HORNSBY
SHIRE COUNCIL

BUSINESS PAPER

LOCAL PLANNING PANEL MEETING

Thursday 13 May 2021
at 6:30pm

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LPP Report No. LPP12/21
Local Planning Panel
Date of Meeting: 13/05/2021

ITEM 1

1 DA/1566/2014/B - SECTION 4.55 (2) - MULTI-PURPOSE COURT FACILITY ADJOINING THE NORTH-EPPING BOWLING CLUB AND CARPARK UPGRADE - 130, 130A, 130X, 132 AND 2A BOUNDARY ROAD, NORTH EPPING

EXECUTIVE SUMMARY

DA No: DA/1566/2014/B (9 January 2020)

Description: Section 4.55(2) application to multi-purpose sports courts and associated car parking and associated car parking development

Property: Lot 913 DP 752053, Lot 1070 DP 752053, Lot 7304 DP 1131925, Lot 1073 DP 752053 and Lot 1034 DP 752053, Nos.130, 130A, 130X, 132 and 132A Boundary Road, North Epping

Applicant: North Epping Bowling Club

Owner: The State of New South Wales - North Epping Bowling and Community Club

Ward: C

- The application to amend the approved hours of operation of the multi-purpose sports courts was considered by the Local Planning Panel at its meeting held on 16 December 2020. The Panel resolved to defer the determination of the application and requested the submission a Plan of Management to Council.
- The development involves land owned by the Crown, in the care and control of Council. An independent assessment of the development application has been undertaken by *Nexus Environmental Planning Pty Ltd.*
- Eleven (11) submissions have been received during the exhibition of the revised Operational Plan of Management including 10 objections and 1 letter of support.
- It is recommended that the application be approved.

RECOMMENDATION

THAT pursuant to Section 4.55(2) of the *Environmental Planning and Assessment Act 1979*, Development Application No. DA/1566/2014 for the use of land at the North Epping Bowling and Community Club for multi-purpose sports courts and associated car parking at Lot 913 DP 752053, Lot 1070 DP 752053, Lot 7304 DP 1131925, Lot 1073 DP 752053 and Lot 1034 DP 752053, Nos.130, 130A, 130X, 132 and 132A Boundary Road, North Epping be amended as detailed in Schedule 1 of LPP Report No. LPP12/21.

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ASSESSMENT

In accordance with the referral criteria and procedural requirements for Independent Hearing and Assessment Panels, the assessment of the development application has been referred to an independent town planning consultant as development involves land managed by Council. The report by *Nexus Environmental Planning Pty Ltd* is held at Attachment 1 of this report.

CONCLUSION

The Section 4.55(2) application seeks to amend condition No. 50 relating to the approved hours of operation.

Council has referred the application to an independent planning consultancy to carry out an assessment of the application. The assessment concludes that the modification should be approved.

Eleven submissions were received in respect of the notification of the Operational Plan of Management.

It is recommended that the Hornsby Local Planning Panel approve the modification in accordance with the recommendation in the report prepared by *Nexus Environmental Planning Pty Ltd* and the conditions of consent held at Schedule 1 of this report.

The reasons for this decision are:

- The proposed development complies with the requirements of the relevant environmental planning instruments and the *Hornsby Development Control Plan 2013.*
- The proposed development does not create unreasonable environmental impacts to adjoining development with regard to amenity.

Note: At the time of the completion of this planning report, no persons have made a Political Donations Disclosure Statement pursuant to Section 10.4 of the Environmental Planning and Assessment Act 1979 in respect of the subject planning application.

RESPONSIBLE OFFICER

The officer responsible for the preparation of this report is Neil Kennan from *Nexus Environmental Planning Pty Ltd.*

CASSANDRA WILLIAMS
Major Development Manager - Development Assessments
Planning and Compliance Division

ROD PICKLES
Manager - Development Assessments
Planning and Compliance Division

Attachments:

1. Locality Map
2. Consultant Supplementary Report
3. Consultant Report LPP40/20

4. Operational Plan of Management

File Reference: DA/1566/2014/B
Document Number: D08145121

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SCHEDULE 1

Date of this modification:

Details of this modification: Section 4.55(2) application to modify Condition 50 of Development Consent No. DA/1566/2014.

Conditions Added: 4A, 52A, 52B

Conditions Deleted: Nil

Conditions Modified: 1, 50, 51(a)

GENERAL CONDITIONS

The conditions of consent within this notice of determination have been applied to ensure that the use of the land and/or building is carried out in such a manner that is consistent with the aims and objectives of the relevant legislation, planning instruments and Council policies affecting the land and does not disrupt the amenity of the neighbourhood or impact upon the environment.

Note: For the purpose of this consent, the term 'applicant' means any person who has the authority to act on or the benefit of the development consent.

Note: For the purpose of this consent, any reference to an Act, Regulation, Australian Standard or publication by a public authority shall be taken to mean the gazetted Act or Regulation or adopted Australian Standard or publication as in force on the date that the application for a construction certificate is made.

1. Approved Plans and Supporting Documentation

The development must be carried out in accordance with the plans and documentation listed below and endorsed with Council's stamp, except where amended by Council and/or other conditions of this consent:

Approved Plans:

Plan No.	Plan Title	Drawn by	Dated	Council Reference
LP-01 E	Landscape Plan	Hornsby Shire Council	26/11/2015	D06835758
LP-02 E	Landscape Sections	Hornsby Shire Council	26/11/2015	D06835758
LP-03 E	Sediment Erosion Control/Tree Protection Plan	Hornsby Shire Council	26/11/2015	D06835758
LP-04 E	Sediment Erosion Control Details	Hornsby Shire Council	26/11/2015	D06835758
34.13 Issue 1	Stormwater Management/ Services and Driveway Sections Sheets 1 – 14	Hornsby Shire Council	Received by Council 17/06/2015	D05887518
LIAS_014	Lighting Plan	Philips	1/10/2014	D04690971

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LIAS_014 8_1.02	Lighting Details	Philips	1/10/2014	D04690971

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Supporting Documentation:

Document Title	**Prepared by**	**Dated**	**Council Reference**
Statement of Environmental Effects	Key Urban Planning	Nov 2014	D04271466
Geotechnical Investigation and Soil Classification Report	SMEC Testing Services	Oct 2014	D06331781
Noise Impact Assessment	SLR Global Environmental Solutions	13/11/2014	D04271468
Traffic and Car Parking Assessment	GTK Consulting	Nov 2014	D04271467
Addendum to Traffic Report	GTK Consulting	16/04/2015	D05300603
Traffic and Parking Assessment	GTK Consulting	October 2020	D08048127
Noise Impact Assessment	SLR Consulting Australia	22/05/2020	D07965233
North Epping Sports Centre Operational Plan of Management	-	31 March 2021	D08137469

2. Removal of Existing Trees

a) This development consent permits the removal of trees numbered 1, 2, 3, 4, 5, 6 and 10 as identified on plan number *LP – 03 Issue E Sediment Erosion Control/Tree Protection Plan* prepared by *Hornsby Shire Council* dated *26/11/2015*.

b) The removal of any other trees requires separate approval in accordance with the Tree and Vegetation Chapter 1B.6 Hornsby Development Control Plan (HDCP).

3. Construction Certificate

a) A Construction Certificate is required to be approved by Council or a Private Certifying Authority prior to the commencement of any works under this consent.

b) A separate Construction Certificate must be obtained from Council for all works within the public road reserve under S138 of the *Roads Act*.

c) A separate Construction Certificate must be obtained from Council for all works within drainage easements vested in Council.

d) The Construction Certificate plans must not be inconsistent with the Development Consent plans.

4. Project Arborist

A Project Arborist (AQF5 qualified) is to be appointed in accordance with AS 4970-2009 (1.4.4) to oversee installation of trunk protection measures, monitor the integrity of the tree protection methods, record any modifications or alterations to the tree protection zone fencing for the duration of the construction period and provide all required certification throughout the

development process. The details of the appointed Arborist are to be provided to Council and the PCA prior to the issue of the construction certificate.

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4A. Amendment of Operational Plan of Management

a) The approved Operational Plan of Management dated 31 March 2021 must be amended to include the requirements of Condition No. 50 and the following additional requirements:

i) On Saturday, Sunday and Public Holidays the use of the courts is to cease at 6:00pm with lights out at 6:45pm.

ii) The contact details for complaint management are to include a current mobile phone number.

iii) Spectators are to be limited to the area adjacent to the water tank.

b) A copy of the amended Operational Plan of Management in accordance with Condition 4A must be submitted and written approval provided by Council prior to the commencement of the approved hours of operation

REQUIREMENTS PRIOR TO THE ISSUE OF A CONSTRUCTION CERTIFICATE

5. Building Code of Australia

All building work must be carried out in accordance with the relevant requirements of the Building Code of Australia.

6. Construction Traffic Management Plan

In order to enable unencumbered movement of traffic in the public road during construction works, a Construction Management Plan, including a Traffic Management Plan and scaled construction plans prepared by a suitably Chartered and Qualified Chartered Civil Engineer and Qualified Worksite Traffic Controller shall be prepared and submitted to Hornsby Shire Council for approval according to the following requirements:

a) A copy of the plans shall be submitted for consideration and written approval by Hornsby Shire Council prior to the release of the Construction Certificate.

b) The plans shall detail the order of construction works and arrangement of all construction machines and vehicles being used at the same time during all stages.

c) The CTMP plans shall be in accordance with the approved Development Application plans and the Development Consent conditions.

d) In order to prevent injury, accident and loss of property, no building materials, work sheds, vehicles, machines or the like shall be allowed to remain in the road reserve area without the written consent of Hornsby Shire Council.

e) The Plan shall be generally in compliance with the requirements of the Road and Traffic Authority's "Traffic Control at Worksites Manual 1998" and detailing:

i) Public notification of proposed works.

ii) Long term signage requirements.

iii) Short term (during actual works) signage.

iv) Vehicle Movement Plans, where applicable.

v) Traffic Management Plans.

vi) Pedestrian and Cyclist access and safety.

f) The plans shall indicate traffic controls including those used during non-working hours and shall provide pedestrian access and two-way traffic in the public road to be facilitated at all times.

g) The plans shall include the proposed truck routes to and from the site including details of the frequency of truck movements at the different stages of the development. The plan shall also include details of parking arrangements for all employees and contractors.

h) The Applicant and all employees of contractors on the site must obey any direction or notice from Hornsby Shire Council in order to ensure the above.

i) If there is a requirement to obtain a Work Zone, partial Road Closure or Crane Permit an application to Hornsby Shire Council is to be made prior to the issue the Construction Certificate.

7. Traffic Control Plan

A Traffic Control Plan (TCP) must be prepared by a qualified traffic controller in accordance with the Roads & Traffic Authority's Traffic Control at Worksites Manual 1998 and Australian Standard 1742.3 for all work on a public road. The Traffic Management Plan shall be submitted and approved by Council's Manager Traffic and Road Safety prior to the issue of a construction certificate. The TCP must detail the following:

a) Arrangements for public notification of the works.

b) Temporary construction signage.

c) Permanent post-construction signage.

d) Vehicle movement plans.

e) Traffic management plans.

f) Pedestrian and cyclist access/safety.

8. Footpath

A sealed concrete footpath must be designed along the full frontage of the subject site in Boundary Road from the cul-de-sac end to the driveway for No. 128 Boundary Road, as detailed in the approved plans in accordance Council's *Civil Works Design and Construction Specification 2005* and the following requirements:

a) The land adjoining the footpath to be fully turfed.

b) Any public utility adjustments to be carried out at the cost of the applicant and to the requirements of the relevant public authority.

9. Utility Services

The applicant must submit written evidence of the following service provider requirements:

a) *Ausgrid (formerly Energy Australia)* – a letter of consent demonstrating that satisfactory arrangements have been made to service the proposed development.

b) *Telstra* – a letter of consent demonstrating that satisfactory arrangements have been made to service the proposed development.

10. Sydney Water – Quick Check

This application must be submitted to a *Sydney Water* 'Quick Check Agent' or 'Customer Centre' for approval to determine whether the development would affect any *Sydney Water* infrastructure, and whether further requirements are to be met.

Note: Refer to www.sydneywater.com.au or telephone 13 20 92 for assistance.

11. Identification of Survey Marks

A registered surveyor must identify all survey marks in the vicinity of the proposed development. Any survey marks required to be removed or displaced as a result of the proposed development shall be undertaken by a registered surveyor in accordance with Section 24 (1) of the *Surveying and Spatial Information Act 2002* and following the Surveyor General's Directions No.11 – "**Preservation of Survey Infrastructure"**.

12. Internal Driveway/Vehicular Areas

The driveway and parking areas on site must be designed in accordance with *Australian Standards 2890.1, 2890.2, 3727* and the following requirements:

a) The driveway (access crossing) must be a rigid pavement.

b) The internal parking is to be constructed with 45mm Asphalt AC10.

c) The driveway grade is to comply with *AS 2890.1* and *AS 2890.2*.

d) Retaining walls required to support the carriageway and the compaction of all fill batters must be in accordance with the requirements of a chartered structural engineer.

e) A total of 10 bicycle racks are to be marked on the plans. Bicycle parking spaces are to be designed in accordance with *AS 2890.3-1993*.

