

**3.2 Nolans Reserve, Campbell Parade, Manly Vale – Installation of Replacement Lighting Structures**

**SUPPLEMENTARY REPORT**

<b>Assessment Officer:</b>	Kevin Short
<b>Address / Property Description:</b>	Nolans Reserve, Campbell Parade, Manly Vale including Part Lot 2743 DP 750238, Lot 2762 DP 750238, Lot 1 DP 723586, Lots 1 to 17 DP 1125336, Lots 12 to 24, Part Lot 25, Lots 26 to 28 Section A DP 5857 and Lot 1 DP 449244
<b>Description of Proposal:</b>	Installation of Replacement Lighting Structures
<b>Development Application No:</b>	DA2009/1659
<b>Application Lodged:</b>	11 December 2009
<b>Plans Reference:</b>	Drawings S01, S02, Revision A prepared by Cordula Consulting; Drawing E02, E03, E04, E13, E14, E15 Revision 2, prepared by Buckton Lysenko; Drawing No 4111-DET1 (sheets 1-4) prepared by Lawson & Teloar dated 11-11-04; Drawing C02, C03, C04, Revision 1, prepared by Buckton Lysenko.
<b>Amended Plans:</b>	N/A
<b>Applicant:</b>	Warringah Council Parks, Reserves and Foreshores
<b>Owner:</b>	Warringah Council
<b>Locality:</b>	G3 Manly Lagoon Suburbs
<b>Category:</b>	Installation of Lighting Structures Category 2 – Other buildings, works, places or land uses that are not prohibited or in Category 1 or 3.
<b>Variations to Controls (CI.20/CI.18(3)):</b>	Building Height
<b>Draft WLEP 2009 Permissible or Prohibited Land use:</b>	Permissible (Recreation Facilities – Outdoors)
<b>Referred to WDAP:</b>	YES – Council Application
<b>Land and Environment Court Action:</b>	NO
<b>Integrated Development</b>	YES (within 40m of highest bank of watercourse)
<b>Designated Development</b>	NO
<b>SUMMARY</b>	
<b>Submissions:</b>	19 submissions received up to 15 March 2010
<b>Submission Issues:</b>	Lighting Glare, Parking, Traffic, Noise, Rubbish, Pedestrian Lighting, Parking, Residential Amenity
<b>Assessment Issues:</b>	Building Height, Lighting Glare and Overspill
<b>Recommendation:</b>	Approval
<b>Attachments:</b>	Site and Elevation Plans

## **Purpose of Report**

The purpose of this report is to provide the Warringah Development Assessment Panel (WDAP) with supplementary information in relation to the independent assessment and related submission issues for Development Application DA2009/1659 for the Installation of Replacement Lighting Structures at Nolans Reserve, Campbell Parade, Manly Vale.

## **Background**

Warringah Council is the owner of the subject site and also the applicant for the Development Application. Accordingly, it was considered appropriate to engage the services of an external planning consultant to independently assess the application and for that consultants report and recommendation to be forwarded to the WDAP for their consideration.

After completing the required tendering process, *Watermark Planning* was retained to carry out the assessment. *Watermark Planning* completed their Development Assessment Report on 13 April 2010, containing a recommendation for approval.

This supplementary report provides an overview of the process involved in assessing the subject application, an update on any submissions received since the closure of the public exhibition of the development proposal on 15 March 2010 and additional comments in relation to traffic and parking.

## **Independent Development Assessment Report**

*Watermark Planning* has furnished to Council their environmental assessment report in accordance with the planning and policy framework of Council, including Council's standard application report format and standard conditions.

The consultant's agreement required the assessment of the development application to be undertaken in accordance with the provisions of Section 79C of the Environmental Planning and Assessment Act, 1979, the Local Government Act 1993, other relevant legislation and applicable Council Policies.

In summary, the independent Development Assessment Report has addressed the following Statutory and Non-Statutory Controls:

- Environmental Planning and Assessment Act 1979
- Environmental Planning and Assessment Regulations 2000
- Local Government Act 1993
- State Environmental Planning Policy (Infrastructure) 2007
- State Environmental Planning Policy No. 55 – Remediation of Land
- State Environmental Planning Policy No. 71 – Coastal Protection
- Warringah Local Environment Plan 2000
- Draft Warringah Local Environment Plan 2009
- Warringah Development Control Plan
- District Park Plan of Management
- Sportsgrounds Plan of Management

The consultants report has been reviewed and it is concluded that the development application has been assessed in accordance with the relevant planning legislation and other related legislation, policies and standards.

Furthermore, the assessment has taken into consideration the submitted plans, the applicants Statement of Environmental Effects and all other documentation supporting the application and the public submissions received in response to the public exhibition (up until the closure of the public exhibition on 15 March 2010).



## Late Submissions

There have been no late submissions (at the time of writing this report) received after the closure of the public exhibition on 15 March 2010.

## Additional Comments on Submission Issues and the General Principles of Development Control (WLEP 2000)

Whilst the consultants report has considered and addressed all submissions received in response to the public exhibition of the proposal in accordance with the requirements of the Section 79C of the Environmental Planning and Assessment Act 1979, additional comments are considered necessary in relation to the *Public Exhibition* section and *General Principles of Development Control* section of the consultants report.

### Public Exhibition – Issue 5 “Parking”

The consultants report states the following:

*“Current floodlighting can be used on the reserve from 4pm until 9.30 pm Monday through Friday and 8am until 9.30 pm on Saturday and until 6pm on Sundays. The proposal does not involve an increase in the hours of use of the reserve. In this regard, the provision of parking and related parking issues are a separate matter for consideration to be addressed and considered under the District Park Plan of Management and Sportsground Plan of Management.”*

*Based on the above, the objections to parking arrangements do not carry determining weight and so does not warrant refusal of the application.”*

Parking and traffic impacts are a relevant matter for consideration for this type of development as any extension of the hours of use of the sports fields can have impacts on adjoining roads and surrounding residential amenity. The application seeks to “replace” the existing lighting infrastructure on the reserve rather than introducing new night lighting on a presently unlit reserve. In this regard, the proposal does not seek to increase the existing spread of hours of use of the reserve.

Based on the above, the existing parking and traffic situation will be unchanged, which includes forty (40) formal parking spaces at the Riverview Parade entry, thirty (30) informal parking spaces at the Kentwell Road entry (behind North Manly Bowling Club), fifty (50) informal parking spaces at the Kentwell Road entry (past North Manly Bowling Club) and further parking opportunities provided by the 650 metres of street frontage to Pittwater Road.

Based on the above, the proposed development, involving replacement lighting only, does not trigger a need to assess whether additional car parking should be provided for users of the sports fields under night time lighting conditions.

### General Principles of Development Control

The consultants report, under Clause 72 – “Traffic Access and Safety” and Clause 74 – “Provision of Carparking” in the General Principles of Development Control Table, states that these Clauses are not applicable to the proposed development. However, the Clauses are considered to be relevant matters of consideration and are addressed as follows:

<b>CL72 Traffic Access and Safety</b>	YES	<p>The existing vehicular access arrangements to the parking areas (detailed under Clause 74) serving the sports fields will remain unchanged.</p> <p>The current means of gaining access to the sportsfields on Nolans Reserve are considered satisfactory on the grounds that no increased usage is proposed as part of this development.</p> <p>Given the reserve will maintain its existing hours of use, the vehicular access arrangements are satisfactory.</p>	YES
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<p><b>CL74 Provision of Carparking</b></p>	<p>YES</p>	<p>In accordance with Schedule 17, there are no specific provisions for carparking associated with sportsgrounds.</p> <p>The existing parking situation for users of Nolans Reserve will remain unchanged, which includes forty (40) formal parking spaces at the Riverview Parade entry, thirty (30) informal parking spaces at the Kentwell Road entry (behind North Manly Bowling Club), fifty (50) informal parking spaces at the Kentwell Road entry (past North Manly Bowling Club) and further parking opportunities provided by the 650 metres of street frontage to Pittwater Road.</p> <p>The present provision of carparking is considered satisfactory in providing adequate carparking for the proposed development.</p> <p>Given the reserve will maintain its existing hours of use, the existing car parking arrangements are considered satisfactory.</p>	<p>YES</p>
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**Conclusion**

The independent consultants report has considered all relevant matters in the assessment of the proposal, which is in accordance with Section 79C of the EP&A Act, 1979. The consultant's assessment has taken into consideration all submitted plans, the Statement of Environmental Effects, all other documentation supporting the application and submissions received in response to the public exhibition.

The supplementary comments made in this report on traffic and parking issues have been provided in response to the high volume of resident submissions received in relation to concerns that the hours of use of the reserve and lights will be increased and the associated parking and traffic impacts that would result. In summary, it is concluded that the existing parking and traffic situation would only be affected if the hours of use of the reserve were proposed to be extended beyond those currently permitted, which is not the case with this application.

