consent is required will not have a detrimental impact on environmental functions and processes, neighbouring uses, cultural or heritage items or features of the surrounding land.</p>	<p>The proposed earthworks will be limited to the relatively small footprint of the light pole footings, and associated trenches for the conduits. The proposal has been reviewed by a geotechnical engineer and development engineer and no issues were raised with regard to geotechnical or drainage impacts.</p> <p>The proposed earthworks are not anticipated to have a detrimental impact on environmental functions and processes, neighbouring uses, cultural or heritage items or features of the surrounding land.</p>	<p>Yes</p>

5.4 Draft Environmental Planning Instruments

Nil.

5.5 Ryde Development Control Plan 2014 (RDCP 2014)

There are limited provisions within RDCP 2014 that are relevant to this type of development, and those provisions that are relevant largely relate to standard construction practices, all of which can be managed with standard conditions of consent.

Part 9.3: Parking Controls is potentially relevant to the proposal; however, parking requirements for recreation areas are not contained within this Part. Refer instead to commentary provided from the Traffic Engineer's referral.

Solar access provisions relating to nearby residential properties is also discussed below.

Part 3.3, Section 2.14.1 – Daylight and Sunlight Access

Part 3.3 of RDCP 2014, 'Dwelling Houses and Dual Occupancy (attached) does not strictly apply to the development, given Section 1.2 of this Part indicates that it "*applies to all development associated with a dwelling house or a dual occupancy (attached) and includes garages, carports, garden structures, fences, landscaping, swimming pools and outbuildings*".

Notwithstanding, the proposal adjoins multiple residential properties, and given the proposed height of 22m, there is the potential for the development to create overshadowing impacts to adjacent properties, including private open space areas, internal living areas, and solar panels.

Section 2.14.1 requires that:

- *Sunlight to at least 50% of the principal area of ground level private open space of adjacent properties is not reduced to less than two hours between 9 am and 3 pm on June 21; and*
- *Windows to north-facing living areas of neighbouring dwellings receive at least 3 hours of sunlight between 9 am and 3 pm on 21 June over a portion of their surface, where this can be reasonably maintained given the orientation topography of the subject and neighbouring sites.*

The applicant was requested to provide shadow diagrams to enable a consideration of the potential impacts. Of the 4 light poles, only one has the potential to cause an increase in overshadowing to the adjoining properties. This is the light pole located closest to Minga Street. The following shadow diagrams were provided and are reproduced below.

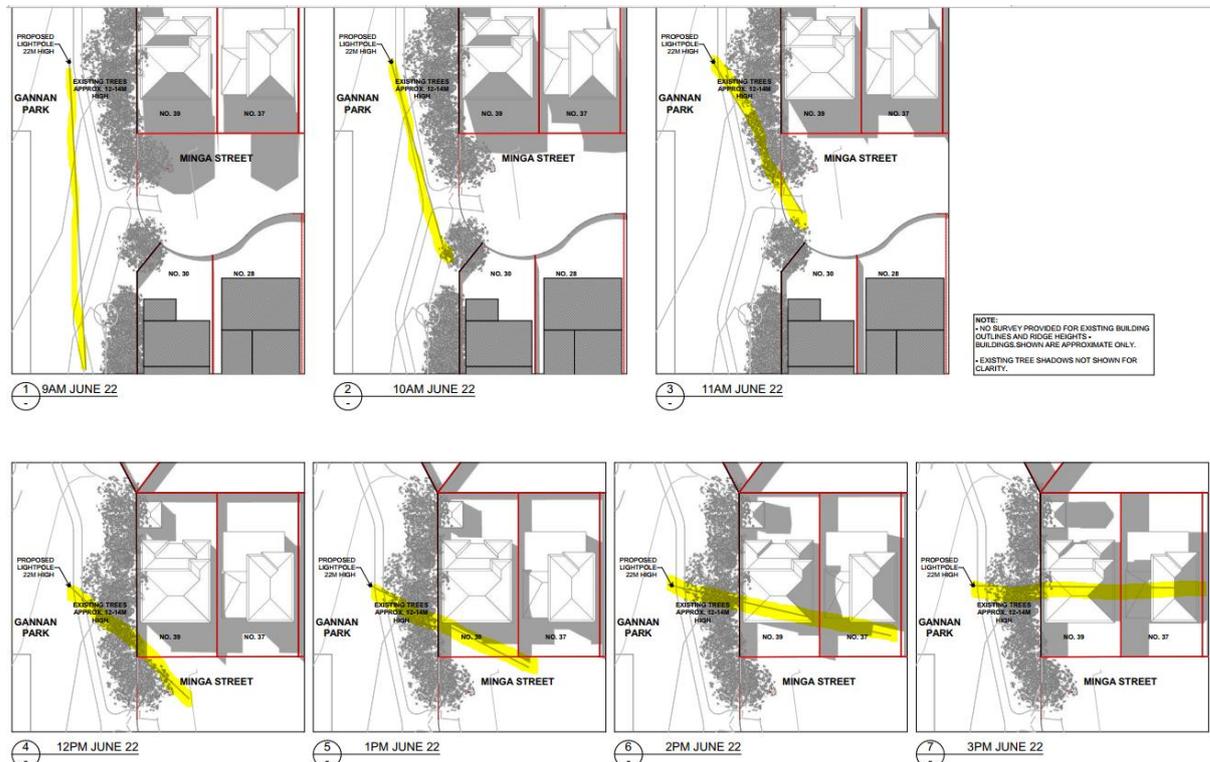


Figure 10 Submitted shadow diagrams depicting the shadow of the light pole located to the north of residential properties (yellow highlighting added)

The shadow diagrams indicate some additional afternoon overshadowing to No.39 Minga Street, directly adjoining the subject site, and the property further to the south-east, No.37 Minga Street. However, the shadow diagrams also indicate that these properties will continue to enjoy compliant solar access during the morning hours, and the proposal would not create any non-compliance with the relevant provision.