13. Pick-up and Drop-off Zone

A "pick-up and drop-off zone" shall be demarcated at the cul-de-sac end of the Boundary Road and submitted for approval prior to the issue of the Construction Certificate.

14. On-Site Stormwater Detention

An on-site stormwater detention system must be designed by a chartered civil engineer in accordance with the following requirements:

a) Have a capacity of not less than 20 cubic metres, and a maximum discharge (when full) of 16.7 litres per second.

b) Have a surcharge/inspection grate located directly above the outlet.

c) Discharge from the detention system to be controlled via 1 metre length of pipe, not less than 50 millimetres diameter or via a stainless plate with sharply drilled orifice bolted over the face of the outlet discharging into a larger diameter pipe capable of carrying the design flow to an approved Council system.

d) Not be constructed in a location that would impact upon the visual or recreational amenity of users of the site.

15. Stormwater Drainage

The stormwater drainage system for the development must be designed in accordance with Council's *Civil Works – Design and Construction Specification 2005* and the following requirements:

a) Connected directly to Council's street drainage system via the on-site detention tank.

b) The roof and stormwater drainage system from the existing building to be connected to the proposed drainage system.

c) All stormwater from the development site is to be directed to the bio-retention area.

REQUIREMENTS PRIOR TO THE COMMENCEMENT OF ANY WORKS

16. Construction Traffic Management Plan

A document signed by the Principle Building Contractor is to be submitted to Hornsby Council to confirm the following:

a) The specified travel routes in the approved Construction Traffic Management Plan are to be complied with.

b) The details of the truck routes are will be provided to the excavation and concrete contractors.

17. Erection of Construction Sign

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

a) Showing the name, address and telephone number of the principal certifying authority for the work.

b) Showing the name of the principal contractor (if any) for any demolition or building work and a telephone number on which that person may be contacted outside working hours.

c) Stating that unauthorised entry to the work site is prohibited.

Note: Any such sign is to 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.

18. Protection of Adjoining Areas

A temporary hoarding, fence or awning must be erected between the work site and adjoining lands before the works begin and must be kept in place until after the completion of the works if the works:

a) Could cause a danger, obstruction or inconvenience to pedestrian or vehicular traffic.

b) Could cause damage to adjoining lands by falling objects.

c) Involve the enclosure of a public place or part of a public place.

Note: Notwithstanding the above, Council's separate written approval is required prior to the erection of any structure or other obstruction on public land.

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19. Toilet Facilities

Toilet facilities must be available or provided at the works site before works begin and must be maintained until the works are completed at a ratio of one toilet for every 20 persons employed at the site. Each toilet must:

a) Be a standard flushing toilet connected to a public sewer.

b) Be a temporary chemical closet approved under the *Local Government Act 1993.*

c) Have an on-site effluent disposal system approved under the *Local Government Act 1993.*

20. Erosion and Sediment Control

Erosion and sediment control measures must be provided and maintained throughout the construction period in accordance with the manual *'Soils and Construction 2004 (Bluebook)'*, the approved plans, Council specifications and to the satisfaction of the principal certifying authority. The erosion and sediment control devices must remain in place until the site has been stabilised and revegetated.

Note: On the spot penalties may be issued for any non-compliance with this requirement without any further notification or warning.

21. Tree Protection Barriers

a) Tree protection fencing must be erected around trees numbered T8, T9, T11, T12, T13, T14, T16, T17 & T18 as identified on the approved plan LP - 03 E, to be retained at the nominated Tree Protection Zones (TPZ) listed below:

Tree No.	Tree Protection Zone
T8, T11, T12, T14, T18	7m
T13, T16, T17	4m

b) The tree fencing must be contiguous and constructed of 1.8 metre 'cyclone chainmesh fence' and must be erected in accordance with AS 4970-2009 (4.3 - Fig.3).

c) Tree fencing for trees T8, T9, T12, T13, & T14 may be repositioned in accordance with Section 4 (AS 4970), under the direction of the Project Arborist.

d) The Project Arborist must submit a certificate to the Principal Certifying Authority (PCA) confirming that all tree protection measures have been installed in accordance with this consent and the specific requirements of *Australian Standard Protection of Trees on Development Sites (AS 4970-2009)* and the Arborist Report.

22. Bushfire Management – Fence Installation

To ensure the protection of bushland during construction, the applicant must ensure the following:

a) The 1.8-metre-high chain wire fence (or similar) must be installed along the bottom of the western embankment as identified on the approved plans.

b) The fencing must not encroach within the Lane Cove National Park.

c) All machinery must be cleaned of soil and debris before entering the site to prevent the spread of weeds and fungal pathogens.

d) No material stock piles, no changes to soil aeration or hydrological capacity, no preparation of chemicals in adjoining areas, no open cut trenching, no placement of temporary buildings, no parking or movement of machinery, no spillage/disposal of building waste is to occur within the fenced off bushland.

e) The fencing shall allow access gate (with security locks) to allow bushland maintenance or other specific personnel to access environmentally sensitive areas.

f) The fencing must include a 'NO ENTRY' signage to inform the purpose of the fence to the construction personnel.

23. Removal of Hollow Bearing Trees

Prior to works commencing in relation to removal of hollow bearing trees the following requirements are to be complied with:

a) The project ecologist must undertake pre-clearance surveys, capture any wildlife from the hollows with traps set at a minimum of two nights and relocate into a nesting box.

b) Trees are to be removed in sections, by a qualified tree surgeon, in the presence of a 'Wildlife Carers' organisation to assist in the event of fauna injury.

Note: 'WIRES' (Wildlife Rescue) volunteers can be contacted on 8977 3333. 'Wildlife Services Sydney Metropolitan' volunteers can be contacted on 9413 4300. Information on animal nesting boxes can be obtained from WIRES, Kalkari Information Centre in Ku-Ring-Gai Chase National Park or Birds Australia www.birdsaustralia.com.au.

REQUIREMENTS DURING CONSTRUCTION

24. Construction Work Hours

All work on site (including demolition and earth works) must only occur between 7am and 5pm Monday to Saturday (unless otherwise approved in writing by Council due to extenuating circumstances). No work is to be undertaken on Sundays or public holidays.

25. Demolition

All demolition work must be carried out in accordance with *Australian Standard 2601-2001 The Demolition of Structures* and the following requirements:

a) Demolition material must be disposed of to an authorised recycling and/or waste disposal site and/or in accordance with an approved waste management plan.

26. Environmental Management

The site must be managed in accordance with the publication *'Managing Urban Stormwater – Landcom (March 2004)* and the *Protection of the Environment Operations Act 1997* by way of implementing appropriate measures to prevent sediment run-off, excessive dust, noise or odour emanating from the site during the construction of the development.

27. Street Sweeping

Street sweeping must be undertaken following sediment tracking from the site along Boundary Road during works and until the site is established.

The street cleaning services must undertake a street 'scrub and dry' method of service and not a dry sweeping service that may cause sediment tracking to spread or cause a dust nuisance.

28. Bushland Protection During Construction

To ensure the protection of bushland during construction, the applicant must ensure the following:

a) Maintain the 1.8-metre-high chain wire fence (or similar) along the bottom of the western embankment.

b) No material stock piles, no changes to soil aeration or hydrological capacity, no open cut trenching, no placement of temporary buildings, no parking or movement of machinery, no spillage/disposal of building waste are to occur against the protection fencing.

c) Maintain the signage to inform construction personnel of the purpose of the fence.

Note: Unauthorised access is not permitted within the Lane Cove National Park without consent from the Office of Environment and Heritage.

29. Protection from Soil Pathogens

To protect native flora and fauna from infection and infestation of pathogens and weeds all machinery shall be cleaned of soil and debris before entering the subject site to prevent the spread of weeds and fungal pathogens such as *Cinnamon Fungus (Phytophthora cinnamomi)* and *Chytrid Fungus (Batrachochytrium dendrobatidis).*

30. Works Near Trees

a) All required tree protection measures are to be maintained in good condition for the duration of the construction period.

b) All works within the Tree Protection Zones of trees T8, T9, T11, T12, T14, T14, T15 & T16 are to be conducted in accordance with the following conditions:

i) Works must not reduce the useful life expectancy of the tree and be carried out under the direct supervision of the Project Arborist. The Project Arborist must assess the condition of the trees and the growing environment and make recommendations for, and if necessary carry out remedial action to ensure the health and vigour of the trees.

ii) Excavation within the nominated Tree Protection Zones shall be carried out by hand excavation ONLY.

iii) Excavation must not exceed 15% of a TPZ and is to occur at a minimum distance of 3m from the trunk of any tree.

iv) Pruning of tree roots (if required) shall be undertaken as specified in AS 4970-2009 (Sections 3.3.4, 4.5.4 and 4.5.5). A certificate must be submitted

by the Project Arborist to the principal certifying authority detailing the methods used to preserve the trees.

v) To ensure longevity of the tree T14, the driveway is to be laid on/above existing grade. The driveway edge must remain at a distance greater than 500mm from the edge of the trunk of any tree.

c) The Project Arborist must submit a certificate to the Principal Certifying Authority (PCA) detailing the methods used to preserve these trees during the course of demolition and construction.

Note: Except as provided above, the applicant is to ensure that no excavation, filling or stockpiling of building materials, parking of vehicles or plant, disposal of cement slurry, waste water or other contaminants occurs within 4 metres of any tree to be retained.

31. Council Property

During construction works, no building materials, waste, machinery or related matter is to be stored on the road or footpath. The public reserve must be kept in a clean, tidy and safe condition at all times.

32. Disturbance of Existing Site

During construction works, the existing ground levels of open space areas and natural landscape features, (including natural rock-outcrops, vegetation, soil and watercourses) must not be altered unless otherwise nominated on the approved plans.

33. Landfill

Landfill must be constructed in accordance with Council's 'Construction Specification 2005' and the following requirements:

a) All fill material imported to the site is to wholly consist of Virgin Excavated Natural Material (VENM) as defined in Schedule 1 of the *Protection of the Environment Operations Act 1997* or a material approved under the *Department of Environment and Climate Change's* general resource recovery exemption.

34. Excavated Material

All excavated material removed from the site must be classified in accordance with the Department of Environment, Climate Change and Water NSW Waste Classification Guidelines prior to disposal to an approved waste management facility and reported to the principal certifying authority.

35. Asbestos and Soil Contamination

Should the presence of asbestos or soil contamination, not recognised during the application process be identified during works, the applicant must immediately notify the principal certifying authority and Council.

36. Traffic Control Plan Compliance

The development must be carried out in accordance with the submitted Traffic Control Plan (TCP) and the Construction Traffic Management Plan including the truck access routes and parking of construction vehicles.

REQUIREMENTS PRIOR TO THE ISSUE OF AN OCCUPATION CERTIFICATE

Note: For the purpose of this consent, a reference to 'occupation certificate' shall not be taken to mean an 'interim occupation certificate' unless otherwise stated.

37. Road Works

The following signage is to be installed in relation to the development:

a) "NO STOPPING" signs to be installed at the intersection of Boundary Road and Braidwood Avenue, to create the statutory 10m "No stopping zone".

b) "NO STOPPING" signs are to be installed at the intersection of Boundary Road and Norfolk Road, to create the statutory 10m "No stopping zone".

c) "A GIVE WAY sign" and line marking to be installed on Norfolk Road at its intersection with Boundary Road.

d) The frontage of the bus stop on the western side on Norfolk Road (at its intersection with Boundary Road) is to be upgraded to a 'BUS ZONE'; and

e) "NO PARKING" signs are to be installed at the turning head of the cul-de-sac in Boundary Road.

f) The "PICK-UP" and "DROP-OFF" zone be marked at the cul-de-sac end of Boundary Road.

Note: Installation of the signs requires approval by the Hornsby Local Traffic Committee.

38. Internal Driveway/Vehicular Areas

All car-parking areas are to be constructed in accordance with *Australian Standard AS/NZS 2890.1:2004 – Off-street car parking and Australian Standard AS 2890.2:2002 – Off-street commercial vehicle facilities* and the following requirements:

a) All internal driveway works are to be completed in accordance with Condition 14 of this development consent.

b) All parking spaces and driveways are to be sealed to all weather standards, line marked and signposted.

c) All parking for people with disabilities is to comply with *AS/NZS 2890.6:2009 Off-street parking for people with disabilities*.

d) Any proposed landscaping and/or fencing must not restrict sight distance to pedestrians and cyclists travelling along the footpath.

39. Damage to Council Assets

Any damage caused to Council's assets as a result of the construction of the development must be rectified in accordance with Council's Civil Works Specifications.

40. Creation of Easements

The following matter(s) must be nominated on the plan of subdivision under s88B of the Conveyancing Act 1919:

a) The creation of an appropriate *"Positive Covenant"* and *"Restriction as to User"* over the constructed on-site detention/retention systems and outlet works, within the lots in

favour of Council in accordance with Council's prescribed wording. The position of the on-site detention system is to be clearly indicated on the title.

b) To register the OSD easement, the restriction on the use of land *"works-as-executed"* details of the on-site-detention system must be submitted verifying that the required storage and discharge rates have been constructed in accordance with the design requirements. The details must show the invert levels of the on-site system together with pipe sizes and grades. Any variations to the approved plans must be shown in red on the *"works-as-executed"* plan and supported by calculations.