Based on the above, the assessment and recommendation of the Independent Consultant to approve the proposed development is concurred with.



Consultant's Report

## EXTERNAL CONSULTANTS DEVELOPMENT ASSESSMENT REPORT

**Assessment Officer:** Sarah McNeilly (Independent Planner - Watermark Planning Consultants)

**Address / Property Description:** Nolans Reserve, Campbell Parade, Manly Vale including Part Lot 2743 DP 750238, Lot 2762 DP 750238, Lot 1 DP 723586, Lots 1 to 17 DP 1125336, Lots 12 to 24, Part Lot 25, Lots 26 to 28 Section A DP 5857 and Lot 1 DP 449244

**Description of Proposal:** Installation of Replacement Lighting Structures

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**Development Application No:** DA2009/1659

**Application Lodged:** 11 December 2009

**Plans Reference:** Drawings S01, S02, Revision A prepared by Cordula Consulting; Drawing E02, E03, E04, E13, E14, E15 Revision 2, prepared by Buckton Lysenko; Drawing No 4111-DET1 (sheets 1-4) prepared by Lawson & Teloar dated 11-11-04; Drawing C02, C03, C04, Revision 1, prepared by Buckton Lysenko.

**Amended Plans:** N/A

**Applicant:** Warringah Council Parks, Reserves and Foreshores

**Owner:** Warringah Council

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**Locality:** G3 Manly Lagoon Suburbs

**Category:** Installation of Lighting Structures  
Category 2 – Other buildings, works, places or land uses that are not prohibited or in Category 1 or 3.

**Variations to Controls (CI.20/CI.18(3)):** Building Height

**Draft WLEP 2009 Permissible or Prohibited Land use:** Permissible (Recreation Facilities – Outdoors)

**Referred to WDAP:** YES – Council Application

**Land and Environment Court Action:** NO

**Integrated Development:** YES (within 40m of highest bank of watercourse)

**Designated Development:** NO

### SUMMARY

**Submissions:** 19 submissions received up to 15 March 2010

**Submission Issues:** Lighting Glare, Parking, Traffic, Noise, Rubbish, Pedestrian Lighting, Parking, Residential Amenity

**Assessment Issues:** Building Height, Lighting Glare and Overspill

**Recommendation:** Approval

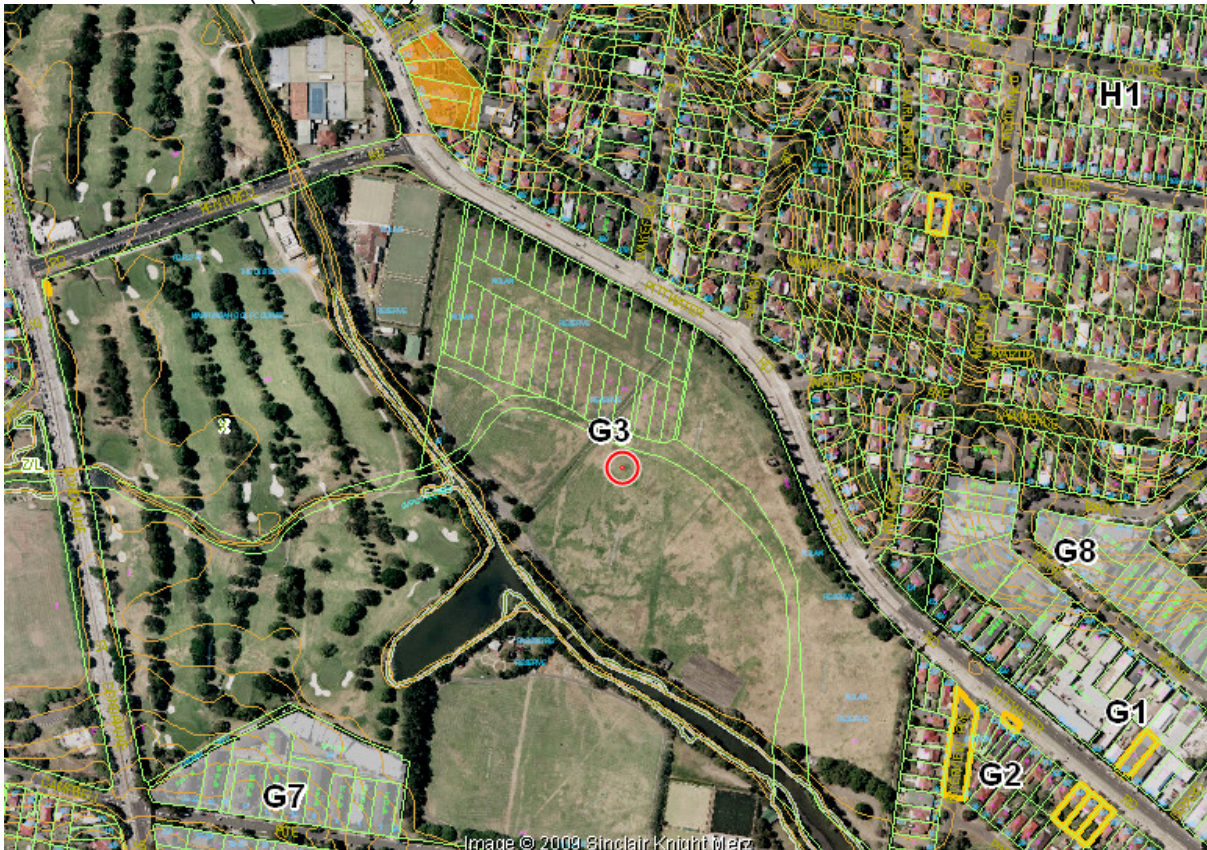
**Attachments:** Site and Elevation Plans



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**LOCALITY PLAN (not to scale)**



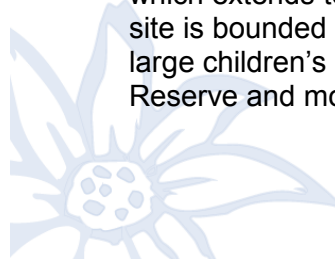
**Subject Site:** Part Lot 2743 DP 750238, Lot 2762 DP 750238, Lot 1 DP 723586, Lots 1 to 17 DP 1125336, Lots 12 to 24, Part Lot 25, Lots 26 to 28 Section A DP 5857 and Lot 1 DP 449244.  
Nolans Reserve, Campbell Parade, Manly Vale

**Public Exhibition:** The subject application has been notified and advertised in accordance with the Warringah Development Control Plan. As a result, the application was notified to 1356 adjoining land owners and occupiers for a period of 16 calendar days commencing on 18 January 2010 and being finalised on 2 February 2010. The application was also has been advertised within the Manly Daily on 16 January 2010 and a notice was placed upon the site.

**SITE DESCRIPTION**

The subject site includes 37 separate portions, which make up the area known as Nolans Reserve (the park). The area is made up of large flat turfed playing fields, with associated perimeter pathways, toilet facilities and lighting structures.

In the immediate vicinity, the park is bounded to north-east by Pittwater Road. Further north and east of this are low density residential uses. To the north-west is the Manly Warringah Golf Course, which extends to Condamine Street and the major retail centre, Warringah Mall. To the west the site is bounded by further open space and recreational facilities including Passmore reserve, a large children's playground, part of Warringah Golf Club and further over Condamine Street Miller Reserve and more low density residential. To the south of the site there is generally low density



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residential, the Manly Warringah Bowling Club with a pocket of industrial and a Mackellar Girls High school. The western boundary of Nolans Reserve is a creek which runs through to Manly Lagoon. A pedestrian bridge over this waterway links Nolans Reserve and Passmore Reserve.

There are two sections on the northern and southern ends of the park, where parking areas are provided. There is also parking available on the Pittwater Road frontage.

### **Reserve Management**

The reserve is used as a public recreation facility and encompasses sports fields and structures associated with servicing these fields and uses.

The reserve is included within the area known as District Park and is administered solely by Warringah Council. District Park encompasses Warringah Golf Course, Nolan, Miller, Passmore and David Thomas Reserves. This area is managed under the "District Park Plan of Management", adopted by Council on 23 April 2002.

The reserve is also subject to the provisions of the Sportsgrounds Plan of Management which is a generic plan to provide the community, its users and Council with a clear statement on the future use and management of Warringah's sportsgrounds to protect the values of sportsgrounds.

### **Current Uses of Nolans Reserve**

The playing fields within Nolans Reserve are extensively used for organised sports such as rugby league, rugby union, soccer, touch football and cricket at both junior and senior levels.

As a substantial open space area, it also provides many opportunities for a range of casual sports and caters for district and regional sporting competitions for local primary and secondary schools associations.

In addition, three bitumen netball courts (in poor condition) are currently used for radio controlled model cars, recreational skateboarding and roller blading.

The pedestrian path network provides access to the surrounding residential community throughout the day and evening connecting to Kentwell Road, Pittwater Road, Riverview Parade, Passmore Reserve and Campbell Parade.