The property at No.39 Minga Street contains rooftop solar panels which face north-west and north-east. There are no provisions relating to overshadowing to solar panels within the RDCP 2014. Notwithstanding, the impacts were considered and are expected to be minor, concentrated within late midwinter afternoons, and affecting only a small portion of the panels.

5.6 Planning agreements or draft planning agreements

The application is not the subject of any planning agreements or draft planning agreements.

5.7 City of Ryde Section 7.12 Development Contributions Plan 2020

The City of Ryde Fixed Rate Levy Development Contributions Plan 2020 applies to non-residential development. Pursuant to Section 2.5 of this plan, the proposed development would be exempt from contributions under the plan, given there is no proposed increase in gross floor area, and that the development is proposed by Council.

5.8 Any matters prescribed by the regulations

Environmental Planning and Assessment Regulation 2000

The Regulation underpins the day-to-day operation of the NSW planning system. The Regulation guides the processes, plans, public consultation, impact assessment and decisions made by local councils, the Department of Planning, Industry and Environment and others. Standard conditions are recommended relating to compliance with BCA and AS.

6. The likely impacts of the development

Likely impacts have been discussed throughout this report, with summary of these impacts to the built and natural environment discussed below.

Built Environment

The proposal will result in the construction of four (4) 22m high light poles. Although tall, the structures are relatively thin, are well set away from neighbouring dwellings, and would not be expected to unreasonably impose upon any neighbouring property.

As discussed elsewhere within this report, the proposal is not considered to create any unreasonable impacts on the local road networks, and the anticipated traffic and parking impacts are acceptable.

Natural Environmental Impact

The proposal does not seek to remove any trees from the site and is located to avoid impacts to vegetation on and near the site. The development is designed and located so as to minimise impacts associated with lighting, including in relation to noise and light pollution and impacts to local wildlife. Further, the proposal will not impact on any vegetation located on the site or on surrounding land.

7. Suitability of the site for the development

The subject site is used as a recreational park, and lighting structures are common within these types of facilities. As detailed in the report, careful consideration has been given to surrounding residential properties to avoid impacts to the amenity of these properties as well as the built and natural environment. Therefore, the proposal is considered suitable on the site.

8. The public interest

The public interest is best served by the consistent application of the requirements of relevant Environmental Planning Instruments and by Council ensuring that any adverse effects on the surrounding area and the environment is minimised. The proposal has been assessed against the relevant planning instruments and is considered to be acceptable.

9. Submissions

The application was notified and advertised in accordance with the Ryde Community Participation Plan and in response, nineteen (19) unique submissions were received, fourteen (14) objecting to the proposed development and five (5) in support.

The further information submitted on 29 September 2021 was not renotified. In accordance with Ryde Community Participation Plan, Part 3.2, renotification was not required as the further information addresses the issues raised by Council in the letter dated 23 July 2021.

Issues raised have been grouped and summarised below.

Master Plan/ development of entire site, including various suggestions:

- **Queries in relation to timing on improved children's equipment, picnic tables and pathway; suggestion that relocation of the park is unnecessary.**
- **Preference for parking on site to be upgraded.**
- **Suggestion for a single field with the opposite orientation, so as to minimise soccer balls landing in neighbouring properties, and the impacts of the low sun on players' vision.**
- **Suggestions for fitness node and new picnic shelter to be relocated away from north-east boundary.**
- **Potential inconsistencies with Master Plan Report.**
- **Request for further tree planting, including to address other issues raised elsewhere (e.g. noise, lighting, balls landing in neighbouring properties).**

Comment: Plans submitted with the application had shown works associated with the Master Plan that are understood to be part of future plans for the site. The proposal does not seek to include the children's equipment, picnic tables and shelter, fitness nodes or car parking under this development application. The orientation of the field is understood to be the only viable option of facilitating two fields, and is of limited relevance to the application for lighting, given the same orientation would be provided during daytime hours (noting that the application seeks to illuminate only one field).

Plans of Management prepared under the *Local Government Act 1919*, and any associated obligations of Council, are not matters for consideration for development applications.

Query as to the need for longer hours of use, and a potential overallocation of the schedule to organised sport, damaging the field and limiting opportunities for other users.

Comment: It is understood that Council have identified that the lighting would go towards responding to a shortfall of ground availability for organised sport. That aside, the purpose of the assessment of the development application is primarily to determine whether the impacts of the development are acceptable, and whether the development is compatible with its surroundings. The management of the facility will be the ongoing

responsibility of Council, and while this may present future challenges for Council, these challenges would not amount to reasons for refusal of the application.