Note: Council must be nominated as the authority to release, vary or modify any easement, restriction or covenant.

41. Retaining Walls

All required retaining walls must be constructed as part of the development. The retaining walls are to be designed by a structural engineer.

42. Final Certification Acoustic Consultant

A final certificate must be provided by the Acoustic Consultant stating that the recommended measures within the Acoustic Report including the 1.8m high acoustic fence identified in the approved plans, have been complied with.

43. External Lighting

All external lighting must be designed and installed in accordance with *Australian Standard AS 4282 – Control of the Obtrusive Effects of Outdoor Lighting* and the approved Lighting Plan listed in Condition 1 of this development consent. The impact of light spill on to Lane Cove National Park must be minimised. Certification of compliance with the Standard must be obtained from a suitably qualified person.

44. Landscaping

The development area of the adjoining the site must be appropriately landscaped in accordance with the approved Landscape Plan LP – 01 E dated 26/11/2015 listed in Condition 1 of this development consent and the following requirements:

a) Replacement planting locations and species must be in accordance with the approved LP-01 E.

b) Locally native ground cover species must be planted at a density of 3 per square metre, along the top of edge of the western facing embankment that adjoins Lane Cove River National Park.

c) Plantings that fail to survive or do not exhibit normal health and vigour growth characteristics for their species prior to reaching a height greater than three metres (3m), must be replaced at the expense of the property owner.

d) Primary and follow up weed control is to be undertaken prior to planting of tube stock.

e) All environmental and noxious weeds must be removed and suppressed using recognised bush regeneration methods. The works are to be undertaken by a qualified and experienced bush regeneration contractor.

f) A 4.2m high chainmesh fence must be installed on three sides of the proposed court as approved in LP – 01 E, to minimise disturbance to and littering of the Lane Cove National Park.

Note: A certificate from suitably qualified and experienced Horticulturalist is to be submitted to the Principal Certifying Authority stating that all plant stock meet the specifications outlined in 'Specifying Trees' (Ross Clark, NATSPEC Books) and that the planting methods are current, professional (best practice) industry standards at the time of planting.

The plant species should be selected and positioned so that at maturity the tree is protected under the Hornsby Development Control Plan 2013.

45. Final Certification

a) The Project Arborist must assess the condition of all trees and the growing environment, where works have been conducted within the nominated tree protection zones, and make recommendations for, and carry out remedial actions where necessary.

b) Following the final inspection and the completion of any remedial works, the Project Arborist must submit a report stating that the completed works have been carried out in compliance with the approved plans and specifications for tree protection as above and AS 4970-2009.

c) A certificate must be provided by a practicing landscape architect, horticulturalist or person with similar qualifications and experience certifying that all required landscaping works have been satisfactorily completed in accordance with the approved landscape plans and the requirements of Condition no. 44.

46. Preservation of Survey Marks

A certificate by a Registered Surveyor must be submitted to the Principal Certifying Authority, certifying that there has been no removal, damage, destruction, displacement or defacing of the existing survey marks in the vicinity of the proposed development or otherwise the re-establishment of damaged, removed or displaced survey marks has been undertaken in accordance with the Surveyor General's Direction No.11 – **"Preservation of Survey Infrastructure"**.

47. Construction of Engineering Works

All engineering works including but not be limited to the stormwater works, on-site detention system, water quality treatment system and road works/signage identified in this consent are to be completed and a Compliance Certificate issued prior to the release of the Occupation Certificate.

48. Management of the Site

A "Plan of Management" for the proposed use must be prepared and include (but not be limited to) the following details:

a) The proposed facilities and the timings.

b) Pick-up and drop-off facilities.

c) Hours of use.

d) Emergency contact number when the premise is unstaffed.

e) Requirement for the use of training whistles only.

Note: A copy of the Management Plan is to be submitted to Council prior to the issue of the Occupation certificate.

ITEM 1

OPERATIONAL CONDITIONS

49. Car Parking and Deliveries

All car parking must be constructed and operated in accordance with *Australian Standard AS 2890.1-2004 Off Street Car Parking* and *Australian Standard 2890.2-2002 Off Street Commercial* and the following requirement:

a) Car parking, loading and manoeuvring areas to be used solely for nominated purposes.

b) All bicycle racks are to be provided and maintained on site.

c) Vehicles awaiting loading, unloading or servicing shall be parked on site and not on adjacent or nearby public roads.

d) All vehicular entry on to the site and egress from the site shall be made in a forward direction.

50. Use of Premises

a) The development approved under this consent is for "Multi-purpose courts" and not for any other purpose without Council's separate written consent.

b) The facility must at all times be operated in accordance with the North Epping Sports Centre Operational Plan of Management dated 31 March 2021, including any revisions to the Operational Plan of Management as required by legislation and/or as agreed to by Council.

51. Noise

a) All noise generated by as a result of the proposed use of the development when assessed as a Leq, 15 minutes at any affected point on or within any residential premises must not exceed 40 dB(A), Where such noise being emitted to adjacent premises possess tonal, beating or similar characteristics a correction factor of 5dB(A) shall be added to the measured level in accordance with the EPA's Noise Policy for Industry.

b) The use of the premise must be controlled so that any emitted noise is at a level so as not to create an “offensive noise” as defined in the *Protection of the Environment Operations Act 1997* to any affected receiver.

c) No amplified music/announcements are permitted.

52. Landscape Establishment

The landscape works must be maintained into the future to ensure the establishment and successful growth of plant material to meet the intent of the landscape design. This must

include but not be limited to watering, weeding, replacement of failed plant material and promoting the growth of plants through standard industry practices.

52A. No Parking Signage

The existing 20-metre-long 'No Parking, 3pm-9pm Monday to Friday' zone be modified to 'No Parking' without a time limit on it, subject to approval of the Hornsby Local Traffic Committee.

CONDITIONS OF CONCURRENCE - NSW RURAL FIRE SERVICE

The following conditions of consent are from the nominated State Agency pursuant to Section 4.47 of the *Environmental Planning and Assessment Act 1979* and must be complied with to the satisfaction of that Agency.

53. Asset Protection Zones

At the commencement of building works (encompassing the new Multi-Purpose Courts and car park and the upgraded Girl Guides Hall car park) an in perpetuity the entire property up to the site boundaries, shall be managed as an inner protection area (IPA) as outlined within section 4.1.3 and Appendix 5 of 'Planning for Bush Fire Protection 2006' and the NSW Rural Fire Service's document 'Standards for asset protection zones'.

Note: The intent of measures is to minimise the risk of bush fire attack and provide protection for emergency services personnel, residents and others assisting firefighting activities.

54. Water and Utilities

Water, electricity and gas are to comply with section 4.1.3 of 'Planning for Bush Fire Protection 2006'.

Note: The intent of measures is to provide adequate services of water for the protection of buildings during and after the passage of a bush fire, and to locate gas and electricity so as not to contribute to the risk of fire to a building.

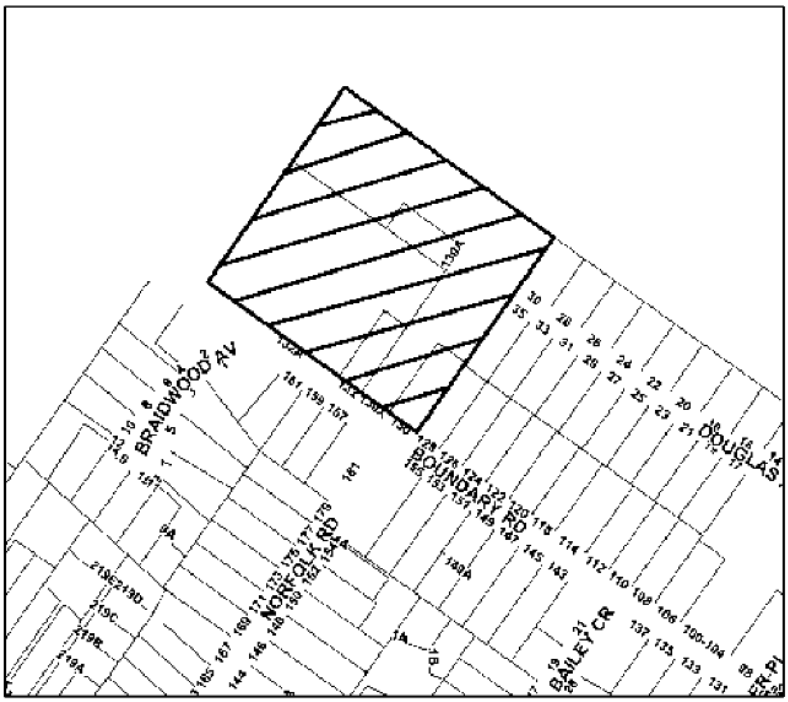
55. Access

Public road access from Boundary Road to the new Multi-Purpose Court car park and upgraded Girl Guides Hall car park shall comply with section 4.1.3 (1) of '*Planning for Bush Fire Protection 2006'*.

Note: The intent of measures for public roads is to provide safe operational access to structures and water supply for emergency services, while residents are seeking to evacuate from an area.

- END OF CONDITIONS -

ATTACHMENT 1 - ITEM 1



LOCALITY PLAN

DA/1566/2014/B

130, 130A, 130X, 132 and 132A Boundary Road, North Epping

CONSULTANT'S REPORT - NEXUS ENVIRONMENTAL PLANNING PTY LTD

Modification Application No:	DA/1566/2014/B.
Description of Proposal:	Multi-purpose courts and car parking.
Property Description:	Lot 913, DP 752053, Lot 7304, DP 1131925, Lot 1073, DP 752053 and Lot 1034, DP 752053, Nos.130, 130X, 132 and 132a Boundary Road, North Epping.
Applicant:	North Epping Bowling Club.
Owner:	Crown Land and North Epping Bowling & Community Club.
Statutory Provisions:	Hornsby LEP 2013 - RE1 - Public Recreation.
Estimated Value:	N/A.
Ward:	C.

- The application proposes the modification of Development Consent No. DA/1566/2014 for use of land at the North Epping Bowling and Community Club for multi-purpose sports courts and associated car parking by modifying the approved hours of operation.
- The proposal complies with the provisions of the Hornsby Local Environmental Plan 2013 and the Hornsby Development Control Plan 2013.
- Twelve (12) submissions have been received during the exhibition of the proposed modification including 10 objections and 2 letters of support of the proposed modification.
- On 16 December 2020, the Local Planning Panel considered the proposed modification and resolved to defer the application pending the lodgement of an Operational Plan of Management.
- The Applicant has lodged an appropriate Operational Plan of Management.
- The Operational Plan of Management was notified and eleven (11) submissions were received.
- It is recommended that the modification be approved.

RECOMMENDATION

THAT Modification Application No. DA/1566/2014/B for the use of land at the North Epping Bowling and Community Club for multi-purpose sports courts and associated car parking be approved subject to conditions of consent detailed in Schedule 1 of this report.

BACKGROUND

On 14 February 2014, a public meeting was held on site in response to community concerns raised in respect of the application.

On 15 December 2014, Development Application No.1566/2014 was lodged with the Council.

On 2 February 2015, the applicant was requested to provide additional information regarding stormwater.

On 5 February 2015, the applicant submitted details of proposed lighting.

On 10 March 2015, the applicant submitted stormwater management plans.

On 1 April 2015, additional information regarding traffic impact was requested.

On 16 April 2015, an amended traffic report was submitted.

On 27 April 2015, further information regarding stormwater management was requested.

On 27 June 2015, amended stormwater plans were submitted.

On 7 October 2015, the North Epping Rangers Netball Club provided an email which responded to a number of the issues raised at the September 2005 Meeting of Council.

On 24 October 2015, a public meeting was held in response to the September 2015 resolution of the Council.

On 9 December 2015, Council approved Development Application No.DA/1566/2014 for addition of a multi-purpose court facility adjoining the North Epping Bowling Club and carpark upgrade at Nos.130, 130A, 130X, 132 and 132A Boundary Road, North Epping.

On 9 January 2020, a Section 4.55(2) application was lodged for the modification of DA/1566/2014 by amending two conditions (Condition No.50 Use of Premises and Condition 51 Noise) on the consent which restrict the hours of use of the facility.

On 24 February 2020, Council wrote to the applicant requesting the submission of a revised statement of environmental effects, updated acoustic report and traffic and parking assessment.

On 22 May 2020, the applicant submitted an acoustic report prepared by SLR Consulting.

On 27 July 2020, the applicant submitted a revised Management Plan. Council engaged an independent acoustic consultant to review the acoustic assessment and relevant documents.

On 3 September 2020, Council wrote to the applicant raising concerns with respect to the revised Management Plan relating to the operation of the multipurpose courts.

On 4 September 2020, the applicant submitted a statement from the acoustic consultant and a further revised Management Plan dated September 2020.

On 26 October 2020, a traffic and parking report prepared by GTK consulting was submitted to Council.

On 29 October 2020, the applicant submitted a new Statement of Environmental Effects and a revised Management Plan.

On 24 November 2020, the applicant submitted a further amended Statement of Environmental Effects and a further amended Management Plan.