### **Car Parking Spaces Nolans Reserve**

There are approximately 40 formal parking spaces at the Riverview Parade entry, 30 informal parking spaces at the Kentwell Road entry (behind North Manly Bowling Club), 50 informal parking spaces at the Kentwell Road entry (past North Manly Bowling Club) and further parking opportunities provided by 650m street frontage on Pittwater Road

### **Current Hours of Operation and Use of the Fields**

All Warringah sportsgrounds are allocated for use from 4pm until 9.30 pm Monday through Friday and 8am until 9.30 pm on Saturday and until 6pm on Sundays. Manly Warringah Pittwater Sporting Union (MWPSU) has the delegated authority of Council to allocate the use of the fields. Fields are allocated for use by members of the (MWPSU) from 4.00pm Monday through Friday and after 8.00am Saturday and Sunday.

Existing floodlighting on fields No.1, 2 and 7 can be operated until 9.30pm Monday through to Friday.



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Amenity facilities are available for users issued with keys during this time with separate arrangements for the use of the Manly Christian Bros Clubhouse currently under lease to Manly Christian Brothers. The public amenities at this facility are always open.

The MWPSU has the delegated authority of Council to allocate the use of the fields as described above.

## PROPOSED DEVELOPMENT

The proposed development is for the removal of all existing sports field lighting and the replacement of these structures with new floodlighting which will be compliant with the requirements of Australian Standard 2560.2.3-2007 Lighting for Football and Australian Standard 4282-1997- Control of Obtrusive Effects of Outdoor Lighting.

The main works will include:

- Removal of existing poles and lighting;
- Installation of 15 x new 20-25 metre flood lighting towers with concrete footings;
- Excavation involved with footings and installation of power and cabling;
- Installation of new lights of towers;
- Installation of lighting control gear.

## AMENDMENTS TO THE SUBJECT APPLICATION

No amendments have been made to the proposal.

### The Operation of the Lights

It is proposed that Parks, Reserves and Foreshores will manage the use and hours of the lighting infrastructure rather than conditions of consent. As discussed previously in the report, all Warringah sportsgrounds are allocated for use from 4pm until 9.30 pm Monday through Friday and 8am until 9.30 pm on Saturday and until 6pm on Sundays.

## STATUTORY CONTROLS

- a) Environmental Planning and Assessment Act 1979
- b) Environmental Planning and Assessment Regulations 2000
- c) Local Government Act 1993
- d) SEPP (Infrastructure) 2007
- e) SEPP 55 – Remediation of Land
- f) SEPP 71 – Coastal Protection
- g) Warringah Local Environment Plan 2000
- h) District Park Plan of Management 2002
- i) Draft Warringah Local Environment Plan 2009
- j) Warringah Development Control Plan
- k) Sportsgrounds Plan of Management





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**PUBLIC EXHIBITION**

The subject application has been notified and advertised in accordance with the Warringah Development Control Plan. As a result, the application was notified to 1356 adjoining land owners and occupiers for a period of 16 calendar days commencing on 18 January 2010 and being finalised on 2 February 2010. The application was also has been advertised within the Manly Daily on 16 January 2010 and a notice was placed upon the site.

As a result of the notification process, on the 15 March 2010, 19 submissions have been received by Council which also includes multiple submissions from several individual residents.

Submissions received after the 15 March 2010 will be addressed separately in a memo and presented to the Panel for consideration. Submissions were received from the following residents:

Submission Received	Address
Mrs Lucy Tavener	436 Pittwater Road, North Manly
Mrs Michelle Jacques	2a Campbell Parade, Manly Vale
Mr Jeff Lock	4 Hillcrest Place, North Manly
Mrs Bernadette McCarthy	488 Pittwater Road, North Manly
Mrs Sue & Mr Peter Roche	18 Riverview Parade, North Manly
Mr Wayne Lewis	3 Riverview Parade, North Manly
Mr Nick Kilpin	2 Riverview Parade, North Manly
Diocese of Armenian Church Properties	468 Pittwater Road, North Manly
Dr Barry Partridge	32 Palm Avenue, North Manly
Kylie Barrett	448 Pittwater Road, North Manly
Mr Robert McKenna on behalf of Manly Warringah Junior cricket Association	21 Kerry Close, Beacon Hill
Mrs Bede Cunneen	6 western Avenue, North Manly
Dr Christina Kirsch	76 Consul Road, Narraweena
Mrs Gill Anderson	450 Pittwater Road, Manly Vale
Mr Paul Davidson	16 Waiwera Avenue, North Manly
Mrs Sarah Forrester	Waiwera Avenue, North Manly
Mr Peter Rickets	4 Riverview Parade, North Manly
Mrs Geeske Bax	14/6 Campbell Parade, Manly Vale

The matters raised within the submissions are addressed hereunder:

### 1. Inadequate Notification and consultation

**Comment:** Council's Notification Policy was followed in the notification of neighbours. 1397 properties, including Mackellar Girls High School were notified according to Council's records. Notice of the application was also published in the Manly Daily.

Additionally, the proposed lighting is the subject of a Council endorsed Plan of Management, which was adopted in 2002. Finally, a comprehensive public consultation with local residents was undertaken by Habitation in September 2009. This involved questionnaires and a stakeholder consultation session. All feedback from this process has been taken into consideration by Council in the preparation of this application. All feedback from all objectors including form letters received has been taken into consideration in this assessment.

Based on the above, the objections to the notification process do not carry determining weight and so does not warrant refusal of the application.



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## 2. Light Spillage

**Comment:** All neighbouring residences are located well away from the vertical spill areas of the lighting. This is clearly demonstrated in the plans provided with the application. Any minimal additional glare or reflection due to light overspill will be negligible compared to that which currently exists.

The lighting complies with the Australian standards AS 2560.2.3-2007 Lighting for Football and AS 4282-1997 Control of Obtrusive Effects of Outdoor Lighting.

Based on the above, the objections to the adverse light spillage impacts do not carry determining weight and so does not warrant refusal of the application.

## 3. Height

**Comment:** The lighting is typical of that provided in local sports fields. It will not detrimentally impact on the public view or private views. The height of the towers is considered justifiable in this location. The primary context of the immediate area is that of public sporting fields within which such lighting is an anticipated and appropriate use.

Based on the above, the objections to the height of the poles do not carry determining weight and so does not warrant refusal of the application.

## 4. Impact on Natural Environment

### Flora and fauna

**Comment:** Lights are oriented away from the bushland at the rear of the site and are not anticipated to create any issues for this bushland located within an urban environment.

### Acid Sulphate soils

**Comment:** The application was accompanied by an Acid Sulphate Soils Management Plan for the site. Appropriate geotechnical investigations have been undertaken and the report supports the development subject to appropriate site management.

Based on the above, the objections to any adverse natural environment impacts do not carry determining weight and so does not warrant refusal of the application.

## 5. Parking

**Comment:** Current floodlighting can be used on the reserve from 4pm until 9.30 pm Monday through Friday and 8am until 9.30 pm on Saturday and until 6pm on Sundays. The proposal does not involve an increase in the hours of use of the reserve. In this regard, the provision of parking and related parking issues are a separate matter for consideration to be addressed and considered under the District Park Plan of Management and Sportsground Plan of Management.

Based on the above, the objections to parking arrangements do not carry determining weight and so does not warrant refusal of the application.



## 6. Use of the Lights and Field

**Comment:** Current floodlighting can be used on the reserve from 4pm until 9.30 pm Monday through Friday and 8am until 9.30 pm on Saturday and until 6pm on Sundays.

The proposal does not involve an increase in the hours of use of the reserve. This is a separate matter for consideration under the provision of the District Park Plan of Management and Sportsground Plan of Management. In this regard, this development application involves an assessment of the lighting structure impacts when in operation including and not limited to light spillage in adjoining and surrounding properties.

Lights will be operated by a remote control and separate towers can be operated independent of the others.

Based on the above, the objections to the use of the lights and reserve do not carry determining weight and so does not warrant refusal of the application.

## 7. Residential amenity

### Noise

**Comment:** As discussed above, the proposal does not involve an increase in the hours of use of the reserve. In this regard, some traffic, noise and parking congestion must be anticipated by residents in this location. Additionally some training and game noise is appropriate to the area and what would be anticipated neighbouring a sport field. The management of noise from the use of the fields is not related to this application. The Sportsgrounds Plan of Management provides the guidelines as to how residential amenity issues are managed.

This objection does not carry any determining weight and does not warrant refusal

### Visual Amenity Impact

**Comment:** The site has existing lighting structures, which are to be removed to allow for the new upgraded structures. The new structures are modern structures which are , higher than the existing light structures. Notwithstanding, the overall visual impact is similar and typical of local sportsgrounds. The lighting structures have minimal bulk and will have a negligible impact on views of the playing fields from residences. Lighting towers are proposed to be constructed to ensure that each field can be lit. This is the anticipated use and is considered appropriate.