Built form:

- **Visual impacts in relation to the scale of the light poles.**
- **Request for elevation plans to account for the fall of the land.**
- **Development to be limited to no more than four poles.**
- **Site plan does not depict light pole in relation to other properties.**
- **Request for elevation plan.**

Comment: The proposal is for four (4) lighting poles and elevation/section plans were provided in the amended set of documents. A contour survey and a site inspection were conducted to appreciate the topography of the site and the positioning of the poles in context of the surroundings, and it is not necessary for the elevations to account for the fall, particularly as this will show a lesser impact than that shown in the submitted elevations. It is understood that, for dwellings on the western boundary, the upper most part of the lighting poles may be visible, but limited given the significant slope of the land, and the distance from the dwellings. Poles on the eastern side are partly obscured by vegetation and therefore the built form of the proposed poles is considered acceptable.

Illumination issues, including:

- **Light at night impacting the sleep and health of neighbouring residents.**
- **Light at night impacting wildlife, such as owls, nightjars, and bats.**
- **Queries relating to further consultation prior to any further upgrade.**
- **Queries as to how light spill will be controlled in the long term.**

Comment: The application was accompanied by a lighting plan that showed the lux levels at certain points of the site from the proposed lighting poles. This plan was reviewed by Council's Environmental Health Officer who noted the plan depicts '1.2 lux at residential boundary properties' that is 'well below the maximum pre-curfew level of 10 lux'.

A condition is also recommended requiring that the lighting maintain compliance with Australian Standard AS4282:2019 *Control of the obtrusive effects of outdoor lighting*.

The development application has also been reviewed by Consultant Ecologists to determine if there would be a significant biodiversity impacts as a result of the proposal. A desk top assessment based on relevant mapping software, previous flora and fauna studies undertaken in the area and a site/survey plan was reviewed to determine the resultant impacts. Based on this review, the Ecologists have determined that there would be little to no impact on any threatened native fauna species.

Request to limit the use of the park under lights to training and social sport only, with no scope for competition events.

Comment: The site is currently used as a recreational park and social sports and sporting competitions already occur at the site, albeit in daylight hours only. The use of the site for evening activities has the potential to create impacts on neighbouring properties, particularly in relation to light, noise and traffic/parking. The assessment has concluded that the expected impacts are acceptable and that a condition seeking to limit the activities on the site is not reasonable.

Privacy impacts to adjoining dwellings, including associated with illumination.

Comment: While the proposal will seek to extend the operating hours and lighting of the park, there are no changes which would create any new or additional visual privacy impacts between the dwellings and private open spaces. The lighting is not anticipated to illuminate internal areas of neighbouring dwellings.

Traffic and parking concerns. In addition to general concerns, the following specific requests were raised:

- **Request for no parking on one side of the entry to Buna Street during extended field use hours to create two lane traffic.**
- **Concern that traffic assessment did not consider residents entering and leaving Buna Street, noting that parking located on both sides of street may slow traffic.**
- **Query as to location of Traffic and Parking Assessment within the application documentation.**

Comment: Council's City Works (Traffic) team has reviewed the proposal and had initially raised issues with the provided Traffic and Parking Impact Assessment that accompanied the application, particularly in relation to the potential for surveys to have been carried out during COVID-19 restrictions. Return to Sport by the NSW Government identified a staged return to community sport during 2020 including an initial return to training on 22 May 2020 before a full return to full sporting activities from 1 July 2020. Confirmation was provided by the applicant to confirm that sporting activities were taking place in Gannan Park on 12th September 2020 which was the date that the Traffic and Parking Impact Assessment was completed.

The site contains 68 car spaces and the modelling estimates that, a single sporting fixture, being a soccer match, would be unlikely to result in the uptake of parking within the carpark to be above 40%. The onsite parking is deemed to be sufficient for the site and any overflow on to surrounding streets, is expected to be relatively rare.

There is no particular need for any no stopping signs to be imposed in the locality, and such an imposition would reduce the availability of parking for residents.

Traffic generation from the proposal was also considered by Council's City Works (Traffic) team and the surrounding road network is deemed to have capacity to accommodate the traffic generated during the hours that the lighting will be in use.

The Traffic and Parking Impact Assessment was attached to the Statement of Environmental Effects.

Noise concerns, including:

- **Noise from sport field use**
- **Noise associated with arrival and departure**
- **Noise associated with hum of lighting**
- **Topography of the area amplifying noise impacts to the surrounds**
- **Submissions also note the ‘amphitheatre’ effect of the park topography and that parks surrounded by adjoining residential properties are relatively unusual.**
- **Request for initial limited hours, with further testing undertaken once light operation commences.**

Comment: A Noise Impact Assessment was provided with the application and was reviewed by Council’s Environmental Health Officer. This report provided comparisons between ambient noise measurements that were taken on site, and anticipated noise measured at sporting fixtures that might be expected at this park. This methodology accounts for the particular topography of the site, as well as the noise associated with the lighting.

Concerns with Noise Impact Assessment methodology, including:

- **Concerns with the use of 15 minute averaging to determine noise from participants.**
- **Concern that Noise Report may unreasonably conclude that sports activities will create less noise than ambient noise at the park.**
- **Report did not consider noise associated with people leaving the venues at night.**
- **Noise measurements undertaken during COVID-19 lockdowns and long weekend.**

Comment: The report documents that unattended continuous long-term noise monitoring which was used to establish the existing ambient noise environment of the area. Measurements were taken while sporting fixtures were being played at Meadowbank Park, so as to provide a reliable estimate of noise impacts associated with the use.