On 16 December 2020, the Local Planning Panel considered the proposed modification and resolved:

> ***RECOMMENDATION***
>
> *THAT pursuant to Section 4.55(2) of the Environmental Planning and Assessment Act 1979, Development Application No. DA/1566/2014 for the use of land at the North Epping Bowling and Community Club for multi-purpose sports courts and associated car parking at Lot 913 DP 752053, Lot 1070 DP 752053, Lot 7304 DP 1131925, Lot 1073 DP 752053 and Lot 1034 DP 752053, Nos.130, 130A, 130X, 132 and 132A Boundary Road, North Epping be amended as detailed in Schedule 1 of LPP Report No. LPP40/20.*
>
> ***PANEL'S CONSIDERATION AND DETERMINATION***
>
> *The Panel considered the matters raised by the objectors in written submissions and at the meeting, including acoustic impacts, participants and spectators behaviour, lighting impacts, and overall site management.*

The Panel is particularly concerned with the amenity impacts associated with the proposed extended hours in the evening.

The Panel resolved to defer the determination of the application and require the preparation and submission to Council of a Plan of Management that comprehensively addresses the LEC planning principles for Plans of Management.

The Plan of Management should contain a separate section detailing the specific management provisions proposed for each sporting activity. The plan should address the relationship of the multipurpose sports courts with all other uses on the site.

On 31 March 2021, the applicant submitted an Operational Plan of Management.

The Operational Plan of Management was notified from 1 April 2021 to 15 April 2021. Eleven (11) submissions were received.

THE OPERATIONAL PLAN OF MANAGEMENT

The applicant submitted an Operational Plan of Management prepared by DFP Planning dated 31 March 2021. The objectives of the Operational Plan of Management are:

- To ensure the North Epping Sports Centre (the facility) operates in a manner that does not result in unreasonable impacts on the environment and surrounding residents.
- To ensure persons operating the facility are aware of their obligations with respect to implementation and administration of the Operational Plan of Management.
- To ensure persons using the facility act in a manner which does not result in unreasonable or unacceptable impacts on nearby residents.
- To ensure the operational obligations as set out in the Operational Plan of Management are practical and able to be implemented in a reasonable manner.
- To ensure any breaches in the implementation of the Operational Plan of Management are able to be identified and rectified promptly.
- To ensure the facility operates in accordance with the conditions of consent as set in the Notice of Determination relating to DA/1566/2014 (as modified).
- To include review procedures to ensure the Operational Plan of Management remains relevant having regard to changes in legislation and circumstances.

ASSESSMENT

The Operational Plan of Management provides sufficient detail of the proposed operation of the development as modified and has provided a distinct set of management procedures for each aspect of the use of the approved facility as requested by the Local Planning Panel.

During the exhibition of the Operational Plan of Management, a number of submissions were received as detailed below. It is recommended that the Operational Plan of Management and condition 50 of the consent be modified as recommended to accommodate a number of the concerns raised by the submissions.

It is considered that the Operational Plan of Management will provide a degree of certainty that the facility, as modified, can operate such that the impact to the locality and the local residential development in particular is mitigated to an acceptable level.

PUBLIC PARTICIPATION

Section 4.15(1)(d) of the Act requires Council to consider *"any submissions made in accordance with this Act"*.

Community Consultation

The Operational Plan of Management was notified in the period 1 April 2021 to 15 April 2021.

During this period, Council received eleven (11) submissions. Below is a summary of submissions with comment where appropriate.

1. A number of submissions related to the proposed hours of operation contained in the Operational Plan of Management. Concern was raised that allowing the facility to operate on Saturday and Sunday nights and on public holidays until 9:30pm with lights out at 9:45pm was too late and would have a detrimental impact on the amenity of the local residents. The submissions suggest that ceasing the use of the courts at 6:00pm on those days would be a more equitable solution.

Comment: The operation of the facility until 9:30pm with lights out at 9:45pm is clearly a particularly important aspect of the development for the local residents who have generally accepted the other operation measures contain in the Operational Plan of Management. It is considered that there is merit in having the facility cease operation at 6:00pm with lights out at 6:45pm on Saturday, Sunday and public holidays. It is recommended that the Operational Plan of Management be modified to this effect.

2. A number of submissions raised concern that the contacted number for the facility should include a mobile number and not just a fixed number.

Comment: It is considered that a mobile number should also be provided and the Operational Plan of Management be modified accordingly.

3. Concern has been raised that the use of the courts has occurred in the form of children using the courts while there is a function at the Bowling Club.

Comment: This aspect has been canvassed in the Operational Plan of Management, however, it could be further altered to make it clear that the courts are not to be used in conjunction with a function at the Bowling Club.

4. Concern was raised that alcohol should not be consumed in the spectator areas of the courts.

Comment: This has been addressed in the Operational Plan of Management.

5. Concern was raised that runoff from the Bowling Club and the Courts has resulted in the infestation of weeds in the adjoining park area.

Comment: It is considered that this is a management issue for the Bowling Club and the Council and not one which should be included in the Operational Plan of Management for the courts.

6. It has been recommended that the spectator area should be limited to the area adjoining the water tank as that area is at the same level as the courts and at a distance from the local residential area, and would limit the acoustic impact of spectators.

Comment: It is considered that this request is warranted and that the Operational Plan of Management be modified accordingly.

COUNCIL STAFF

During the exhibition of the Operational Plan of Management, the Operational Plan of Management was reviewed by the relevant Council staff. In response, the Council Senior Environmental Compliance Officer made recommendation as to how Condition 50 could be modified. In this regard, the applicant's Town Planner has recommended the following modification to the conditions:

Following preparation of the draft Operational Plan of Management, the originally requested amendment to condition 50 is no longer relevant.

It is considered that condition 50 could be amended to simply require the following:

50. Compliance with the Operational Plan of Management

a) The facility must at all times be operated in accordance with the North Epping Sports Centre Operational Plan of Management dated [date], including any revisions to the Operational Plan of Management as required by legislation and/or as agreed to by Council.

b) Management of the North Epping Sports Centre is responsible for ensuring that all users of the facility abide by the Operational Plan of Management.

However, should Council consider that additional detail is required to be contained in condition 50, the following alternative wording could be applied to the modified condition:

50. Use of Premises

a) The development approved under this consent shall, subject to the following provisions, be used for Multipurpose recreational activities and not for any other purpose without Council's written consent.

b) The use of the sports courts is limited to:

i) 8:30am to 9:30pm on Mondays to Saturdays; and

ii) 9:00am to 9:30pm on Sundays and Public Holidays.

c) The development approved under this consent cannot be used where the North Epping Bowling & Community Club advises that bowler numbers are expected to exceed 50 or clubhouse occupants are expected to exceed 100.

d) Subject to (c), the maximum number of players on the sports courts shall not exceed:

i) 15 players per court from 8:30am to 6:00pm on Mondays to Saturdays and from 9:00am to 6:00pm on Sundays and Public Holidays.

ii) 18 players per court from 6:00pm to 9:30pm on Monday to Sunday (7 days/week) when bowling greens are not in use.

e) The use must be conducted in accordance with the approved Operational Plan of Management.

f) Activities must cease no later than 9:30pm on any day.

g) All players associated with the use of the facility shall depart the facility in an orderly fashion by no later than 9:45pm on any day.

h) Floodlights will automatically turn off at 9:45pm on any day.

i) A sign must be displayed in a prominent location displaying the emergency contact number when the premise is unstaffed.

We also note that there has been some feedback from Council's environmental health officers in relation to condition 51 of the consent which relates to acoustic considerations.

No objection is raised to the proposed amendment to condition 51 as required by the environmental health section, however it is recommended that the wording of the condition be revised to clarify the intent of the condition. Specifically, it is recommended that (a) be modified in the following manner:

51. Noise

a) All noise generated by as a result of the proposed use of the development when assessed as a Leq, 15 minutes at any affected point on or within any residential premises must not exceed 40 dB(A), Where such noise being emitted to adjacent premises possess tonal, beating or similar characteristics a correction factor of 5dB(A) shall be added to the measured level in accordance with the EPA's Noise Policy for Industry.

b) The use of the premise must be controlled so that any emitted noise is at a level so as not to create an "offensive noise" as defined in the Protection of the Environment Operations Act 1997 to any affected receiver.

c) No amplified music/announcements are permitted.

Comment: It is considered that, if the modification of Condition 50 as recommended by the applicant were to be accepted, this would mean that if there was a change to the matters addressed in that condition, there would be a need for a further modification to the consent. This is considered to be an inappropriate means of modification to Condition 51.

In response, the Senior Environmental Compliance Officer made the following comment:

The recommended wording for condition 50b) 'or as agreed to by the Council' would, in my opinion, allow for changes to be made to the Operational Management Plan without a modification application, if agreed to by Council.

According to the Notice of Determination for DA/1566/2014, the development consent is for:

Multi-purpose court facility adjoining the North-Epping Bowling Club and carpark upgrade

As the consent is for a Multi-purpose court facility, I am of the opinion that a condition stating what the development must be used for is not needed, however if considered necessary, the wording should be consistent with the original consent and therefore I would recommend the current wording of condition 50a) be retained .... as follows:

50. Use of Premises

a) The development approved under this consent shall be used for "Multi-purpose courts" and not for any other purpose without Council's separate written consent.

Comment: It is considered that the above recommendation of the Senior Environmental Compliance Officer is valid and should be supported, albeit with some change to the wording.

PUBLIC INTEREST

Section 4.15(1)(e) of the Act requires Council to consider *"the public interest"*.

The public interest is an overarching requirement, which includes the consideration of matters discussed in this report. Implicit to the public interest is the achievement of future built outcomes adequately responding to and respecting the future desired outcomes expressed in environmental planning instruments and development control plans.

As detailed in the body of this assessment, the development, as modified, would be substantially the same as that which was originally approved. As such, it is considered that the development, as proposed to be modified, is in the public interest.

CONCLUSION

The modified application seeks to modify Condition 50 of development consent No. DA/1566/2014.

The modification application deals with both the hours of operation of the approved development and the maximum number of players permitted to use the facility. A detailed Operational Plan of Management has been provided by the applicant in accordance with the requirements of the Local Planning Panel.

In light of the nature of the proposed modifications and the Operational Plan of Management, it is considered that the modified consent would be substantially the same as that which was originally approved and the Council can be satisfied that section 4.55(2) of the *Environmental Planning and Assessment Act 1979* is satisfied to the point where the proposed modification can be approved.

In response to the submissions raised during the exhibition of the Operational Plan of Management, changes to the detail contained in the Operational Plan of Management are recommended.

It is recommended that the Council approve the modification application.

SCHEDULE 1

It is recommended that Condition 50 of the Consent be modified to state:

50. Use of Premises

a) The development approved under this consent is for "Multi-purpose courts" and not for any other purpose without Council's separate written consent.

b) The facility must at all times be operated in accordance with the North Epping Sports Centre Operational Plan of Management dated 31 March 2021, including any revisions to the Operational Plan of Management as required by legislation and/or as agreed to by Council.

It is recommended that the Operational Plan of Management be modified to accommodate the above recommended Condition 50 and also as follows:

1. On Saturday, Sunday and Public Holidays use of the courts is to cease at 6:00pm with lights out at 6:45pm.

2. The contact details for complaint management are to include a current mobile phone number.

3. Spectators are to be limited to the area adjacent to the water tank.

CONSULTANT'S REPORT - NEXUS ENVIRONMENTAL PLANNING PTY LTD

Modification Application No:	1566/2014/B.
Description of Proposal:	Multi-purpose courts and car parking.
Property Description:	Lot 913 DP 752053, Lot 1070 DP 752053, Lot 7304 DP 1131925, Lot 1073 DP 752053 and Lot 1034 DP 752053, Nos.130, 130A, 130X, 132 and 132A Boundary Road, North Epping.
Applicant:	North Epping Bowling Club.
Owner:	Crown Land and North Epping Bowling & Community Club.
Statutory Provisions:	Hornsby LEP 2013 - RE1 - Public Recreation.
Estimated Value:	N/A.
Ward:	C.

- The application proposes the modification of Development Consent No.1566/2014 for use of land at the North Epping Bowling and Community Club for multi-purpose sports courts and associated car parking by modifying the approved hours of operation.
- The proposal complies with the provisions of the *Hornsby Local Environmental Plan 2013* and the *Hornsby Development Control Plan 2013*.
- Twelve (12) submissions have been received during the exhibition of the proposed modification including 10 objections and 2 letters of support of the proposed modification.
- It is recommended that the modification be approved.

RECOMMENDATION

THAT Development Application No.1566/2014/B for the use of land at the North Epping Bowling and Community Club for multi-purpose sports courts and associated car parking be modified subject to conditions of consent detailed in Schedule 1 of this report.

BACKGROUND

On 14 February 2014, a public meeting was held on site in response to community concerns raised in respect of the application.

On 15 December 2014, Development Application No.1566/2014 was lodged with the Council.

On 2 February 2015, the applicant was requested to provide additional information regarding stormwater.

On 5 February 2015, the applicant submitted details of proposed lighting.

On 10 March 2015, the applicant submitted stormwater management plans.

On 1 April 2015, additional information regarding traffic impact was requested.

On 16 April 2015, an amended traffic report was submitted.