This objection does not carry any determining weight and does not warrant refusal.

### Lights left on overnight (currently)

**Comment:** It is agreed that it is unacceptable for lights to remain on for such an extended period of time. This issue has been forwarded to Council for action as a 'Customer Request' item.

This objection does not carry any determining weight and does not warrant refusal.



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**8. Ancillary**

***Drinking of alcohol at Nolans Reserve***

**Comment:** This is not a matter related to the installation of lighting poles.

***Consultant choice for consultation***

**Comment:** Council has appropriately consulted with the community. The engagement of consultants is not the matter for the application.

***Lighting needed on the walkway bridge that connect Nolans and Passmore Reserves & carparks***

**Comment:** This matter is not a subject of the application, however, the matter has been forwarded to Council's Parks, Reserves and Foreshores Section for consideration as a 'Customer Request' item.

***No need for lighting in this location as there are alternative fields. Money could be better spent elsewhere.***

**Comment:** There is huge community demand for such facilities.

***More rubbish bins required/ area often covered with litter.***

**Comment:** This matter has been brought to the attention of the relevant section of Council through the Habitation community consultation process. However, this is not the subject of this application.

***Anti-graffiti treatment to poles.***

**Comment:** No need is seen for additional funds to be spent on anti-graffiti treatment. These lights will face the same graffiti risk to all public structures.

***Energy efficiency***

**Comment:** The lighting has been designed specifically to comply with appropriate Australian Standards.

***Swift and tidy installation***

**Comment:** It is the intention of Council that construction will take place in timely and appropriate manner. This matter will be conditioned.

***User pays for lighting***

**Comment:** This is not a matter relevant to the construction of the lighting.

***Decreased property value***

**Comment:** No evidence suggests that this will be the case. This is not a valid reason for refusal.



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***Use of toilets***

**Comment:** This application does not relate to the use of toilets.

***Upgrading of existing poles would be a more appropriate solution.***

**Comment:** Upgrading of lighting requires full upgrading of the lighting towers also to ensure durability and appropriate capacity for the lights proposed.

***Use of the Fields will be restricted***

**Comment:** The lighting towers are necessary to allow for the use of the fields at night time. They will replace and upgrade existing structures have been sited to ensure no interference with the operation of the park as sports fields.

The location of the lighting structures is between separate fields and will not interfere with the use of the fields. There is ample space on the fields for other non-organised recreational and sporting uses. This light will enhance the usability of all fields.

***Junior cricket requires a minimum 50 metre boundary from the cricket pitches on Nolans Reserve. It is requested that the towers be erected a minimum of 55-60 metres from cricket pitches.***

**Comment:** In excess of 55 metres is provided from the existing cricket pitch to all lighting structures.

Based on the above, the objections noted under the 'Ancillary Issues' section do not carry determining weight and so does not warrant refusal of the application.

**REFERRALS**

***External Referrals***

**Department of Planning (SEPP 71)**

The proposal was referred to the Department of Planning for comment in accordance with the provision of SEPP 71 – Coastal Protection. The Department of Planning advised that there were no additional matters other than those specified in Clause 8 SEPP 71 that need to be taken into consideration in determining the development application. This is addressed in the SEPPs section of this report.

**Energy Australia**

Energy Australia was notified of the development according to the provisions of the SEPP. No issues were raised.

**Aboriginal Heritage Office**

The Aboriginal Heritage Office considers that there are no Aboriginal Heritage constraints which affect the proposal.



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## NSW Office of Water

The Office of Water advised that approval is not required under clause 39A of the Water Management Amendment (Controlled Activities) Regulation 2008.

## Internal Referrals

### Heritage

The proposal was referred to Council's Heritage Officer. No issues were raised.

### Natural Environment Unit

The proposal was referred to Council's Natural Environment Unit and no issues were raised.

### Environmental Health

The proposal was referred to Council's Environmental Health Officer and no issues were raised subject to an appropriate condition of consent which has been included in the consent.

### Landscape

The proposal was referred to Council's Landscape Officer and no issues were raised subject to appropriate conditions which have been included in the consent.

## ENVIRONMENTAL PLANNING AND ASSESSMENT ACT, 1979 (EPAA)

The relevant matters for consideration under Section 79C of the Environmental Planning and Assessment Act, 1979, are:

Section 79C 'Matters for Consideration'	Comments
Section 79C (1) (a)(i) – Provisions of any environmental planning instrument	<ul style="list-style-type: none"> <li>▪ SEPP 55 – Remediation of Land</li> <li>▪ SEPP 71 – Coastal Protection</li> <li>▪ Warringah Local Environmental Plan 2000</li> </ul> These EPIs are addressed in detail later in the report.
Section 79C (1) (a)(ii) – Provisions of any draft environmental planning instrument	<ul style="list-style-type: none"> <li>▪ Draft Warringah Local Environmental Plan 2009</li> </ul> Refer to discussion within the body of the report/
Section 79C (1) (a)(iii) – Provisions of any development control plan	Warringah Development Control Plan applies to this proposal.
Section 79C (1) (a)(iiia) – Provisions of any planning agreement	None applicable.
Section 79C (1) (a)(iv) – Provisions of the regulations	<p>Clause 7 of the EPA Regulation 2000 requires the consent authority to consider the provisions of the Building Code of Australia. Accordingly, appropriate conditions of consent are recommended for imposition should this be considered worthy of approval.</p> <p>Clause 92(1) of the EPA Regulation 2000 requires the consent authority to consider the provisions of the Government Coastal Policy for land within the "Coastal Zone". The proposal is considered to be consistent with the Government Coastal Policy, as it maintains public access to the coastal zone and preserves the environment and amenity of the coastal zone.</p> <p>Refer to the discussion in the section detailing SEPP71.</p>

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Section 79C 'Matters for Consideration'	Comments
<p><b>Section 79C (1) (b) – the likely impacts of the development, including environmental impacts on the natural and built environment and social and economic impacts in the locality</b></p>	<p>(i) The environmental impacts of the proposed development on the natural and built environment are addressed under the General Principles of Development Control in this report.</p> <p>(ii) The proposed development will have a positive social impact in the locality considering the character of the proposal.</p> <p>(iii) The proposed development will not have a detrimental economic impact on the locality considering the nature of the existing and proposed land use.</p>
<p><b>Section 79C (1) (c) – the suitability of the site for the development</b></p>	<p>The proposal will improve the usability of the public open space area for sporting pursuits, and in this regard, the site is considered suitable for the proposed development.</p>
<p><b>Section 79C (1) (d) – any submissions made in accordance with the EPA Act or EPA Regs</b></p>	<p>See discussion on “Public Exhibition” in this report.</p>
<p><b>Section 79C (1) (e) – the public interest</b></p>	<p>The wider public interest is served by the provision of lighting to improve the safety and usability of the reserve. As such, there is a net public benefit through the installation of these structures in this public location.</p> <p>In addition, the proposal is consistent with the Plan of Management that applies to the land, which identifies that the installation of lighting to current Australian Standards should be undertaken.</p> <p>Conditions have also been included in the consent to ensure that the lighting structures are compliant with relevant Australian Standards which will ensure that the light spillage impacts on adjoining properties are minimised, acceptable and reasonable.</p> <p>The replacement of existing and the installation of replacement lighting is in the wider public interest. The sports fields are used by a large number of Warringah residents and the upgrading of the facilities will be on balance of significant benefit for Warringah. The lighting proposed is new, compliant with Australian Standards and Council’s Plan of Management.</p>

**DRAFT ENVIRONMENTAL PLANNING INSTRUMENTS:**

Draft Warringah Local Environmental Plan 2009 (Draft WLEP 2009)

Definition: Recreation Facilities (outdoor)

Land Use Zone: RE1 Public Recreation

Permissible or Prohibited: Permissible with consent

Additional Permitted used for particular land – Refer to Schedule 1:



Consultant's Report

**Principal Development Standards:**

Development Standard	Required	Proposed	Complies	Clause 4.6 Exception to Development Standard
Minimum Subdivision Lot Size:	N/A	N/A	N/A	N/A
Rural Subdivision:	N/A	N/A	N/A	N/A
No Strata Plan or Community Title Subdivisions in certain rural and environmental zones:	N/A	N/A	N/A	N/A
Height of Buildings:	8.5m	25.0m high light poles	No	Yes (*)

(\*) The variation to the standard is discussed below.

**Variations to the Building Height Development Standard**

The site is located within the Land zoned RE1 Public Recreation and is subject to a Building Height control of 8.5m. The light poles are up to a maximum height of 25.0m which exceeds the 8.5m standard. Accordingly, the proposal must satisfy the objectives of Cl.4.3 – Height of Buildings and Cl.4.6 - Exception to Development Standard under the Draft WLEP 2009.