It is understood that this approach was taken to avoid any perception that the data would be skewed by low use associated with social restrictions due to the COVID-19 pandemic. This approach was used to establish the noise of the sport that would be applicable to Gannan Park. This would assume that COVID-19 restrictions were not in place at the time as such there would be no skewing of the data. It is understood that there would have been no play during COVID-19 Restrictions.

Background noise measurements were intentionally taken during a period where there were no sporting fixtures at the site, so as to provide a better understanding of background ambient noise.

The report considers a worst-case noise scenario and the projected noise levels from the worst-case scenario were below the acceptable levels for residential amenity. The report states the noise levels from the most typical use of the field were predicted to

satisfy the established noise goals and use of the field is unlikely to cause offensive noise.

Social impacts, including

- **Safety concerns associated with lighting providing a place for people to congregate in the evening, queries as to whether gate would be closed in the evening.**
- **Increase in rubbish.**
- **Potential for on-site alcohol consumption.**

Comment: It is reasonable to expect that the use of a public park late into the evening, particularly one which adjoins residential properties, may present some safety concerns. However, there is currently no physical barrier controlling the use of the park, and visitors are currently free to use the park at any time. It is expected that the primary impact of the increased lighting would be to increase the opportunity for use by legitimate users, with a secondary impact being to increase passive surveillance during that time period. The hours of operation of the lighting are reasonable to control for undesirable anti-social or safety impacts.

There are no reasons to expect that the negative impacts of waste or alcohol consumption would particularly affect this park.

Request for contact person to meet residents to address any issues associated with noise, traffic, safety, etc.

Comment: Council are the owners and managers of the facility, and as it is a community facility, it would be expected that Council would be contactable to take complaints associated with its use. For this reason, as part of this development application, it is not necessary for Council to provide any specific details on how the community may engage with Council.

Impact on property values

Comment: Property values are not typically considered in the assessment of development applications, particularly as it is very difficult to associate individual elements of a development application with a change in property values. The assessment instead considers the likely impacts of the proposals, which may or may not have a relationship with property values.

Submissions in support noted the following:

- **Opportunity for increased community sport and physical activity.**
- **In increasing capacity, the costs of installing lighting is smaller than the costs of new fields.**
- **Public space should cater for the wider community, rather than just those who live in close proximity.**

Comment: The assessment has noted the points above and is broadly in agreement that the development will result in a public benefit.

10. Referrals

The subject application has been reviewed by technical specialist with comments summarised below:

Development Engineer

Council's Development Engineer reviewed the proposal and raised no objections, also noting that no issues were raised from the City Works (Catchment Management) in relation to flooding.

Geotechnical

The site is identified as being affected by 'soil instability', towards the western and northern perimeter embankments. Council sought geotechnical advice from Cardno, who requested that an amended geotechnical report be provided that assesses the risks of slope instability and recommends methods of appropriately minimising those risks. On receiving confirmation that no works were proposed in this area, Cardno confirmed that a geotechnical report was not required for this application.

City Works (Traffic)

Council's City Works (Traffic) Department reviewed the proposal and raised issues with the provided Traffic and Parking Impact Assessment that accompanied the application. According to the Traffic and Parking Impact Assessment, prepared by Bitzios Consulting, there are 68 parking spaces on the site, approximately 62 spaces on Buna Street and 82 spaces on Minga Street. Concerns were initially raised with regard to the parking surveys being carried out during a period of social restrictions associated with the COVID-19 pandemic. Further information was also sought in relation to the nature of the anticipated sporting activities, e.g. maximum number of competition and training sessions to be held, duration of sporting matches and attendance levels.

In response to the concerns relating to the timing of the surveys, the applicant noted that restrictions had in fact been lifted, with the following evidence provided:

- Media release from the NSW Minister for Health and Medical Research, dated 10 June 2020 and indicating that adult sport was to commence from 1 July 2020.
- NSW Office of Sport update, dated 22 May 2020, indicating that sports training was able to resume.
- Letter from Council to Ryde Eastwood Baseball Club Inc, dated 2 July 2020, and confirming ground bookings for the period of the parking surveys.
- Release from Greater Sydney Commission, dated September 2020, suggesting that the COVID-19 pandemic has increased the use of public open space for informal use.

The applicant also noted that, although specific details on future users are not yet confirmed, the expected attendance figures for sports currently played on the site (up to 35 people for a baseball fixture) are comfortably accommodated. Council's City Works (Traffic) officer confirmed that it would be expected that the surrounding roads could accommodate the additional vehicle traffic to and from the site.

To assist in controlling parking impacts, the Council Traffic Engineer recommended a condition for a limit of 80 people for booked events during the evening, largely on the basis that the potential future use of the park is unknown. The independent assessment is unable to support this condition, given:

- The Traffic and Parking Assessment models the potential organised sports that would likely be held on the site and provides an indication of the quantum of anticipated associated parking demand. As the reasoning behind the model is accepted, there should be no further need to impose restrictions.
- Even if the applicant was to provide firm information on the future uses of the field, Council should be expected to be able to change bookings at some point in the future, to suit community need.
- The condition will likely be disregarded, particularly given there would be several degrees of separation between the organisers of sporting events and those responsible for ensuring compliance with the condition.
- It is unclear how this condition would relate to spectators, and how spectators and other non-participating visitors could be differentiated.