On 27 April 2015, further information regarding stormwater management was requested.

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On 7 October 2015, the North Epping Rangers Netball Club provided an email which responded to a number of the issues raised at the September 2005 Meeting of Council.

On 24 October 2015, a public meeting was held in response to the September 2015 resolution of the Council.

On 9 December 2015, Council approved Development Application No. DA/1566/2014 for addition of a multi-purpose court facility adjoining the North Epping Bowling Club and carpark upgrade at Nos.130, 130A, 130X, 132 and 132A Boundary Road, North Epping.

On 9 January 2020, a Section 4.55(2) application was lodged for the modification of DA/1566/2014 by amending two conditions (Condition No.50 Use of Premises and Condition 51 Noise) on the consent which restrict the hours of use of the facility.

On 24 February 2020, Council wrote to the applicant requesting the submission of a revised statement of environmental effects, updated acoustic report and traffic and parking assessment.

On 22 May 2020, the applicant submitted an acoustic report prepared by SLR Consulting.

On 27 July 2020, the applicant submitted revised Management Plan. Council engaged an independent acoustic consultant to review the acoustic assessment and relevant documents.

On 3 September 2020, Council wrote to the applicant raising concerns with respect to the revised Management Plan relating to the operation of the multipurpose courts.

On 4 September 2020, the applicant submitted a statement from the acoustic consultant and a further revised Management Plan dated September 2020.

On 26 October 2020, a traffic and parking report prepared by GTK consulting was submitted to Council.

On 29 October 2020, the applicant submitted a new Statement of Environmental Effects and a revised Management Plan.

On 24 November 2020, the applicant submitted a further amended Statement of Environmental Effects and a further amended Management Plan.

SITE

The site is located on the northern side of Boundary Road, North Epping near the intersection of Boundary Road with Norfolk Road.

The site is irregular in shape and has area of approximately 2.15 hectares. The majority of the site is Crown Land except for that part of the site owned by the North Epping Bowling and Community Club which contains the clubhouse of the bowling club. This section of the site has an area of approximately 0.08 hectares. The site has a frontage of approximately 150 metres to Boundary Road and has access from Boundary Road.

The topography of the site is benched to accommodate the bowling greens on the site and the existing buildings on the site.

To the north east of the site is bushland which is part of the Lane Cove River National Park. Devlins Creek is located approximately 70 metres from the site. Council has installed a catchment remediation device at the low end of Boundary Road to treat stormwater prior to it being feed to the adjoining bushland and the Devlins Creek Catchment.

PROPOSAL

The Notice of Determination of Development Application No.1566/2014 contains Condition 50 relating to the use of the approved development. Condition 50 states:

50. Use of Premises

a) The development approved under this consent shall be used for "Multi-purpose courts" and not for any other purpose without Council's separate written consent. The uses are to be as follows:

i) Winter Sport (March to September): Netball training

Monday to Friday from 3:30pm to 8:30pm with a maximum of 20 players per hour;

ii) Summer Sport (November to February): Futsal soccer competition or summer netball competition

Monday to Thursday from 5:30pm to 9:00pm with a maximum of 30 players per hour;

iii) School Holidays Tennis

Three (3) days per week plus 2 days for tennis clinic with a maximum of 20 players per session, the hours being 8am to 8pm (Monday to Saturday) and 9.00am to 6.00pm on Sundays;

iv) North Epping Public School Friday Afternoons (April to September)

School netball games 9am to 3pm with a maximum of 30 players for two (2) hours;

v) All Saints Church Friday Evenings

Once every three (3) months between 6pm to 8pm with a maximum of 20 players up to the age of 15 years for two (2) hours.

b) The use must be conducted in accordance with the approved "Management Plan" as listed in the development consent.

c) A sign must be displayed in prominent location displaying the emergency contact number when the premise is unstaffed.

Documents submitted with the modification application state that:

In summary, the following amendments are sought under this application (Rev A) to the terms and conditions of DA/1566/2014:

Delete condition No 50 and insert in that place a new condition No 50 to read as follows:

"50. Use of Premises

(a) The development approved under this consent shall be used for "Multipurpose recreational activities" and not for any other purpose without Council's written consent. Such usage be allowed between:

i) 8:30am and 9.30pm on Mondays to Saturdays; and

ii) 9:00am to 9:30pm on Sundays and Public Holidays.

(b) The maximum number of players per hour will be:

I. 30 players per hour, from 8.30am to 6.00pm on Mondays to Saturdays and from 9.00am to 6.00pm on Sundays and public holidays;

II. 36 players per hour from 6.00pm to 9.30pm Monday to Sunday (7 days/week).

(c) All players associated with the use of the facility shall depart the facility by no later than 9.45pm.

(d) The use must be conducted in accordance with the approved "Management Plan".

(e) A sign must be displayed in a prominent location displaying the emergency contact number when the premise is unstaffed."

The documentation submitted with the modification application also included a Traffic and Parking Assessment and an Acoustic Impact Assessment.

A document titled *North Epping Sports Centre Management Plan, 24 November 2020* has also been submitted with the modification application which is the Management Plan referenced in the proposed modified condition of consent.

ASSESSMENT

1. STRATEGIC CONTEXT

1.1 Metropolitan Strategy for Sydney and (Draft) North Subregional Strategy

The proposed development would be consistent with the *Metropolitan Plan for Sydney 2031* by providing additional recreational facilities to be used by the population of the locality.

2. STATUTORY CONTROLS

Pursuant to Sections 4.55(2) and (3) of the *Environmental Planning and Assessment Act 1979*:

(2) ***Other modifications***

A consent authority may, on application being made by the applicant or any other person entitled to act on a consent granted by the consent authority and subject to and in accordance with the regulations, modify the consent if -

(a) it is satisfied that the development to which the consent as modified relates is substantially the same development as the development for which consent was originally granted and before that consent as originally granted was modified (if at all), and

(b) it has consulted with the relevant Minister, public authority or approval body (within the meaning of Division 4.8) in respect of a condition imposed as a requirement of a concurrence to the consent or in accordance with the general terms of an approval proposed to be granted by the approval body and that Minister, authority or body has not, within 21 days after being consulted, objected to the modification of that consent, and

(c) it has notified the application in accordance with -

(i) the regulations, if the regulations so require, or

(ii) a development control plan, if the consent authority is a council that has made a development control plan that requires the notification or advertising of applications for modification of a development consent, and

(d) it has considered any submissions made concerning the proposed modification within the period prescribed by the regulations or provided by the development control plan, as the case may be.

Subsections (1) and (1A) do not apply to such a modification.

(3) In determining an application for modification of a consent under this section, the consent authority must take into consideration such of the matters referred to in section 4.15(1) as are of relevance to the development the subject of the application. The consent authority must also take into consideration the reasons given by the consent authority for the grant of the consent that is sought to be modified.

As noted in section 4.55(2), the Council must ensure that:

.... it is satisfied that the development to which the consent as modified relates is substantially the same development as the development for which consent was originally granted and before that consent as originally granted was modified (if at all),

Development application No.1566/2014 was for:

Proposed Operation B Multi-purpose Courts

North Epping Bowling Club has advised that the major user of the multi-purpose courts will be the North Epping Rangers Sports Club (NER). NER has a large existing soccer and netball team membership and expects to expand their activities to include promotional games at the Boundary Road venue, in particular futsal.

NER's planned use of the Boundary Road courts are as follows:

Winter Sport (March to September)

Netball training - Monday to Friday from 4.00 pm to 8.30 pm. A maximum of 20 players per hour.

Summer Sport (November to February)

Futsal soccer competition or summer netball competition B Monday to Thursday from 6.00 pm to 9.00 pm. A maximum of 30 players per hour.

School Holidays

Tennis B three (3) days per week plus 2 days for tennis clinic. 20 players per session.

North Epping Public School Friday Afternoons (April to September)

School netball games till 3.00 pm. A maximum of 30 players (children) over two (2) hours.

All Saints Church Friday Evenings

Once every three (3) months between 6.00 pm to 8.00 pm. A maximum of 20 players up to the

age of 15 years for two (2) hours.

The development application was assessed on the basis of the above description of the proposed development and was approved generally in accordance with that description of the proposed development. This is reflected in Condition 50 of the consent.

With regard to whether ... *the consent as modified relates is substantially the same development as the development for which consent was originally granted* ... the SEE submitted with the modification application states:

> *The proposed modification will result in a development that is "substantially the same" as that which was consented to. The modifications sought to the approved hours of use will not substantially alter the approved development. The proposed development is substantially the same as the approved development for the following reasons:*
>
> - *The development remains the same to the use consented to under DA/1566/2014 namely a "Multi-purpose court facility adjoining the North-Epping Bowling Club and carpark upgrade".*
> - *The proposed modifications to the current approved hours will improve the overall functioning of the site and will better reflect the nature of the operations following the establishment of the use on the site.*
> - *The overall layout and configuration of the development will not be demonstrably changed.*
> - *The external appearance of the development will remain essentially unchanged.*

The modified Condition 50 provided by the applicant deals with both the hours of operation of the approved development and the number of players who can use the facility at any one time.

In light of the nature of the proposed modification, it is considered that the modified consent would be substantially the same as that which was originally approved and the Council can be satisfied that section 4.55(2) of the Environmental Planning and Assessment Act 1979 is satisfied to the point where the proposed modification can be approved.

Clause 4.55(3) states:

> *(3) In determining an application for modification of a consent under this section, the consent authority must take into consideration such of the matters referred to in section 4.15(1) as are of relevance to the development the subject of the application. The consent authority must also take into consideration the reasons given by the consent authority for the grant of the consent that is sought to be modified.*

Section 4.15(1) requires Council to consider any relevant environmental planning instruments, draft environmental planning instruments, development control plans, planning agreements and other prescribed matters.

2.1 Hornsby Local Environmental Plan 2013

The *Hornsby Local Environmental Plan 2013 (HLEP)* was gazetted on 27 September 2013.

The site is zoned RE1 Public Recreation under the *HLEP*.

The approved development is classified as a *"recreation area"* and *"car park"* which are defined in the HLEP as:

> ***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).

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

Clause 2.3(2) of the *HLEP* states:

(2) The consent authority must have regard to the objectives for development in a zone when determining a development application in respect of land within the zone.

The objectives of the RE1 Public Recreation zone are:

- *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 protect and maintain areas of bushland that have ecological value.*

The development, as modified, would be consistent with the objectives of the RE1 Public Recreation zone.

Clause 5.1 of the *HLEP* deals with the acquisition of land and states:

(1) The objective of this clause is to identify, for the purposes of section 27 of the Act, the authority of the State that will be the relevant authority to acquire land reserved for certain public purposes if the land is required to be acquired under Division 3 of Part 2 of the Land Acquisition (Just Terms Compensation) Act 1991 ***(the owner-initiated acquisition provisions).***

Note. *If the landholder will suffer hardship if there is any delay in the land being acquired by the relevant authority, section 23 of the Land Acquisition (Just Terms Compensation) Act 1991 requires the authority to acquire the land.*

(2) The authority of the State that will be the relevant authority to acquire land, if the land is required to be acquired under the owner-initiated acquisition provisions, is the authority of the State specified below in relation to the land shown on the Land Reservation Acquisition Map (or, if an authority of the State is not specified in relation to land required to be so acquired, the authority designated or determined under those provisions).

The Land Reservation Acquisition Map of the *HLEP* shows that part of the site is to be acquired for Local Open Space, that land being Lots 1034 and 1073, DP 752053 which is that part of the site which contains the existing North Epping Bowling Club building and the land to the west of the Bowling Club which is land upon which the approved recreation area in located.

Clause 5.1A of the *HLEP* states:

> ***5.1A Development on land intended to be acquired for public purposes***
>
> *(1) The objective of this clause is to limit development on certain land intended to be acquired for a public purpose.*
>
> *(2) This clause applies to land shown on the Land Reservation Acquisition Map and specified in Column 1 of the Table to this clause and that has not been acquired by the relevant authority of the State specified for the land in clause 5.1.*
>
> *(3) Development consent must not be granted to any development on land to which this clause applies other than development for a purpose specified opposite that land in Column 2 of that Table.*

With regard to the subject land detailed above for acquisition, the only land use listed in Column 2 is *"recreation areas"*. As such, the development, as modified, remains permissible.

2.2 State Environmental Planning Policy No.55 - Remediation of Land

Clause 7 of *State Environmental Planning Policy No.55 - Remediation of Land* (SEPP 55) requires Council to consider whether land is contaminated prior to granting consent to the carrying out of any development on that land.

Should the land be contaminated, Council must be satisfied that the land is suitable in a contaminated state for the proposed use. If the land requires remediation to be undertaken to make the land suitable for the proposed use, Council must be satisfied that the land would be remediated before the land is used for that purpose.

Development application No.1566/2014 was assessed against the requirements of SEPP 55 with the conclusion that it would be unlikely that the site is contaminated.

2.3 Hornsby Development Control Plan 2013

The proposed modification has been assessed having regard to the relevant performance criteria and prescriptive design standards within *Hornsby Development Control Plan 2013 (DCP 2013)*.

Transport and Parking

GTK Consulting has prepared a Traffic and Car Parking Assessment which accompanies the modification application.