**Clause 4.3 - Height of buildings**

The objectives of this clause are as follows:	
(a)	<i>to ensure that buildings are compatible with the height, bulk and scale of the desired future character of the locality that may be identified in any development control plan made by the Council;</i>
(b)	<i>to minimise visual impact, disruption of views, loss of privacy and loss of solar access;</i>
(c)	<i>to minimise adverse impact of development on the scenic quality of Warringah's coastal and bush environments; and</i>
(d)	<i>to manage the visual impact of development when viewed from public places such as parks and reserves, roads and community facilities;</i>

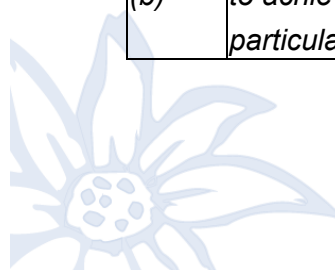
The light poles are narrow in width and appropriate in height and scale for their intended use. Further, the non-compliance does not translate into unreasonable external impacts to adjoining and surrounding neighbours in terms of overshadowing, privacy, visual outlook and view loss.

Having regard to the above, the proposal satisfies the objectives of the Clause.

**Clause 4.6 - Exception to Development Standard (compulsory)**

In assessing the non-compliance with the building height, consideration must be given to its consistency with the objectives of the Clause.

<i>The objectives of this clause are:</i>	
(a)	<i>to provide an appropriate degree of flexibility in applying certain development standards to particular development, and</i>
(b)	<i>to achieve better outcomes for and from development by allowing flexibility in particular circumstances.</i>





## Consultant's Report

The height of the light poles is necessary to ensure light spillage is restricted to the reserve to facilitate a safer environment for the intended users of the reserve whilst also minimising adverse neighbour impacts including light glare. On this basis, the objectives of the Clause are satisfied and the variation to the building height standard is supported.

## Conclusion

Having regard to the above, the proposed development is consistent with the aims and objectives of the Draft WLEP 2009.

## ENVIRONMENTAL PLANNING INSTRUMENTS (EPI's)

### STATE ENVIRONMENTAL PLANNING POLICIES (SEPP's)

#### State Environmental Planning Policy No 55 – Remediation of Land

Clause 7 (1) (a) of SEPP 55 requires the Consent Authority to consider whether land is contaminated. Council records indicate that the subject site has been used for public recreation purposes for a significant period of time with landfill on the site in its past prior to this use. Considerate of the minimal excavation required, it is determined that the site poses no risk of contamination and therefore, no further consideration is required under Clause 7 (1) (b) and (c) of SEPP 55 and the land is considered to be suitable for the residential land use.

#### State Environmental Planning Policy No 71 – Coastal Protection

State Environmental Planning Policy No. 71 – Coastal Protection applies to the site as it is within the "Coastal Zone".

The following table summarises the relevant considerations:

Provision	Applies	Comments	Complies
CL2(1)(a) Protecting and managing the coast	YES	The proposal protects the coast.	YES
CL2(1)(b) Protecting and improving public access	YES	The proposal maintains public access to the coast.	YES
CL2(1)(c) New Public Access	NO	No comment	N/A
CL2(1)(d) Aboriginal culture and heritage	NO	No comment	N/A
CL2(1)(e) Visual Amenity	YES	The proposal seeks to remove the existing light poles and construct 15 new 20-25 metres poles with lighting. The impact of these is considered minimal and appropriate for a sporting facility. The visual amenity will be appropriately retained.	YES
CL2(1)(f) Beach environments and amenity	YES	The proposal maintains the coastal environment and amenity.	YES
CL2(1)(g) Protecting native vegetation	YES	The lights are appropriately sited to ensure negligible impacts on native vegetation	YES
CL2(1)(h) Preserving marine environments	NO	No comment	N/A
CL2(1)(i) Protecting rock platforms	NO	No comment	N/A
CL2(1)(k) Bulk and scale of development	NO	No comment	N/A
CL2(1)(l) Encouraging a strategic approach	NO	No comment	N/A

Consultant's Report

Provision	Applies	Comments	Complies
CL2(3) Government coastal policy	YES	The proposal is consistent with the Government Coastal Policy	YES
CL8(b) Maintaining public access	YES	Public access is maintained	YES
CL8(c) Providing new public access	NO	No comment	N/A
CL8(d) Suitability of development	YES	The proposal is suitable for the site.	Yes
CL8(e) Detrimental impacts, overshadowing and views	YES	The proposal will have no detrimental impacts with regards to overshadowing.	Yes
CL8(f) Scenic qualities	YES	The proposal will have a negligible impact on the coastal environment and immediate creek areas.	Yes
CL8(g) Conserving plants and animals	YES	The proposed works do not require any clearing of vegetation and are minimal in terms of ground disturbance. There will be a negligible impact on existing flora and fauna.	Yes
CL8(h) Conserving fish and marine vegetation	YES	The development will have a negligible impact.	Yes
CL8(i) Wildlife Corridors	YES	The proposal will have no impact on wildlife corridors.	Yes
CL8(j) Coastal hazards and coastal processes	YES	The proposal has not been identified as being at risk from coastal hazards or processes.	Yes
CL8(k) Conflicting land uses	NO	No comment	N/A
CL8(l) Aboriginal considerations	YES	The application was notified to Council's Aboriginal Heritage Officer. No issues were raised.	Yes
CL8(m) Water Quality	YES	The proposal will not have a detrimental impact on water quality.	Yes
CL8(n) Heritage significance	YES	There are no heritage items in the immediate proximity of the site.	Yes
CL8(o) Draft LEP and compact towns	NO	No comment	N/A
CL8(p)(i) Cumulative impacts	YES	The proposal does not set a precedent that will result in cumulative impacts.	Yes
CL8(p)(ii) Conserving energy and water	NO	No comment	N/A
CL14 Public access to the foreshore	YES	The proposal maintains public access to the foreshore.	Yes
CL15 Effluent disposal	YES	The site facilities are currently connected to the sewerage system. This proposal will have no impact on the existing status.	Yes
CL16 Stormwater	YES	Stormwater arrangements are not affected.	Yes

## LOCAL ENVIRONMENT PLANS (LEPS)

### WARRINGAH LOCAL ENVIRONMENT PLAN 2000 (WLEP 2000)

#### Clause 17 – Control of public open space

The proposed development is on land that is identified as Public Open Space on the WLEP 2000 map. Under clause 17(4), any land use on Public Open Space (other than exempt development) is identified as Category 2 Development.

Under Clause 17(2) public open space can be developed for any purpose that is consistent with a plan of management applying to that public open space. The District Park Plan of Management and Sportgrounds Plan of Management applies to this land.



Consultant's Report

The District Plan of Management identifies in its District Park Actions Table (page No.43) that Council will “investigate and develop if appropriate, the addition of further lights at Nolan’s, Miller’s, Passmore and David Thomas Reserves.” Assessment of this has been undertaken by Council’s Parks, Reserves and Foreshore’s section following consideration of the demand for night time sporting fields throughout the local government area and the Habitation Community Consultation process, report and recommendations.

There is currently inadequate floodlighting infrastructure on the reserve and in accordance with the above, the installation of new lighting is consistent with the provisions of the relevant Plans of Management. Further, the land is community land that is categorised as a “sportsground” and in this regard, the proposal is also consistent with that of a sportsground use and fulfils the nominated Plan of Management Action as discussed above.

The proposal will not disturb bushland on the public open space, so there is no need for a plan of management assessing bushland under clause 17(5) or Schedule 6 of Warringah Local Environmental Plan 2000.

Based on the above, the proposal satisfies the requirements of the General Principle.

### **Desired Future Character (DFC)**

The subject site is located in the G3 Manly Lagoon Suburbs Locality under Warringah Local Environmental Plan 2000.

The Desired Future Character Statement for this locality is as follows:

*“The Manly Lagoon Suburbs Locality will remain characterised by detached style housing with a pocket of apartment style housing in landscaped settings interspersed by a range of complementary and compatible uses. The development of further apartment style housing will be confined to the ‘medium density areas’ shown on the map. Substantial regional parklands and bushland will remain significant elements of the locality.*

*Future development will maintain the visual pattern and predominant scale of existing detached style housing in the locality except in areas marked as ‘medium density areas’ on the map. The street will be characterised by landscaped front gardens and consistent building setbacks. Unless exceptions are made to the housing density standard in this locality statement, any subdivision of land is to be consistent with the predominant pattern, size and configuration of existing allotments in the locality.*

*The relationship of the locality with the surrounding bushland will be reinforced by protecting and enhancing the spread of indigenous tree canopy and preserving remnants of the natural landscape such as rock outcrops, bushland and natural watercourses. The use of materials that blend with the colours and textures of the natural landscape will be encouraged. Development on hillsides, or in the vicinity of ridgetops, will integrate with the natural landscape and topography.*

*The locality will continue to be served by the existing local retail centres in the area shown on the map. Future development in these centres will be in accordance with the general principles of development control provided in clause 39.”*

The proposed development is defined as Category 2 development under the provisions of the WLEP 2000. The development is permissible within the G3 Manly Lagoon Suburbs Locality with development consent.