Noting that the site is already used as a public park, the condition outlined above is not considered to be reasonable, nor is compliance a reasonable burden on the users of the park, who typically belong to community sporting groups.

Environmental Health Officer

The proposal has been reviewed by Council's Environmental Health Officer (EHO) who considers the light spill noise impacts from the proposal, as well as potential contamination issues, as summarised below.

Light Spill

No issues have been raised with regard to the potential light spill as the proposal results in '1.2 lux at residential boundary properties' and 'well below the maximum pre-curfew level of 10 lux'. Conditions of consent can ensure that light is directed so as to contain the light spill within the parameters set by Australian Standard AS4282:2019 *Control of the obtrusive effects of outdoor lighting*.

Noise

The subject application was accompanied by a Noise Impact Assessment report prepared by EMM Consulting. This report provided unattended noise monitoring to determine the existing ambient background noise levels (RBL) as detailed in Table 3.1 (pg 6) of the acoustic report and the background noise levels were taken on the west side of the park, east side of the park and the southeast side of the park at the residential receivers.

The lights will allow for additional sporting activities to occur from the site i.e., soccer training and matches which currently do not occur at the site. Consideration has been given to previous testing undertaken at soccer fields at Meadowbank Park as well as typical activity scenarios.

Using this data, noise levels from the worst case of proposed activities at the site are predicted to sit below the acceptable residential amenity noise levels and therefore no issues were raised with acoustic matters associated with the proposed development application.

Contamination

The subject application was accompanied by details of the soil contents of the site within the Geotechnical Investigation Report, prepared by JK Geotechnics. This report has been reviewed by Council's Environmental Health Officer (EHO), who noted that contaminants were found in the samples taken on site. A request was made for a 'Stage 2' detailed investigation of the potential for contamination of the land.

In response to the requested additional information, clarification was provided by the applicant, that works were limited to poles, luminaries, trenching and operating hours and located away from where contaminants were found on the site. Council's EHO reviewed the updated information and raised no further issues with site contamination, subject to conditions of consent.

Consultant Ecologist

The proposal was referred to a Consultant Ecologist, South East Environmental. A review of NSW BioNet notes three sightings of the Powerful Owl. The Powerful Owl is a large owl which is listed as vulnerable under the *NSW Biodiversity Conservation Act 2016*. The proposed sports lights may influence foraging habits of the Powerful Owl but was not considered detrimental. The proposed lights would only delay foraging in the immediate area to a later time of the evening. The lights are highly unlikely to cause risk of disturbance to the Powerful Owl.

The results of the assessment determined that there would be little to no impact to any threatened native fauna species and therefore no requirement for the Biodiversity Offset Scheme to be implemented on the site. The proposal is considered acceptable with regards to flora and fauna impacts.

11. Conclusion

After consideration of the development against Section 4.15 of the Environmental Planning and Assessment Act 1979 and the relevant statutory and policy provisions, the proposal is suitable for the site and is not contrary to the public interest. Therefore, it is recommended that the application be approved for the following reasons:

- The proposal is consistent with the objectives of the zones.
- The proposal satisfies the statutory provisions set out in the Environmental Planning and Assessment Act 1979.
- The proposal results in no unreasonable adverse impact to adjoining properties and the surrounding environment.
- The proposal is not contrary to the public interest.

12. Recommendation

1. That the Ryde Local Planning Panel grant development consent to Local Development Application LDA No. LDA2021/0155 'Sports field lighting to Gannan Park including the installation of four (4) 22m high light poles and associated earthworks, with hours of operation of Winter (April to August): Monday to Friday – 4pm to 9:30pm, and Summer (September to March): Monday to Friday – 6pm to 9pm', on land at 29a Boyce Road, Ryde subject to the attached draft conditions of consent.

2. That those persons who made submissions be advised of the decision.

ATTACHMENTS

- 1 Draft Conditions of Consent
- 2 Architectural Plans - subject to copyright provision

Report Prepared By:

Brendon Clendenning
Consultant Planner

Report Approved By:

Kimberley Kavwenje
Senior Coordinator Development Assessment

Sandra Bailey
Manager - Development Assessment

Liz Coad
Director - City Planning and Environment

GENERAL

The following conditions of consent included in this Part identify the requirements, terms and limitations imposed on this development.

1. **Approved Plans/Documents.** Except where otherwise provided in this consent, the development is to be carried out strictly in accordance with the following plans (stamped approved by Council) and support documents:

Document Description	Date	Plan No/Reference
Gannan Park Floodlighting sections (includes site plan)	28 September 2021	Prepared by City of Ryde Council, Project No. PM20/42748, Revision B.
Gannan Park Site Plan , Lighting & Tree Protection Plan	28 September 2021	Prepared by City of Ryde Council, Project No. PM20/42748, Revision A.
Electrical Services, Lighting And Power Layout And Lighting Cfontrols (sic)	10 February 2021	Prepared by GRA Electrical Engineers, Drawing No. 482E2, Issue P4.
Electrical specifications	25 November 2020	Prepared by Gary Roberts & Associates, Issue A.
Noise Impact Assessment	17 December 2020	Prepared by EMM, Report Number J200567 RP1, Issue A.