Council's Traffic and Road Safety Branch has undertaken an assessment of the modification application and states:

> *Traffic Branch has reviewed the new documents provided and recommends the DA be approved with the following conditions:*
>
> *Operational Conditions:*
>
> *1. The operation of the facility is monitored by Council and all traffic related issues will be reported to Hornsby Local Traffic Committee.*
>
> *2. The 20-metre long "No Parking, 3PM-9PM Monday to Friday" be modified to 'No Parking' without a time limit on it, subject to approval of Hornsby Local Traffic Committee.*

3. ENVIRONMENTAL IMPACTS

Section 4.15(b) of the Act requires Council to consider *"the likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality"*.

3.1 Natural Environment

The modified development would not impact the natural environment.

3.2 Built Environment

There would be no impact to the built environment as a result of the modified development.

3.3 Social Impacts

There would be no social impact as a result of the modified development.

3.4 Economic Impacts

There would be no economic impacts resulting from the modified development.

3.5 Acoustic Impact

The majority of the objections to both the original development application and to this application to modify the consent relate to noise generated by the development and the increase in acoustic impact which might arise from the development as modified.

The applicant has provided an acoustic impact assessment as part of the modified development documents.

Council has engaged an Independent Acoustic Consultant to assess the proposed modification. In this regard, the independent acoustic consultant states:

> *The original Acoustic assessment in 2014 presented two operating scenarios with respect to the 40 dB(A) noise target.*
>
> *Table 12 identified:*
>
> - *Scenario 1 was with the bowling greens in use (100 people on the greens and 30 people on the multipurpose courts)*
> - *Scenario 3 was no bowling greens in use (30 people on the multipurpose courts)*
>
> *The acoustic assessment did not include noise from the tennis courts.*
>
> *Tables 13 & 14 identified exceedances for locations R1 and R2. This resulted in noise controls being required.*
>
> *Table 15 identified under scenario 1 locations R5 and R6 were at the 40 dB(A) limit.*
>
> *Table 16 identified under scenario 2 locations R5 and R6 were under the limit by 1 dB(A).*
>
> *Locations R5 and R6 are along the SE boundary of the club site, with R6 being the closest residence to the multipurpose court.*

Therefore an increase in the number of people on the multipurpose courts can only occur when the bowling greens are not in use (re Table 16 of the DA acoustic report).

The subsequent email from SLR identifies that the increase in numbers for the multipurpose court relates to table 16, i.e. can only occur when the bowling greens are not in use.

Section 2.4.1 of the DA acoustic report refers to hours of operation of the bowling club.

Ascertaining the use of the bowling greens is difficult.

Assuming the acoustic assessment of 100 people on the greens relates to organised competition and not practice or small groups then the following times are assumed:

- *Men's bowls Wednesday and Saturday midday to 5pm.*
- *Men's bowls Sunday mornings*
- *Ladies bowls Tuesday 8.30am to 1pm*
- *School children Friday mornings in November /December*
- *Bowling Carnival days (weekdays 8.30am - 5pm (5 days a year)*

Condition 50 provided times of use for the multipurpose courts as per scenario 2

For the hours sought there are times when there is an overlap with the use of the bowling greens (from the DA acoustic report).

For the increase in numbers there would need to be a qualification that the increase to 36 players cannot coincide with the use of designated bowling green operations (that give rise to 80 people). This is the 1dB correction nominated by SLR for the increase.

The revised Management Plan in section 10 (a) has addressed the potential breach of the noise limit by providing two scenarios for the maximum number of people.

(a) The maximum number of players per hour will be:

i) 30 players per hour, when the bowling greens are in use; or

ii) 36 players per hour, when the bowing greens are not in use.

This restriction should be incorporated into the consent.

Comment: The above reference to the number of players/persons on the court facilities is reflected in the proposed modification of Condition 50 of the consent and also in the revised Management Plan which accompanies the modification application.

The independent acoustic assessment continues:

Current condition 51

Noise

a) All noise generated by the proposed development must be attenuated to prevent levels of noise being emitted to adjacent premises which possess tonal, beating and similar characteristics or which exceeds background noise levels by more than 5dB(A).

b) The use of the premise must be controlled so that any emitted noise is at a level so as not to create an "offensive noise" as defined in the Protection of the Environment Operations Act 1997 to any affected receiver.

c) No amplified music/announcements are permitted.

Part (a) is poorly worded and to an acoustician is ambiguous. I suggest the following changes:

a) All noise generated by the proposed development when assessed as an Leq, 15 minutes at any affected point on or within any residential premises must not exceed 40 dB(A), Where such noise being emitted to adjacent premises possess tonal, beating or similar characteristics a correction factor of 5dB(A) shall be added to the measured level in accordance with the EPA's Noise Policy for Industry.

The revised Management Plan in section 10 should have control (b) amended to reflect the above condition.

The revised Management Plan in section 10 permits amplified music and PA systems. If the requirements relates to the Club then that is a different consent. The application council is reviewing relates to the Multipurpose courts. Therefore under condition 51(c) there is to be no amplified music or announcements. Section 10 of the management plan needs to be amended with respect to noise controls (c) and (d).

Having regard to the above assessment by the Independent Acoustic Consultant, there are changes which need to be made to both Condition 51 of the consent and the 24 November 2020 revised Management Plan to ensure that the acoustic impact assessment has been satisfactorily addressed. It is recommended that Condition 51(a) be deleted and replaced with the following Condition 51(a) and that the Management Plan be modified accordingly:

a) All noise generated by the proposed development when assessed as an Leq, 15 minutes at any affected point on or within any residential premises must not exceed 40 dB(A), Where such noise being emitted to adjacent premises possess tonal, beating or similar characteristics a correction factor of 5dB(A) shall be added to the measured level in accordance with the EPA's Noise Policy for Industry.

4. SITE SUITABILITY

Section 4.15(1)(c) of the Act requires Council to consider *"the suitability of the site for the development"*.

4.1 Site Selection

The site is zoned RE1 Public Recreation. The proposed modification to the consent would have no impact on the suitable of the site for the development as modified.

5. PUBLIC PARTICIPATION

Section 4.15(1)(d) of the Act requires Council to consider *"any submissions made in accordance with this Act"*.

5.1 Community Consultation

The modification application was placed on public exhibition and notified to adjoining and nearby landowners in accordance with the notification requirements of Council.

During this period, Council received twelve (12) submissions including:

- 10 objections

- 2 letters of support

The map below illustrates the location of those nearby landowners who made a submission that are in close proximity to the development site.

NOTIFICATION PLAN

• PROPERTIES NOTIFIED	X SUBMISSIONS RECEIVED	PROPERTY SUBJECT OF DEVELOPMENT	N W E S
2 SUBMISSIONS RECEIVED OUT OF MAP RANGE			

The submissions objecting to the proposed modification generally relate to use of the site for a variety of uses, all of which have the potential to impact the acoustic privacy of existing residents.

Comment: The issue of acoustic privacy has been assessed in the acoustic impact assessment of the Independent Acoustic Consultant as discussed above.

6. PUBLIC INTEREST

Section 4.15(1)(e) of the Act requires Council to consider *"the public interest"*.

The public interest is an overarching requirement, which includes the consideration of matters discussed in this report. Implicit to the public interest is the achievement of future built outcomes adequately responding to and respecting the future desired outcomes expressed in environmental planning instruments and development control plans.

As detailed in the body of this assessment, the development, as modified, would be substantially the same as that which was originally approved. As such, it is considered that the development, as proposed to be modified, is in the public interest.

7. CONCLUSION

The modified application seeks to modify Condition 50 of development consent No. DA/1566/2014.

The modification application deals with both the hours of operation of the approved development and the maximum number of players permitted to use the facility.

In light of the nature of the proposed modifications, it is considered that the modified consent would be substantially the same as that which was originally approved, and the Council can be satisfied that Section 4.55(2) of the *Environmental Planning and Assessment Act 1979* is satisfied to the point where the proposed modification can be approved.

It is recommended that the Council approve the modification application with the additional modification to Condition 51(a) as recommended by the Independent Acoustic Consultant.

ATTACHMENT 4 - ITEM 1

North Epping Sports Centre (NESC)

Operational Plan of Management

Rev 1

31 March 2021

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Operational Plan of Management Review

Revision No.	Date of Review	Revisions/Amendments
Rev 1	March 2021	Draft for Council Review

1. Introduction

This Operational Plan of Management relates to the North Epping sports centre which is located adjacent to the North Epping Bowling and Community Club (NEBCC) at 132 Boundary Road, North Epping.

The purpose of this Operational Plan of Management is to ensure the sports centre facility operates in accordance with the conditions of approval and does not result in unreasonable impacts on the environment and nearby residents.

This document shall be referred to as the Operational Plan of Management for the North Epping Sports Centre.

This Operational Plan of Management is the 'Plan of Management' referenced in conditions 48 and 50(d) of the Notice of Determination issued in relation to DA/1566/2014 (as modified). A copy of the Notice of Determination in relation to DA/1566/2014 (as modified) is included at **Appendix 1** to this Operational Plan of Management.

2. Objectives

The objectives of the Operational Plan of Management are:

- To ensure the North Epping Sports Centre (the facility) operates in a manner that does not result in unreasonable impacts on the environment and surrounding residents.
- To ensure persons operating the facility are aware of their obligations with respect to implementation and administration of the Operational Plan of Management.
- To ensure persons using the facility act in a manner which does not result in unreasonable or unacceptable impacts on nearby residents.
- To ensure the operational obligations as set out in the Operational Plan of Management are practical and able to be implemented in a reasonable manner.
- To ensure any breaches in the implementation of the Operational Plan of Management are able to be identified and rectified promptly.
- To ensure the facility operates in accordance with the conditions of consent as set in the Notice of Determination relating to DA/1566/2014 (as modified).
- To include review procedures to ensure the Operational Plan of Management remains relevant having regard to changes in legislation and circumstances.

3. Definitions

For the purposes of this Operational Plan of Management, the following definitions are relevant:

Court means either a single court (using white (tennis), blue (football) or yellow (netball) lines) or the combination of two courts (using the red (football) lines).

Hirer means the person making a booking or another person confirmed in writing to the Management Committee ahead of the booking date.

NESC Management Committee means the committee formed to oversee the operation and management of the North Epping Sports Centre.

North Epping Bowling & Community Club or NEBCC means the licensed premises and associated activities located at 132 Boundary Road, North Epping, NSW 2121.

North Epping Sports Centre or NESC means the independently operated multi-purpose recreational facility located at 132A Boundary Road, North Epping, NSW 2121.

Participant can be singular or plural and includes all users of NESC including but not limited to the Hirer, players, spectators, coaches and officials or other casual users of the facilities.

4. Site Description

Figure 1 is an aerial photograph detailing the location of the sports facility on the site and its relationship with the NEBCC and nearby residential properties.

Figure 1 Location Plan of North Epping Sports Centre in relation to North Epping Bowling Club and surrounding development

5. Sports Centre Facilities

The North Epping Sports Centre facilities comprise the following:

- Two (2) x multi purpose sports courts. The sports courts are line marked to allow for the following activities:
  - Small sided soccer - 2 small concurrent games or 1 large game
  - Netball, 2 concurrent games
  - Tennis, 2 concurrent games.
- Chain wire fencing around the sports courts (and surrounds).
- Acoustic screening (lapped and capped timber fencing) along the southern and western edges of chain wire fencing surrounding the sports courts.
- Six (6) x light poles to allow for activities to occur during evening hours.

- Landscaped acoustic mounding.
- Pathway access from the upper level car park (through the bowling club site), including lighting.
- Pedestrian and emergency/service access from Boundary Road.
- Spectator areas to the north east (adjacent to the water tank) and south east (adjacent to the access path) of sport courts – refer **Figure 2**.

Figure 2 Areas available for use by spectators (red outline)

6. Site Operational Details

6.1 Location and Shared Facilities

NESC is located at 132A Boundary Road, North Epping.

NESC shares toilets and car parking with the NEBCC.

6.2 NEBCC Premises

The NEBCC licenced bar and clubhouse operate as separate facilities to the NESC facilities. Participants of NESC are to familiarise themselves with the NEBCC policies and procedures (including those relating to noise and behaviour at a licenced premise) should they patronise the NEBCC facilities before or after using NESC.

6.3 Parking

The main car park for use by patrons of the NESC facilities is the sealed parking area located to the south-east of the NEBCC building. Entry and exit to this car park is from Boundary Road.

Access to the NESC facilities from the car park is available via a lit pathway through the NEBCC site.

All vehicular entry to and egress from the main car park must be made in a forward direction.

Players, officials and spectators who drive to the facility will be encouraged to park within the car park adjacent to the bowling club and access the sports courts via the pathway from the car park. If required, overflow parking can occur on Boundary Road along the frontage of the site, subject to compliance with sign posted parking restrictions.

Vehicular access from Boundary Road to the NESC facilities is limited to emergency or service vehicles only.

6.4 NESC Contact Details

During operating hours NESC can be reached on (02) 9868 4482.

Enquires can also be submitted via email at nesc.admin@gmail.com.

A sign will be displayed on the site setting out emergency contact numbers.