Consultant's Report

Clause 12(3)(a) of WLEP 2000 requires the consent authority to be satisfied that the proposed development is consistent with the Locality's DFC statement.

Accordingly, an assessment of consistency of the proposed development against the locality's DFC is provided hereunder:

**Requirement:**

***“The Manly Lagoon Suburbs Locality will remain characterised by detached style housing with a pocket of apartment style housing in landscaped settings interspersed by a range of complementary and compatible uses”***

**Comment:** The installation of the proposed lighting structures will allow for the upgrading of Nolans Reserve which is a critical complementary and compatible use in the G3 locality. Its maintenance and upgrading are critical to the retention of the character of the area.

**Requirement:**

***“ Substantial regional parklands and bushland will remain significant elements of the locality.”***

**Comment:** The existing regional parklands and bushlands will remain in their entirety as a result of this application. The development will allow for improvements to Nolans Reserve, which is to the benefit of the parkland areas of Warringah.

As detailed above the proposed development is considered to be consistent with the Locality's DFC statement.

**Built Form Controls (Development Standards)**

The following table outlines compliance with the Built form Control of the above locality statement:

Built Form Compliance Table			
Built Form Standar	Required	Proposed	Compliance
Building Height	8.5 metres	20-25 metres	NO – refer to Clause 20 Assessment
Front setback	6.5 metres	Greater than 6.5metres	YES
Rear Setback	N/A		N/A
Side Setbacks	0.9m	Greater than 0.9metres	YES
Side Boundary Envelope (applies on south eastern boundary abutting residential uses)	N/A		N/A

The proposed development does not comply with the Locality Height Built Form Control, accordingly, further assessment is provided against the provisions of Clause 20(1) hereunder.

**Clause 20(1) stipulates:**

***“Notwithstanding clause 12 (2) (b), consent may be granted to proposed development even if the development does not comply with one or more development standards, provided the resulting development is consistent with the general principles of development control, the desired future character of the locality and any relevant State environmental planning policy.”***



Consultant's Report

In determining whether the proposal qualifies for a variation under Clause 20(1) of WLEP 2000, consideration must be given to the following:

**(i) General Principles of Development Control**

The proposal is generally consistent with the General Principles of Development Control and accordingly, qualifies to be considered for a variation to the development standard, under the provisions of Clause 20(1) (See discussion on "General Principles of Development Control" in this report for a detailed assessment of consistency).

**(ii) Desired Future Character of the Locality**

The proposal is consistent with the Manly Lagoon Suburbs Locality's Desired Future Character Statement and accordingly, qualifies to be considered for a variation to the development standards, under the provisions of Clause 20(1) (See discussion on "Desired Future Character" in this report for a detailed assessment of consistency).

**(iii) Relevant State Environmental Planning Policies**

The proposal has been considered consistent with all applicable State Environmental Planning Policies. (Refer to earlier discussion under 'State Environmental Planning Policies'). Accordingly the proposal qualifies to be considered for a variation to the development standards, under the provisions of Clause 20(1).

**Description of variations sought and reasons provided:**

**Height Built Form Control**

*Required:* Maximum height 8.5 metres

*Proposed:* Maximum height 25 metres

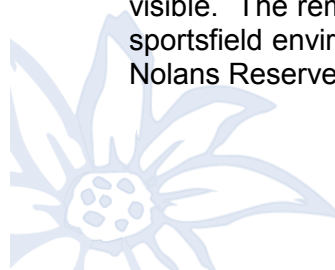
*Response:* The applicant has provided a Clause 20 Statement, which summarises that the height of the development should be varied for the following reasons:

- *"compliance with the development standard is unnecessary and unreasonable give the works support the efficient management and use of Council's recreational assets.*
- *The proposal is consistent with the core objectives of the management of community land categorised as sportsground and supports development of sport in the Warringah community.*
- *The impact on the nearby community is minimal.*
- *The proposed work is augmentation of an existing approved use.*
- *The works do not impinge upon the opportunity for public and private views.*

In assessing this non-compliant element of the proposal, it is necessary to consider the objectives of the Building Height Built Form Control. Accordingly, the non-compliance has been assessed against for following considerations:

**(a) Ensure that development does not become visually dominant by virtue of its height and bulk.**

**Comment:** The lighting will be used only during specific periods and during these times it will be visible. The remainder of the time the structures are minimal in their nature and will blend into the sportsfield environs. The lighting is an appropriate and anticipated structure for a location such as Nolans Reserve.



Consultant's Report

**(b) To preserve the amenity of the surrounding land**

**Comment:** The structures are proposed to replace and upgrade existing lighting structures within the park. The amenity of the area will be retained. The lighting spill has been assessed and demonstrated as appropriate to the neighbouring residential properties. Impacts will be negligible.

**(c) Ensure development responds to site topography**

**Comment:** The site is essentially flat and will be negligibly impacted by the minimal disturbance to install new lighting structures.

As detailed above, the proposed development is considered to satisfy the requirements to qualify for consideration under Clause 20(1), in addition the proposal is considered to be consistent with the underlying objectives of the Building Height Built Form Control. It is for these reasons that the variation to the Building Height Built Form Control (Development Standard) pursuant to Clause 20(1) is supported.

**Summary**

The proposal has demonstrated that light poles are necessary infrastructure to house lighting, which is expected infrastructure for sports fields. The light overspill and visual impact of the structures themselves is negligible. The new lighting replaces existing inadequate infrastructure and improves the functionality and will improve the usability of the site and the open space area, which is consistent with the objectives of the "The Act", and therefore, the Clause 20 application is supported under these circumstances.

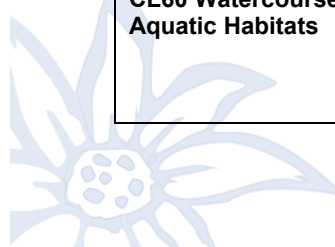
**General Principles of Development Control**

The following General Principles of Development Control as contained in Part 4 of Warringah Local Environmental Plan 2000 are applicable to the proposed development:

General Principles	Applies	Comments	Complies
<b>CL38 Glare &amp; reflections</b>	YES	<p><b>Residential Impacts:</b> The applicant has submitted plans indicating that the light overspill and any glare is within the limitations specified within the relevant Australian Standard (AS4282-1997- Control of the Obtrusive effects of outdoor lighting).</p> <p><b>Public Use of Fields:</b> The applicant has submitted plans indicating that the light overspill and any glare is within the limitations specified within the relevant Australian Standard 2560.2.3-2007 – Lighting for Football.</p> <p>The proposed lights are therefore compliant will all relevant requirements.</p>	Yes
<b>CL39 Local retail centres</b>	NO	No Comment	N/A
<b>CL40 Housing for Older People and People with Disabilities</b>	NO	No comment	N/A
<b>CL41 Brothels</b>	NO	No Comment	N/A
<b>CL42 Construction Sites</b>	YES	A condition of consent is to be imposed requiring the submission of a Construction Management Program to control future construction activities. Provision for access to the site during construction and the maintaining of adequate provisions for pedestrian and traffic movements	YES – subject to conditions.

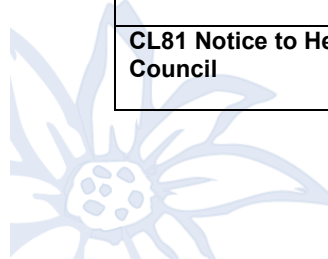


Consultant's Report			
General Principles	Applies	Comments	Complies
		are to be maintained. Construction waste is to be disposed of in accordance with the relevant requirements.	
CL43 Noise	YES	Noise will only result during the construction phase and this will be limited by conditions of consent to appropriate hours and volumes.	YES – Subject to conditions.
CL44 Pollutants	NO	No comment	YES
CL45 Hazardous Uses	NO	No comment	N/A
CL46 Radiation Emission Levels	NO	No comment	N/A
CL47 Flood Affected Land	Yes	The site is located within the 1 in 100 year flood area. The poles have been designed to withstand the impacts of flooding. The application was referred to Natural Environment Unit and no issues were raised in this regard.	YES
CL48 Potentially Contaminated Land	YES	The site has previously been used for landfill. The small amount of excavation proposed is not considered to result in an issue in this regard	YES
CL49 Remediation of Contaminated Land	NO	No comment	N/A
CL49a Acid Sulphate Soils	YES	The site is nominated as being affected by Class 2 soils. An Acid Sulphate Soil Management Plan has been prepared in regards to this and will ensure no detrimental impacts as a result of the development.	YES
CL50 Safety & Security	YES	The additional lighting will aid in the provision of safety.	YES
CL51 Front Fences and Walls	NO	No Comment	N/A
CL52 Development Near Parks, Bushland Reserves & other public Open Spaces	YES	Public access to open space is maintained. Views are maintained. The proposal will not impact on bushland.	YES
CL53 Signs	NO	No Comment	N/A
CL54 Provision and Location of Utility Services	NO	No Comment	N/A
CL55 Site Consolidation in 'Medium Density Areas'	NO	No Comment	N/A
CL56 Retaining Unique Environmental Features on Site	NO	There are no unique environmental features. All native vegetation and creeks will be unaffected by the proposed structures and lighting.	N/A
CL57 Development on Sloping Land	NO	No Comment	N/A
CL58 Protection of Existing Flora	YES	The development will not disturb any existing flora, other than turfed areas, which will be restored in the immediate proximity of new footings. No significant flora and fauna has been sited (i.e. endangered).	YES
CL59 Koala Habitat Protection	NO	No Comment	N/A
CL60 Watercourses & Aquatic Habitats	YES	The proposal will have a very minimal impact on the nearby Manly Lagoon due to the light spill. Reasonable use of the lights will ensure that this is appropriate and that there are no adverse impacts on watercourses or aquatic habitats.	YES