2. **Building Code of Australia.** All building works approved by this consent must be carried out in accordance with the requirements of the Building Code of Australia.
3. **Support for neighbouring buildings.** If the development involves excavation that extends below the base of the footings of a building on adjoining land, the person having the benefit of the development consent must, at the person's own expense:
 - (a) Protect and support the adjoining premises from possible damage from the excavation, and
 - (b) Where necessary, underpin the adjoining premises to prevent any such damage, in accordance with relevant Australian Standards.
4. **Hours of work.** Building activities (including demolition) may only be carried out between 7.00am and 7.00pm Monday to Friday (other than public holidays) and between 8.00am and 4.00pm on Saturday. No building activities are to be carried out at any time on a Sunday or a public holiday.
5. **Illumination of public place.** Any public place affected by works must be kept lit between sunset and sunrise if it is likely to be hazardous to persons in the public place.
6. **Development to be within site boundaries.** The development must be constructed wholly within the boundaries of the premises. No portion of the proposed structure shall encroach onto the adjoining properties. Gates must be installed so they do not open onto any footpath.

Conditions of Consent for LDA2021/0155:

7. **Public space.** The public way must not be obstructed by any materials, vehicles, refuse, skips or the like, under any circumstances, without prior approval from Council.
8. **Public Utilities.** Compliance with the requirements (including financial costs) of any relevant utility provider (e.g. Energy Australia, Sydney Water, Telstra, RMS, Council etc) in relation to any connections, works, repairs, relocation, replacements and/or adjustments to public infrastructure or services affected by the development.
9. **Roads Act.** Any works performed in, on or over a public road pursuant to this consent must be carried out in accordance with this consent and with the Road Opening Permit issued by Council as required under section 139 of the Roads Act 1993.
10. **Traffic Management.** Traffic management procedures and systems must be in place and practised during the construction period to ensure safety and minimise the effect on adjoining pedestrian and vehicular traffic systems. These procedures and systems must be in accordance with AS 1742.3 - 2009 and City of Ryde's Development Control Plan 2014: - Part 8.1: Construction Activities.
11. **Construction Traffic Management Plan.** For all construction works including demolition activities, a Construction Traffic Management Plan (DCTMP) including any traffic control plans (TCP) shall be prepared by a suitably qualified traffic engineer. This document shall be submitted to and approved by Council prior to the issue of any Construction Certificate.

NOTE: This condition is to ensure public safety and minimise any impacts to the adjoining pedestrian and vehicular traffic systems. The DCTMP is intended to minimise impact of demolition and construction activities on the surrounding community, in terms of vehicle traffic (including traffic flow and parking) and pedestrian amenity adjacent the site.

12. **Implementation of Construction Traffic Management Plan.** All construction works including demolition activities are to be undertaken in accordance with the approved Construction Traffic Management Plan (CTMP). All controls in the CTMP must be maintained at all times and all traffic management control must be undertaken by personnel having appropriate Transport for NSW (TfNSW)/SafeWork NSW accreditation. A copy of the approved CTMP is to be kept onsite at all times and made available to the accredited certifier or Council on request.
13. **Work Zones and Permits.** Prior to the commencement of any demolition/construction works, the applicant shall obtain a Work Zone Permit where it is proposed to reserve an area of road pavement for the parking of vehicles associated with a construction site. Separate application is required with a Traffic Management Plan for standing of construction vehicles in a trafficable lane.
14. **Compliance with Acoustic Report** - All control measures nominated in the Noise Impact Assessment dated 17 December 2020, prepared by EMM Consulting must be implemented.

Conditions of Consent for LDA2021/0155:

PRIOR TO CONSTRUCTION CERTIFICATE

A Construction Certificate must be obtained from a Principal Certifying Authority to carry out the relevant building works approved under this consent. All conditions in this Section of the consent must be complied with before a Construction Certificate can be issued.

Council Officers can provide these services and further information can be obtained from Council's Customer Service Centre on 9952 8222.

Unless an alternative approval authority is specified (eg Council or government agency), the Principal Certifying Authority is responsible for determining compliance with the conditions in this Section of the consent.

Details of compliance with the conditions, including plans, supporting documents or other written evidence must be submitted to the Principal Certifying Authority.

15. **Compliance with Australian Standards.** The development is required to be carried out in accordance with all relevant Australian Standards. Details demonstrating compliance with the relevant Australian Standard are to be submitted to the Principal Certifying Authority prior to the issue of the **Construction Certificate**.
16. **Structural Certification.** The applicant must engage a qualified practising structural engineer to provide structural certification in accordance with relevant BCA requirements prior to the release of the **Construction Certificate**.
17. **Security deposit.** The Council must be provided with security for the purposes of section 4.17(6) of the *Environmental Planning and Assessment Act 1979* in a sum determined by reference to Council's Management Plan prior to the release of the **Construction Certificate**. (other buildings with delivery of bricks or concrete or machine excavation)
18. **Fees.** The following fees must be paid to Council in accordance with Council's Management Plan prior to the release of the **Construction Certificate**:
 - (a) Infrastructure Restoration and Administration Fee
19. **Long Service Levy.** Documentary evidence of payment of the Long Service Levy under Section 34 of the Building and Construction Industry Long Service Payments Act 1986 is to be submitted to the Principal Certifying Authority prior to the issuing of the **Construction Certificate**.