The NESC Management Committee will, from time to time, designate a person or persons to be the contact person for any matter arising in connection with the use of the sports centre facilities by any person or group. The name and phone number of the designated person or persons will be displayed prominently at NESC. The contact person will be responsible for ensuring that Hirers and Participants are aware of the terms of this Operational Plan of Management (as they relate to the use of the facilities), and of the potential consequences should they fail to abide by those terms.

7. Facility Management

7.1 Management Structure

A NESC Management Committee has been established.

The NESC Management Committee will consist of no less than four members (one of whom will be the Chairman).

The Chairman shall report to the NEBCC Committee.

A notice confirming the members of the NESC Management Committee will be displayed on site.

The NESC Management Committee shall meet regularly and not less than three times per year in February, June and September.

Table 1 – Management Committee Objectives, below, provides a brief outline of the responsibilities of the NESC Management Committee.

Table 1 – Management Committee Objectives

Item	Objectives
Event Programming	To produce a yearly plan of activities
Financial Management	Sound financial management
Sports Facility Management	Ensure facilities are safe and playable
Annual Safety Inspection of Equipment	Ensure equipment is safe
Defects Reporting and Repair	Ensure defects are reported and repaired
Horticulture Maintenance	Ensure horticulture requirements are met
Annual Work Program	Agree work program for year
Stakeholder / neighbour engagement	Ensure concerns regarding operation of the courts are addressed appropriately (including via the Grievance and Complaint Management Procedure described in section 10.0 of this Operational Plan of Management, as appropriate)

7.2 Use of NESC Facilities

The use of the facilities shall be conducted at all times in accordance with the conditions of the Notice of Determination issued in relation to DA/1566/2014 (as modified) and in particular, Condition 50 – Use of Premises.

Use of the premises for specific activities is detailed in **Section 8** of this Operational Plan of Management.

Only player and nominated officials are permitted within the court area. Spectators are not permitted within the fenced court area unless they are required to administer first aid.

Use of abusive or offensive language or gestures will result in the immediate expulsion of the offender.

No food or drink (other than water and/or sports drinks) is permitted to be consumed within the fenced court area.

No animals are permitted within the fenced court area or within the nominated spectator areas.

No smoking is to occur within any part of the NESC facilities, including the spectator areas.

7.3 Hours of Operation

Subject to any specific restrictions as noted in **Section 8** – Use of Premises – Specific Activities, the hours of operation of the sports courts are as follows:

i) 8:30am to 9:30pm on Mondays to Saturdays.

ii) 9:00am to 9:30pm on Sundays and Public Holidays.

All Hirers and Officials must depart from the facilities no later than 9.45pm.

7.4 Maximum Number of Players

A maximum of 30 players (15 per court) are allowed on the courts between 8:30am to 6:00pm on Mondays to Saturdays and between 9:00am to 6:00pm on Sundays and Public Holidays.

When the bowling greens associated with the NEBCC **are not in use**, a maximum of 36 players (18 players per court) are allowed on the courts between 6:00pm to 9:30pm on Monday to Sunday (7 days/week).

If the number of bowlers using the bowling greens exceeds 50 bowlers and/or the number of attendees at the bowling club exceeds 100 persons, use of the sports courts shall cease by 6:00pm. The NEBCC will advise the operators of the sports facilities when such circumstances are likely to occur.

7.5 Spectator Behaviour

Spectators are only permitted within the two areas identified in **Figure 2** of this Operational Plan of Management.

Consumption of alcohol or smoking is not permitted in the spectator areas.

Only players and officials are permitted within the court area. Spectators are not permitted on the courts unless they are rendering first aid.

Any spectator observed in breach of these terms will be asked by management/the appointed Marshal to leave the facility, including the related spectator areas.

7.6 Departure from NESC

All players, officials and spectators must depart the facility by 9.45pm.

Appropriate signage is to be erected and maintained in clear and prominent positions adjacent to the egress pathways requesting patrons to depart the area in a manner respectful of the residents of the surrounding area.

7.7 Lighting

Lighting associated with the facility will be controlled by a timing mechanism and lighting will only be operational when the sports facilities are in use, during the evening period.

All lighting associated with the facility will be timed to turn off at 9.45pm at the latest.

7.8 Noise Management

Activities conducted on the sports courts, including spectator involvement, are to be conducted in a manner that does not result in unreasonable impacts on surrounding residents.

The facility shall, at all times, be managed in a manner that ensures compliance with Condition 51 of the consent issued in relation to DA/1566/2014 (as modified), which states the following:

51. Noise

a) All noise generated as a result of the use of the development when assessed as a Leq, 15 minutes at any affected point on or within any residential premises must not exceed 40 dB(A), Where such noise being emitted to adjacent premises possess tonal, beating or similar characteristics a correction factor of 5dB(A) shall be added to the measured level in accordance with the EPA's Noise Policy for Industry.

b) The use of the premise must be controlled so that any emitted noise is at a level so as not to create an "offensive noise" as defined in the Protection of the Environment Operations Act 1997 to any affected receiver.

c) No amplified music/announcements are permitted.

Training whistles only are to be used at the facility.

No amplified announcements are to be made and no amplified music can be played at the facility.

Appropriate signage is to be provided in both spectator locations reminding spectators to conduct themselves in an orderly manner at all times and to limit excessive noise.

7.9 Site Deliveries

All deliveries associated with the sports courts will occur via the delivery area adjacent to the bowling club clubhouse – Refer **Figure 3**. No deliveries are to be made from adjacent or nearby public roads.

Delivery drivers will be advised of this requirement when deliveries are scheduled.

Figure 3 Location of Delivery Area

7.10 Hirer Responsibilities

All Hirers of the NESC facilities will be required to acknowledge in writing (including via email), that they will abide by the terms of this Operational Plan of Management (as they relate to the use of the facilities) as a condition of hiring.

7.11 Waste Management

Waste bins are to be provided in the spectator areas and adjacent to the fenced sports courts.

All waste must be placed within the bins provided.

8. Use of Premises – Specific Activities

8.1 General

The purpose of the NESC sports centre facilities is to provide a venue within the local community suitable for use for a variety of activities.

Regardless of whether the NESC facilities are used on a regular basis or casually, any activities and use of the NESC facilities will be required to be conducted in accordance with this Operational Plan of Management at all times.

8.2 Tennis & Pickleball[1] Coaching

The NESC facilities can be used by participants wishing to deliver or receive tennis or pickleball coaching.

Tennis & Pickleball Coaching

NESC is available to be booked for tennis & pickleball coaching between 8.30am and 9.30pm Monday to Saturday and between 9.00am and 9.30pm Sundays or Public Holidays.

[1] Pickleball is a paddleball sport that combines elements of badminton, table tennis, and tennis. Two or four players use solid paddles made of wood or composite materials to hit a perforated polymer ball over a net.

The NESC Management Committee may elect to enter into an arrangement with a tennis and / or pickleball coach who will be responsible for the delivery of tennis and / or pickleball coaching at the NESC.

Contact details of any such tennis and / or pickleball coach will be displayed at NESC so that Participants interested in tennis and / or pickleball coaching can make direct contact.

Any coaching will be required to be undertaken in accordance with the terms of this Operational Plan of Management.

Bookings

- Court bookings are to be made via the online system at https://venulocker.com/venue/1101/north-epping-sports-centre. Email confirmation will be received to confirm a booking. Where necessary, an enquiry can be submitted to nesc.bookings@gmail.com.
- Completion of a booking requires the Hirer to agree to abide by the terms of this Operational Plan of Management as they relate to the use of the facilities.
- The Hirer must be over the age of 18.
- Payments must be made via the online system at the time of booking, unless other arrangements are agreed in advance by the Management Committee.

Hirer Responsibilities

The Hirer:

- Will ensure all Participants are aware of terms of the Operational Plan of Management as they relate to the use of the facilities.
- Must provide an identifiable marshal to ensure the use of the facility complies with the relevant terms of the Operational Plan of Management. The marshal will also be available to respond to any emergency or complaint that might arise in relation to the period of hire.
- Will be responsible for any expense in connection with repairs, security and improper use of NESC.

Marshal Responsibilities

The identified marshal will:

- Ensure that there is no use of the NESC facility which is disorderly or unlawful occurs.
- Be in attendance during the hire period.
- Ensure the Court is only used for the booked activity.
- Ensure the use of the facility occurs in accordance with this Operational Plan of Management.
- Ensure only hand-held training whistles are used and usage is kept to a minimum.
- Be responsible for the emergency procedure in **Section 9** – Emergency Procedures and Access.

Participant Responsibilities

Participants (including spectators):

- Must abide by the directives of NESC staff, including the nominated marshal.
- Must show consideration to the other Participants of the facility when dual usage occurs.

- Must respect nearby residents by minimising noise when arriving and departing the facility.
- All Spectators must abide by the requirements of **Section 7.5** of this Operational Plan of Management relating to Spectator Behaviour.
- Must not smoke in or around the NESC.
- Must ensure access to the facility is not obstructed.
- Must comply with any special conditions in place at the time of the booking.
- Are required to abide by the requirements of this Operational Plan of Management at all times and in particular the requirements relating to Car Parking and Access (**Section 6.3**) and Departure (**Section 7.6**).

Right to ban and/or remove

The NESC Management Committee reserves the right to ban and/or have any Participant removed from NESC where that Participant has or is likely to cause injury/damage to other persons or property or where that Participant repeatedly breaches the requirements of this Operational Plan of Management.

8.3 Football

The NESC facilities can be used by participants wishing to play small-sided football matches or to practise their football skills as a team or with multiple teams.

Football Training

NESC is available to be booked for football training between 8.30am and 9.30pm Mondays – Friday, 8.30am and 6.00pm Saturdays and between 9.00am and 6.00pm Sundays and Public Holidays.

Football Competition

NESC is only available to be booked for football competition purposes between 1st October and 31st March.

Any competition conducted on Saturdays, Sundays and Public Holidays must be completed by 6:00pm.

Bookings

Court bookings can only be made via the online system at https://venulocker.com/venue/1101/north-epping-sports-centre. Email confirmation will be received to confirm a booking. Where necessary, an enquiry can be submitted to nesc.bookings@gmail.com.

Completion of a booking requires the Hirer to agree to abide by the terms of this Operational Plan of Management as they relate to the use of the facilities.

The Hirer must be over the age of 18.

Payments must be made via the online system at the time of booking, unless other arrangements are agreed in advance by the Management Committee.

Hirer Responsibilities

The Hirer:

- Will ensure all Participants are aware of terms of the Operational Plan of Management as they relate to the use of the facilities.
- Must provide an identifiable marshal to ensure the use of the facility complies with the relevant terms of the Operational Plan of Management. The Marshal will also be available to respond to any emergency or complaint that might arise in relation to the period of hire.
- Will be responsible for any expense in connection with repairs, security and improper use of NESC facilities.

Marshal Responsibilities

The identified marshal will:

- Ensure there is no use of the NESC facility which is disorderly or unlawful occurs.
- Be in attendance during the hire period.
- Ensure the facility is only used for the booked activity.
- Ensure the use of the facility occurs in accordance with the terms of this Operational Plan of Management.
- Ensure only hand-held training whistles are used and usage of whistles is kept to a minimum.
- Be responsible for implementation of the emergency procedures as set out in **Section 9** – Emergency Procedures and Access.

Participant Responsibilities

Participants (including spectators):

- Must abide by the directives of NESC staff, including the nominated Marshal.
- Must show consideration to the other Participants of the facility when dual usage occurs.
- Must respect nearby residents by minimising noise when arriving and departing the facility.
- All Spectators must abide by the requirements of **Section 7.5** of this Operational Plan of Management relating to Spectator Behaviour.
- Must not smoke or consume alcohol in or around the NESC.
- Must ensure access to the facility is not obstructed.
- Must comply with any special conditions in place at the time of the booking.
- Are required to abide by the requirements of this Operational Plan of Management at all times and in particular the requirements relating to Car Parking and Access (**Section 6.3**) and Departure (**Section 7.6**).

Right to ban and/or remove

The NESC Management Committee reserves the right to ban and/or have any Participant removed from NESC facilities where that Participant has or is likely to cause injury/damage to other persons or property or where that Participant repeatedly breaches the requirements of this Operational Plan of Management.

8.4 Hockey

The NESC facilities can be used by participants wishing to play hockey matches or to practise their hockey skills.

Hockey Training

NESC is only available to be booked for hockey training between 8.30am and 6:00pm Mondays – Saturdays and between 9.00am and 6.00pm Sundays or Public Holidays.

Hockey Competition

- NESC is available to be booked for hockey competition purposes until 6:00pm on any day.

Bookings

- Court bookings are to be made via the online system at https://venulocker.com/venue/1101/north-epping-sports-centre. Email confirmation will be received to confirm a booking. Where necessary, an enquiry can be submitted to nesc.bookings@gmail.com.
- Completion of a booking requires the Hirer to agree to abide by the terms of this Operational Plan of Management as they relate to the use of the facilities.
- The Hirer must be over the age of 18.
- Payments must be made via the online system at the time of booking, unless other arrangements are agreed in advance by the Management Committee.