Consultant's Report

General Principles	Applies	Comments	Complies
<b>CL61 Views</b>	YES	The development allows for the reasonable sharing of views and is satisfactory in addressing the General Principle	YES
<b>CL62 Access to sunlight</b>	NO	No Comment	N/A
<b>CL63 Landscaped Open Space</b>	NO	No Comment	N/A
<b>CL63A Rear Building Setback</b>	NO	No Comment	N/A
<b>CL64 Private open space</b>	NO	No Comment	N/A
<b>CL65 Privacy</b>	NO	No Comment	N/A
<b>CL66 Building bulk</b>	NO	No Comment	N/A
<b>CL67 Roofs</b>	NO	No Comment	N/A
<b>CL68 Conservation of Energy and Water</b>	NO	No Comment	N/A
<b>CL69 Accessibility – Public and Semi-Public Buildings</b>	NO	No Comment	N/A
<b>CL70 Site facilities</b>	NO	No Comment	N/A
<b>CL71 Parking facilities (visual impact)</b>	NO	No Comment	N/A
<b>CL72 Traffic access &amp; safety</b>	NO	No Comment	N/A
<b>CL73 On-site Loading and Unloading</b>	NO	No Comment	N/A
<b>CL74 Provision of Carparking</b>	NO	No Comment	N/A
<b>CL75 Design of Carparking Areas</b>	NO	No Comment	N/A
<b>CL76 Management of Stormwater</b>	NO	No Comment	N/A
<b>CL77 Landfill</b>	NO	No Comment	N/A
<b>CL78 Erosion &amp; Sedimentation</b>	YES	Development is to be sited and designed and related to construction work carried out, so as to minimise the potential for soil erosion. Appropriate conditions associated with the management of erosion and sedimentation for the duration of works on the site are considered satisfactory to meet these requirements.	YES (subject to conditions)
<b>CL79 Heritage Control</b>	NO	No Comment	N/A
<b>CL80 Notice to Metropolitan Aboriginal Land Council and the National Parks and Wildlife Service</b>	NO	No comment	N/A
<b>CL81 Notice to Heritage Council</b>	NO	No Comment	N/A





Consultant's Report			
General Principles	Applies	Comments	Complies
CL82 Development in the Vicinity of Heritage Items	NO	No Comment	N/A
CL83 Development of Known or Potential Archaeological Sites	NO	No Comment	N/A

## SCHEDULES

### Schedule 5 - State Policies

It is state policy to protect and preserve bushland in urban areas. The proposed works aren't on the site of bushland, but the immediate surrounds so not contain bushland (as defined). The proposal will have no negative impacts on the remnant bushland adjacent.

### Schedule 8 - Site analysis

The applicant has clearly addressed the specific constraints of the site and this has been considered in the design and siting of structures at the park.

## POLICY CONTROLS

### Warringah Section 94A Development Contribution Plan (adopted 14 November 2006)

Section 94A contributions are not applicable to this development as Council is the applicant.

## CONCLUSION

The proposal has been considered against the relevant matters for consideration under Section 79C of the EP&A Act 1979. This assessment has taken into consideration the submitted plans, Statement of Environmental Effects, all other documentation supporting the application and public submissions, and does not result in any unreasonable impacts on surrounding, adjoining, adjacent and nearby properties subject to the conditions contained within the recommendation.

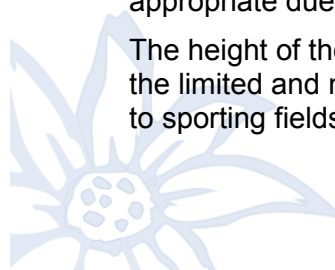
The proposal is for the installation of sportsfield lighting at Nolans Reserve within District Park. There are 15 structures of up to 25 metres in height proposed to allow for appropriate lighting of the field for use at night. These structures will replace existing no-compliant lighting and allow for the field to meet all relevant Australian Standards.

The area is identified in the District Park Plan of Management to improve the existing infrastructure assets of the site, including lighting. Council has undertaken a community consultation process in late 2009 and this combined with the high demand for lit sporting fields has resulted in the lodgement of this Development Application. The proposal is an appropriate and necessary development in this regard.

All residents concerns raised through the notification process have been thoroughly considered in this assessment. As the application is only for the installation of lighting and not the operation and use, many of the concerns raised are not immediately relevant. Issues such as parking, traffic and noise will remain unchanged. No additional hours of use or increase in numbers of people using the fields is requested in this Development Application. Residential amenity will be maintained at an acceptable level with a negligible and anticipated impact as a result of this proposal.

Lighting overspill and glare from the lights was also addressed in the assessment and deemed appropriate due to compliance with the relevant Australian Standards.

The height of the structures has been addressed in the report and determined as appropriate for the limited and necessary structures proposed. Lighting is an anticipated and necessary addition to sporting fields and the view of these structures will be appropriate to their location.



Consultant's Report

Subject to appropriate construction and site management and responsible use of the lighting as specified in the Plan of Management, the development is appropriate. The amenity of the neighbouring residences is retained at an acceptable level. The neighbouring creek and bushland will not be detrimentally impacted. Construction activities will cause some minor and temporary disturbance but these matters can be appropriately managed through conditions of consent.

The matter was appropriately notified according to the provision of Council's LEP and DCP. 1356 properties were notified according to Council's records. The application was also advertised in the Manly Daily.

The development provides a public benefit, increasing the number of fields within the local government area with night time lighting and helping to satisfy the demand provided by the many sporting associations in the LGA.

It is considered that the proposed development satisfies the appropriate controls and that all processes and assessments have been satisfactorily addressed.

As a direct result of the application and the consideration of the matters detailed within this report, it is considered that Council as the consent authority grant approval to the Development Application.

**RECOMMENDATION (APPROVAL)**

- A. That Council as the consent authority grant Development Consent to DA2009/1659 for the installation of lighting structures at Nolans Reserve, Campbell Parade, Manly Vale including Part Lot 2743 DP 750238, Lot 2762 DP 750238, Lot 1 DP 723586, Lots 1 to 17 DP 1125336, Lots 12 to 24, Part Lot 25, Lots 26 to 28 Section A DP 5857 and Lot 1 DP 449244 on land known as Nolans Reserve, North Manly subject to the following conditions:
- B. That pursuant to Section 95(2) of the Environmental Planning Assessment Act 1979, the Council vary the provisions of Section 95(1) so this consent will lapse three (3) years from the date in which it operates, and the applicant be advised accordingly.

**GENERAL CONDITIONS**

**CONDITIONS THAT IDENTIFY APPROVED PLANS**

**1. Approved Plans and Supporting Documentation**

The development must be carried out in compliance (except as amended by any other condition of consent) with the following:

<b>Architectural Plans - Endorsed with Council's stamp</b>		
<b>Drawing No.</b>	<b>Dated</b>	<b>Prepared By</b>
E02 (Revision 2) Sheet 1 of 1	4/12/2009	Buckton Lysenko Consulting Engineers
E03 (Revision 2) Sheet 2 of 3	4/12/2009	Buckton Lysenko Consulting Engineers
E04 (Revision 2) Sheet 3 of 3	4/12/2009	Buckton Lysenko Consulting Engineers
E13 (Revision 2) Sheet 1 of 3	4/12/2009	Buckton Lysenko Consulting Engineers
E14 (Revision 2) Sheet 2 of 3	4/12/2009	Buckton Lysenko Consulting Engineers
E15 (Revision 2) Sheet 3 of 3	4/12/2009	Buckton Lysenko Consulting Engineers

No construction works (including excavation) shall be undertaken prior to the release of the Construction Certificate.