Conditions of Consent for LDA2021/0155:

PRIOR TO COMMENCEMENT OF CONSTRUCTION

Prior to the commencement of any demolition, excavation, or building work the following conditions in this Part of the Consent must be satisfied, and all relevant requirements complied with at all times during the operation of this consent.

21. Site Sign

- (a) A sign must be erected in a prominent position on site, prior to the commencement of construction:
 - (i) showing the name, address and telephone number of the Principal Certifying Authority for the work,
 - (ii) showing the name of the principal contractor (if any) or the person responsible for the works and a telephone number on which that person may be contacted outside working hours, and
 - (iii) stating that unauthorised entry to the work site is prohibited.
- (b) Any such sign must be maintained while the building work, subdivision work or demolition work is being carried out, but must be removed when the work has been completed.

22. Excavation adjacent to adjoining land

- (a) If an excavation extends below the level of the base of the footings of a building on an adjoining allotment of land, the person causing the excavation must, at their own expense, protect and support the adjoining premises from possible damage from the excavation, and where necessary, underpin the adjoining premises to prevent any such damage.
- (b) The applicant must give at least seven (7) days notice to the adjoining owner(s) prior to excavating.
- (c) An owner of the adjoining allotment of land is not liable for any part of the cost of work carried out for the purposes of this condition, whether carried out on the allotment of land being excavated or on the adjoining allotment of land.

23. Safety fencing. The site must be fenced prior to the commencement of construction, and throughout demolition and/or excavation and must comply with WorkCover New South Wales requirements and be a minimum of 1.8m in height.

24. Tree Protection. Tree protection is to be provided for all trees with potential to be impacted by the approved development works. Tree protection measures are to be advised by an Arborist with minimum AQF5 qualifications. All tree protection measures including installation of any fencing is to occur prior to the commencement of any work on site.

25. Tree Protection Fencing. All protective fencing and signage around tree protection zones (TPZs) must be located in accordance with AS4970: Protection of trees on development sites. In this regard, any fencing required to be constructed around the TPZ is to be in accordance with AS4687 Temporary fencing and hoardings.

26. Canopy Tying. Where possible, any tree branches overhanging the construction zones are to be tied back to the main trunk rather than pruned.

27. Asbestos (hazardous management strategy) - The preparation of an appropriate hazard management strategy by an appropriately licensed asbestos consultant

Conditions of Consent for LDA2021/0155:

pertaining to the removal of contaminated soil, encapsulation or enclosure of any asbestos material is required. This strategy shall ensure that any such proposed demolition works involving asbestos are carried out in accordance with the requirements of the 'Code of Practice: How to Safely Remove Asbestos' published by WorkCover NSW. The strategy shall be submitted to the Principal Certifying Authority, prior to the commencement of any works. The report shall confirm that the asbestos material has been removed or is appropriately encapsulated and that the site is rendered suitable for the development.

DURING CONSTRUCTION

Unless otherwise specified, the following conditions in this Part of the consent must be complied with at all times during the construction period. Where applicable, the requirements under previous Parts of the consent must be implemented and maintained at all times during the construction period.

28. **Critical stage inspections.** The person having the benefit of this consent is required to notify the Principal Certifying Authority during construction to ensure that the critical stage inspections are undertaken, as required under clause 162A(4) of the *Environmental Planning and Assessment Regulation 2000*.
29. **Sediment/dust control.** No sediment, dust, soil or similar material shall leave the site during construction work.
30. **Use of fill/excavated material.** Excavated material must not be reused on the property except as follows:
 - (a) Fill is allowed under this consent;
 - (b) The material constitutes Virgin Excavated Natural Material as defined in the *Protection of the Environment Operations Act 1997*;
 - (c) the material is reused only to the extent that fill is allowed by the consent.
31. **Construction materials.** All materials associated with construction must be retained within the site.
32. **Site Facilities**

The following facilities must be provided on the site:

 - (a) toilet facilities in accordance with WorkCover NSW requirements, at a ratio of one toilet per every 20 employees, and
 - (b) a garbage receptacle for food scraps and papers, with a tight fitting lid.
33. **Site maintenance**

The applicant must ensure that:

 - (a) approved sediment and erosion control measures are installed and maintained during the construction period;
 - (b) building materials and equipment are stored wholly within the work site unless an approval to store them elsewhere is held;
 - (c) the site is clear of waste and debris at the completion of the works.
34. **Work within public road.** At all times work is being undertaken within a public road, adequate precautions shall be taken to warn, instruct and guide road users safely around the work site. Traffic control devices shall satisfy the minimum standards

Conditions of Consent for LDA2021/0155:

outlined in Australian Standard No. AS1742.3-1996 "Traffic Control Devices for Work on Roads".