Hirer Responsibilities

The Hirer:

- Will ensure all Participants are aware of terms of the Operational Plan of Management as they relate to the use of the facilities.
- Must provide an identifiable marshal to ensure the use of the facility complies with the relevant terms of the Operational Plan of Management. The Marshal will also be available to respond to any emergency or complaint that might arise in relation to the period of hire.
- Will be responsible for any expense in connection with repairs, security and improper use of NESC facilities.

Marshal Responsibilities

The identified Marshal will:

- Ensure there is no use of the NESC facility which is disorderly or unlawful occurs.
- Be in attendance during the hire period.
- Ensure the facility is only used for the booked activity.
- Ensure the use of the facility occurs in accordance with this Operational Plan of Management.
- Ensure only hand-held training whistles are used and usage of whistles is kept to a minimum.
- Be responsible for implementation of the emergency procedures as set out in **Section 9** – Emergency Procedures and Access.

Participant Responsibilities

Participants (including spectators):

- Must abide by the directives of NESC staff, including the nominated Marshal.
- Must show consideration to the other Participants of the facility when dual usage occurs.
- Must respect nearby residents by minimising noise when arriving and departing the facility.
- All Spectators must abide by the requirements of **Section 7.5** of this Operational Plan of Management relating to Spectator Behaviour.
- Must not smoke or consume alcohol in or around the NESC.
- Must ensure access to the facility is not obstructed.
- Must comply with any special conditions in place at the time of the booking.
- Are required to abide by the requirements of this Operational Plan of Management at all times and in particular the requirements relating to Car Parking and Access (**Section 6.3**) and Departure (**Section 7.6**).

Right to ban and/or remove

The NESC Management Committee reserves the right to ban and/or have any Participant removed from NESC facilities where that Participant has or is likely to cause injury/damage to other persons or property or where that Participant repeatedly breaches the requirements of this Operational Plan of Management.

8.5 Netball

The NESC facilities can be used by participants wishing to play netball matches or to practise their netball skills.

Netball Training

NESC is available to be booked for netball training between 8.30am and 9.30pm Monday to Friday, between 8.30am and 6.00pm Saturdays and between 9.00am and 6.00pm Sundays or Public Holidays.

Netball Competition

- NESC is only available to be booked for netball competition purposes before 6:00pm on any day.
- Other than for the above noted restriction, NESC will be available to be booked for netball competition purposes (including local school and inter-school (PSSA) matches) all-year round.

Bookings

- Court bookings are to be made via the online system at https://venulocker.com/venue/1101/north-epping-sports-centre. Email confirmation will be received to confirm a booking. Where necessary, an enquiry can be submitted to nesc.bookings@gmail.com.
- Completion of a booking requires the Hirer to agree to abide by the terms of this Operational Plan of Management as they relate to the use of the facilities.
- The Hirer must be over the age of 18.
- Payments must be made via the online system at the time of booking, unless other arrangements are agreed in advance by the Management Committee.

Hirer Responsibilities

The Hirer:

- Will ensure all Participants are aware of terms of the Operational Plan of Management as they relate to the use of the facilities.
- Must provide an identifiable Marshal to ensure the use of the facility complies with the relevant terms of the Operational Plan of Management. The Marshal will also be available to respond to any emergency or complaint that might arise in relation to the period of hire.
- Will be responsible for any expense in connection with repairs, security and improper use of NESC facilities.

Marshal Responsibilities

The identified Marshal will:

- Ensure there is no use of the NESC facility which is disorderly or unlawful occurs.
- Be in attendance during the hire period.
- Ensure the facility is only used for the booked activity.
- Ensure the use of the facility occurs in accordance with this Operational Plan of Management.
- Ensure only hand-held training whistles are used and usage of whistles is kept to a minimum.
- Be responsible for implementation of the emergency procedures as set out in **Section 9** – Emergency Procedures and Access.

Participant Responsibilities

Participants (including spectators):

- Must abide by the directives of NESC staff, including the nominated marshal.
- Must show consideration to the other Participants of the facility when dual usage occurs.
- Must respect nearby residents by minimising noise when arriving and departing the facility.
- All Spectators must abide by the requirements of **Section 7.5** of this Operational Plan of Management relating to Spectator Behaviour.
- Must not smoke or consume alcohol in or around the NESC.
- Must ensure access to the facility is not obstructed.
- Must comply with any special conditions in place at the time of the booking.
- Are required to abide by the requirements of this Operational Plan of Management at all times and in particular the requirements relating to Car Parking and Access (**Section 6.3**) and Departure (**Section 7.6**).

Right to ban and/or remove

The NESC Management Committee reserves the right to ban and/or have any Participant removed from NESC facilities where that Participant has or is likely to cause injury/damage to other persons or property or where that Participant repeatedly breaches the requirements of this Operational Plan of Management.

8.6 Casual Usage

Activities

When not already booked for any of the uses previously described, the NESC facilities will be available for hire on a casual basis. Such activities could include unstructured versions of the sports previously identified, volleyball and/or badminton .

Any ad hoc/casual hire will require the hirer to agree to abide by the terms of this Operational Plan of Management as they relate to the use of the facilities.

No organised competition use of the facilities will be able to be undertaken on a casual basis.

Facility Availability

Subject to availability and the requirements of this Operational Plan of Management, NESC sports courts facilities will be available to be booked on a casual basis all-year round.

Bookings

- Facility bookings are to be made via the online system at https://venulocker.com/venue/1101/north-epping-sports-centre. Email confirmation will be received to confirm a booking. Where necessary, an enquiry can be submitted to nesc.bookings@gmail.com.
- Completion of a booking requires the Hirer to agree to abide by the terms of this Operational Plan of Management as they relate to the use of the facilities.
- The Hirer must be over the age of 18.
- Payments must be made via the online system at the time of booking, unless other arrangements are agreed in advance by the Management Committee.

Hirer Responsibilities

The Hirer:

- Will ensure all Participants are aware of terms of the Operational Plan of Management as they relate to the use of the facilities.
- Ensure the terms of the Operational Plan of Management are complied with at all times.
- Will be responsible for any expense in connection with repairs, security and improper use of NESC.
- Be responsible for the organisation and co-ordination of the Court(s), while on the premises.
- Be responsible for the behaviour of those in attendance during the hire period.
- Ensure the Court(s) is/are only used for the booked activity.
- Ensure noise is kept to a minimum.
- Ensure only training whistles are used.
- Be aware of the emergency procedures as set out in **Section 9** of this Operational Plan of Management.
- Must ensure all rubbish is removed from the facility at the completion of the booking.

Participant Responsibilities

Participants (including spectators):

- Must abide by the directives of NESC staff.
- Must show consideration to the other Participants of the facility when dual usage is arranged.
- Must respect the neighbours by minimising noise when arriving and departing the facility.
- All Spectators must abide by the requirements of **Section 7.5** of this Operational Plan of Management relating to Spectator Behaviour.
- Must not smoke or consume alcohol in or around the NESC;
- Must not take food or beverages inside the Court fencing, other than water and/or sports drinks.
- Must ensure access to the facility is not obstructed.
- Must comply with any special conditions in place at the time of the booking.

Right to ban and / or remove

The NESC Management Committee reserves the right to ban and/or have any Participant removed from NESC facility where that Participant has or is likely to cause injury/damage to other persons or property.

9. Emergency Procedure and Access

In the event of an emergency, the Hirer or appointed Marshal should call 000, quoting the NESC address of 132A Boundary Road, North Epping as the location of the incident.

Emergency access to the NESC is available from the Boundary Road entrance at the southern side of the NESC, as shown by *Map 4 – Emergency Access*.

Figure 4 Emergency Access Location

Should site evacuation be necessary, there are two Evacuation Points, depending on which exit is accessible at the time – Refer **Figure 5**.

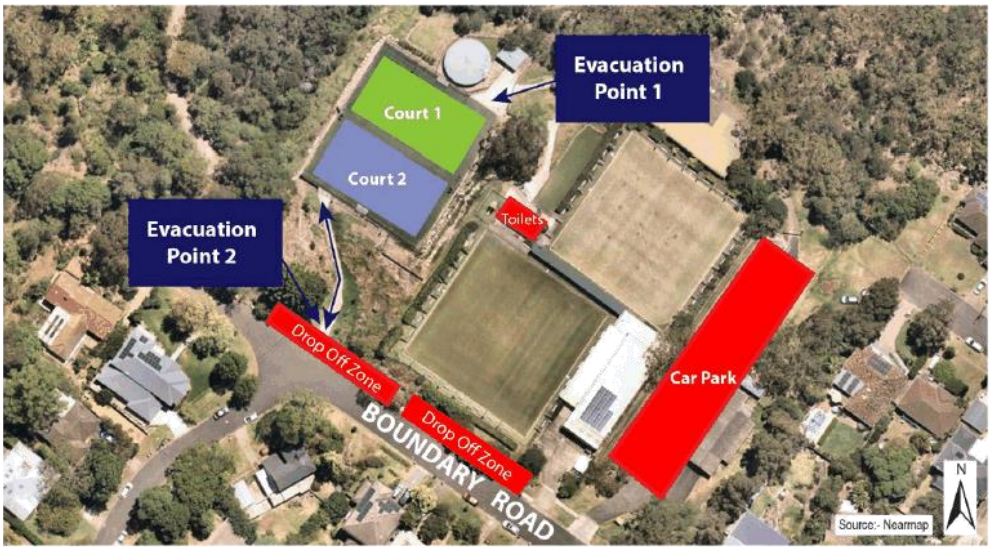

Figure 5 – Evacuation Points

10. Complaint Management

10.1 Objective

The purpose of this section is to ensure that grievances and/or complaints raised by Participants of the NESC and/or community members who consider themselves adversely affected by usage of NESC, are dealt with in a prompt and equitable manner.

10.2 Policy

From time to time people using the NESC and other community members could raise issues in relation to the operation of the facility that need to be resolved in the interest of maintaining good relationships.

The NESC Management Committee recognises that:

- People have the right to have their grievances receive careful consideration through established processes that are timely and based on fairness and respect.
- The best resolution is one that is reached cooperatively and informally where possible prior to a formal complaint being lodged in writing.
- A person making a complaint or airing a grievance will not be disadvantaged in anyway as a result of their exercise of this right.
- Where a formal complaint is received by the Management Committee it will be considered in a timely and confidential manner.

10.3 Procedure for Addressing Complaints

Complaints or grievances should in the first instance be directed to a member of the NESC Management Committee. This reference can be by telephone or in writing. All complaints received will be treated as serious and assessed on the basis of the principles of open discussion, confidentiality, fairness, respect and timeliness.

The telephone contact numbers of members of the NESC Management Committee are posted on notices at the NESC facility.

A person who chooses to make their grievance or complaint in writing to the NESC Management Committee may do so to the advertised email address.

Where a complaint or grievance is notified to a member of the NESC Management Committee, that member will:

- Speak to the complainant (if necessary) to clarify details and to confirm that the complaint or grievance relates to use of the NESC facility.
- Speak to the person or persons whose actions or activities have led to the complaint or grievance and inform them of the behaviour, decision or action to which the complaint or grievance refers. Discuss possible solutions.
- Speak to other members of the Management Committee for advice on possible solutions and/or intervention.
- Advise the complainant of actions taken to address the issue(s) raised.

Where an issue cannot be resolved to the satisfaction of the complainant after the above actions have been implemented, the NESC Management Committee will follow the following process:

- The matter will be referred to the Chair of the Management Committee (unless the complaint directly concerns the Chair) for discussion and recording.
- The complainant will be advised of the progress within 7 days of the receipt of the complaint.
- If another party is involved, they will be fully informed of the full details of the nature of the complaint and a meeting will be convened between the parties with a selected mediator.
- If the grievance is substantiated and cannot be immediately resolved, the matter will be referred to the next Management Committee Meeting or if deemed more urgent by the Management Committee Chair, a Special Meeting will be called. This may also involve the parties concerned.
- The complainant and respondent will be informed of a decision in writing.
- If a suitable resolution cannot be agreed, or there is dissatisfaction with the handling of the complaint, the matter can be referred by agreement to another nominated independent person.
- The complainant may seek the assistance of an agent throughout this process.
- If the grievance remains unresolved, the complainant will have the option of referring the matter to a relevant statutory authority depending on the nature of the grievance/complaint.

10.4 Protocols for breaches of the Operational Plan of Management

Action will be taken in response to a breach of the terms of this Operational Plan of Management. The actions taken will depend on the nature and severity of the breach but could include:

- Temporary suspension of hiring privileges
- Refusal of ability of the party/organisation to hire the facilities
- Banning of spectators from the facility

11. NESC Management Plan Review/Revision

This Operational Management Plan shall be reviewed/revised:

- If a shortcoming in the Operational Management Plan is identified.
- If the consent or amendments to a development consent have a direct impact on the management of the facilities.
- Following an incident or complaint that relates to a management issue that has not currently been addressed.
- As a result of legislative changes which have a direct impact on the management of the facility.

The Management Committee is responsible for regularly reviewing this Management Plan. Review of the Operational Plan of Management will occur annually as a minimum.

Any changes to the Operational Management Plan must be provided to Hornsby Shire Council.

Where applicable, Participants of NESC will be notified of changes by being issued with an updated Operational Plan of Management.

Appendix 1 – Development Consent for DA/1566/2014 (as modified)

Included as separate pdf document "Notice of Determination - DA 1566-2014"