35. **Tree protection – no unauthorised removal.** This consent does not authorise the removal of trees unless specifically permitted by a condition of this consent or identified as approved for removal on the stamped plans.
36. **Underground Utilities.** Any utility services to be located underground within a tree protection zone are to be undertaken utilising excavation techniques that prevent or minimize damage to structural roots (roots greater than >25mm diameter). To prevent soil compaction and root damage these works should be conducted with non-motorised hand tools or directional drilling.
37. **Asbestos** (handled & disposed of by licensed facility) - All friable and non-friable asbestos-containing waste material on-site shall be handled and disposed off-site at an EPA licensed waste facility by an EPA licensed contractor in accordance with the requirements of the Protection of the Environment Operations (Waste) Regulation 2014 and the Waste Classification Guidelines – Part 1 Classifying Waste (EPA 2014) and any other regulatory instrument as amended.
38. **Contaminated soil disposal** - All potentially contaminated soil excavated during demolition or construction work must be stockpiled in a secure area and be assessed and classified in accordance with the Waste Classification Guidelines Part 1: Classifying Waste (EPA, 2014) before being transported from the site.
39. **Contaminated waste to licensed EPA landfill** - Any contamination material to be removed from the site shall be disposed of to an EPA licensed landfill.
40. **Hazardous/intractable waste disposal** - Hazardous or intractable wastes arising from the demolition process shall be removed and disposed of in accordance with the requirements of SafeWork NSW and the EPA, and with the provisions of:
 - a. Work Health and Safety Act 2011
 - b. NSW Protection Of the Environment Operations Act 1997 (NSW) and
 - c. NSW Department of Environment and Climate Change Environmental Guidelines; NSW EPA Waste Classification Guidelines
41. **Imported fill (validated)** - All imported fill must be validated in accordance with the Contaminated Sites Sampling Design Guidelines (EPA, 1995) by an experienced environmental consultant, and a copy of the validation report must be submitted to the Principal Certifying Authority (and Council, if Council is not the PCA) before the fill is used.
42. **Contaminated Land: Discovery of Additional Information** - Council and the Principal Certifying Authority (if Council is not the PCA) must be notified as soon as practicable if any information is discovered during demolition or construction work that has the potential to alter previous conclusions about site contamination.

Conditions of Consent for LDA2021/0155:

PRIOR TO OCCUPATION CERTIFICATE

An Occupation Certificate must be obtained from a Principal Certifying Authority prior to commencement of occupation of any part of the development, or prior to the commencement of a change of use of a building.

Prior to issue, the Principal Certifying Authority must ensure that all works are completed in compliance with the approved construction certificate plans and all conditions of this Development Consent.

Unless an alternative approval authority is specified (eg Council or government agency), the Principal Certifying Authority is responsible for determining compliance with conditions in this Part of the consent. Details to demonstrate compliance with all conditions, including plans, documentation, or other written evidence must be submitted to the Principal Certifying Authority.

43. **Signage and Linemarking – External.** Any proposed signage and linemarking within Council’s Public Domain require a plan to be prepared by a suitably qualified traffic engineering consultant and submitted to Council for endorsement by Ryde Traffic Committee and subsequent approval by Council, prior to the issue of any Occupation Certificate.

Note: The applicant is advised that the plan will require approval by the Ryde Traffic Committee if the proposal requires change in existing parking conditions and hence, adequate time should be allowed for this process.

OPERATIONAL CONDITIONS

The conditions in this Part of the consent relate to the on-going operation of the development and shall be complied with at all times.

44. **Hours of Operation.** The hours of operation of the approved lighting is to be in accordance with the following:

- (c) Winter Season: 4pm to 9:30pm Monday to Friday during April to August. The lights are to be turned off as early as practicable after completion of training and/or competition, and in any case no later than 9:30pm.
- (d) Summer Season: 6pm to 9pm Monday to Friday during September to March. The lights are to be turned off as early practicable are completion of training and/or competition, and in any case no later than 9pm.

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

46. **Light Spill Validation Report –** A validation report must be obtained from a suitably qualified and experienced lighting engineer prior to commencing use of the light poles at the playing fields for sporting activities. The report shall demonstrate and certify that light spill impacts comply with the Australian Standard AS4282-1997 'Control of Obtrusive Effects of Outdoor Lighting'. In the event the report fails to demonstrate and certify that the lights comply with the Australian Standard, a modification to the

Conditions of Consent for LDA2021/0155:

installation of the lighting is to be made and accompanied by a report from a lighting engineer to Council demonstrating that the modified lighting complies with the Australian Standard. The lighting shall not be used until such time that compliance with the Australian Standard is met.

47. **Automatic light switch** – An automated curfew switch is to be installed, along with manual off switches, for each light pole.
48. **Light curfew** – The sports field lights are to be automatically extinguished by 9:30pm in the winter season, and 9:00pm in the summer season. Should use of the playing fields conclude earlier, the lights are to be extinguished at the earlier concluding time.
49. **Acoustic/Noise Validation Report** – A validation report must be obtained from a suitably qualified and experienced acoustic engineer prior within three (3) months of the commencement of the use of the light poles at the playing fields for sporting activities. The report shall demonstrate and certify that the proposal achieves compliance with the noise prediction results contained within the approved Acoustic Report.
50. **No 'offensive noise'** - Noise and vibration from the use and operation of any plant and equipment and/or building services associated with the premises shall not give rise to "offensive noise" as defined by the Protection of the Environment Operations Act 1997.