**Reason:** To ensure the work is carried out in accordance with the determination of Council and approved plans.



Consultant's Report

## 2. Prescribed Conditions

- (a) All building works must be carried out in accordance with the requirements of the Building Code of Australia (BCA).
- (b) 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:
  - (i) showing the name, address and telephone number of the Principal Certifying Authority for the work, and
  - (ii) showing the name of the principal contractor (if any) for any building work and a telephone number on which that person may be contacted outside working hours, and
  - (iii) stating that unauthorised entry to the work site is prohibited.

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.

- (c) Development that involves an excavation that extends below the level of the base of the footings of a building on adjoining land, the person having the benefit of the development consent must, at the person's own expense:
  - (i) protect and support the adjoining premises from possible damage from the excavation, and
  - (ii) where necessary, underpin the adjoining premises to prevent any such damage.
  - (iii) must, at least 7 days before excavating below the level of the base of the footings of a building on an adjoining allotment of land, give notice of intention to do so to the owner of the adjoining allotment of land and furnish particulars of the excavation to the owner of the building being erected or demolished.
  - (iv) the owner of the adjoining allotment of land is not liable for any part of the cost of work carried out for the purposes of this clause, whether carried out on the allotment of land being excavated or on the adjoining allotment of land.

In this clause, allotment of land includes a public road and any other public place.

**Reason:** Legislative Requirement.

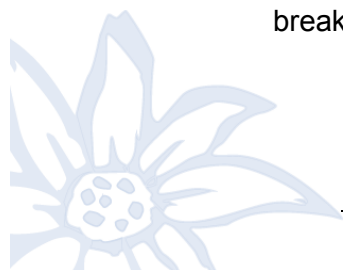
## 3. General Requirements

- (a) Unless authorised by Council:

Building construction and delivery of material hours are restricted to:  
7.00 am to 5.00 pm inclusive Monday to Friday  
8.00 am to 1.00 pm inclusive on Saturday,  
No work on Sundays and Public Holidays.

Demolition and excavation works are restricted to:  
8.00 am to 5.00 pm Monday to Friday only.

(Excavation work includes the use of any excavation machinery and the use of jackhammers, rock breakers, excavators, loaders and the like, regardless of whether the activities disturb or alter the natural state of the existing ground stratum or are breaking up/removing materials from the site).



Consultant's Report

- (b) At all times after the submission the Notice of Commencement to Council, a copy of the Development Consent and Construction Certificate is to remain onsite at all times until the issue of a final Occupation Certificate. The consent shall be available for perusal of any Authorised Officer.
- (c) Where demolition works have been completed and new construction works have not commenced within 4 weeks of the completion of the demolition works that area affected by the demolition works shall be fully stabilised and the site must be maintained in a safe and clean state until such time as new construction works commence.
- (d) Onsite toilet facilities (being either connected to the sewer or an accredited sewer management facility) for workers are to be provided for construction sites at a rate of 1 per 20 persons.
- (e) Prior to the release of the Construction Certificate payment of the Long Service Levy is required. This payment can be made at Council or to the Long Services Payments Corporation. Payment is not required where the value of the works is less than \$25,000. The Long Service Levy is calculated on 0.35% of the building and construction work. The levy rate and level in which it applies is subject to legislative change. The applicable fee at the time of payment of the Long Service Levy will apply.
- (f) The applicant shall bear the cost of all works associated with the development that occurs on Council's property.
- (h) No building, demolition, excavation or material of any nature shall be placed on Council's footpaths, roadways, parks or grass verges without Council Approval.
- (i) All sound producing plant, equipment, machinery or fittings will not exceed more than 5dB(A) above the background level when measured from any property boundary and will comply with the Environment Protection Authority's NSW Industrial Noise Policy. )
- (j) No trees or native shrubs or understorey vegetation on public property (footpaths, roads, reserves, etc.) shall be removed or damaged during construction unless specifically approved in this consent including for the erection of any fences, hoardings or other temporary works.

**Reason:** To ensure that works do not interfere with reasonable amenity expectations of residents and the community.

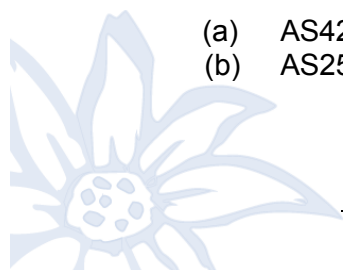
**CONDITIONS TO BE SATISFIED PRIOR TO THE ISSUE OF THE CONSTRUCTION CERTIFICATE**

**4. Compliance with Standards**

The development (where applicable) is to be carried out in accordance with all relevant Australian Standards.

(Note: At the time of determination the following (but not limited to) Australian Standards applied:

- (a) AS4282:1997 Control of the Obtrusive Effects of Outdoor Lighting
- (b) AS2560.2.3 – 2007 – Lighting for football (all codes)



Consultant's Report

(**Note:** that the above list is not exhaustive and it is the responsibility of the applicant and the Certifying Authority to ensure compliance with this condition and that the relevant Australian Standards are adhered to.)

Details demonstrating compliance with the relevant Australian Standard are to be submitted to the Certifying Authority prior to the issue of the Construction Certificate.

**Reason:** To ensure the development is constructed in accordance with appropriate standards.

## CONDITIONS THAT MUST BE ADDRESSED PRIOR TO ANY COMMENCEMENT

### 5. Public Liability Insurance - Works on Public Land

Any person or contractor undertaking works on public land must take out Public Risk Insurance with a minimum cover of \$10 million in relation to the occupation of, and approved works within Council's road reserve or public land, as approved in this consent. The Policy is to note, and provide protection for Warringah Council, as an interested party and a copy of the Policy must be submitted to Council prior to commencement of the works. The Policy must be valid for the entire period that the works are being undertaken on public land.

**Reason:** To ensure the community is protected from the cost of any claim for damages arising from works on public land.

## CONDITIONS THAT MUST BE COMPLIED WITH DURING DEMOLITION AND BUILDING WORK

### 6. Installation and Maintenance of Sediment Control

Measures used for erosion and sediment control on building sites are to be adequately maintained at all times and must be installed in accordance with Warringah Council Specifications for Erosion and Sediment Control. All measures shall remain in proper operation until all development activities have been completed and the site fully stabilised.

Details demonstrating compliance are to be submitted to the Principal Certifying Authority.

**Reason:** To protect the environment from the effects of sedimentation and erosion from development sites.

### 7. Maintenance of Road Reserve

The public footways and roadways adjacent to the site shall be maintained in a safe condition at all times during the course of the work.

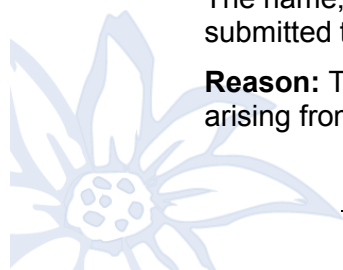
**Reason:** Public Safety.

### 8. Supervision of Potentially Contaminated Land During Excavation

A suitably qualified and experienced person must be nominated and available during excavation to assess any unexpected contamination. This person must have sufficient authority to halt works should excavation works reveal contamination.

The name, qualifications and contact details of the suitably qualified person must be submitted to the Principal Certifying Authority prior to commencement of excavation.

**Reason:** To protect employees, occupants and the environment from potential contamination arising from excavation of the soils.



Consultant's Report

## 9. Requirement to notify about new Acid Sulfate Soils evidence

Any new information revealed during excavation works that has the potential to alter previous conclusions about Acid Sulfate Soils shall be immediately notified to the Council and the Principal Certifying Authority prior to further commencement.

Should Acid Sulfate Soils be encountered during the excavation an Acid Sulphate Soils Management Plan is to be prepared by a suitably qualified geotechnical engineer and in accordance with the Acid Sulfate Soils Manual (ASSMAC, 1998) and submitted to the Council for review.

**Reason:** To protect the environment from potential contamination arising from excavation of Acid Sulphate soils.

## 10. Trees and / or Landscaping

In order to protect and enhance onsite vegetation and trees the following applies to the development site:

- Existing trees which must be retained  
Approval is - NOT granted for the removal of the following trees.
  - (i) All trees not listed as exempt or noxious in Warringah

**Reason:** To ensure compliance with the requirement to retain and protect significant planting on the site.

## 11. Trees

- (1) Tree roots of 50mm or greater in diameter encountered during excavation, shall only be cut following consultation with a suitably qualified Arborist. Tree roots between 10mm and 50mm in diameter, severed during excavation, shall be cut cleanly by hand. .
- (2) The following guidelines are to be complied with at all times:
  - (a) No activities, storage or disposal of materials shall take place beneath the canopy of any tree covered under Council's Tree Preservation Order unless specifically approved by Council.
  - (b) Trees marked for retention are not to be damaged or used to display signage, or as fence or cable supports for any reason.
  - (c) Siting of sheds, stockpiles and vehicle parking should be sited so that they are remote from trees.
  - (d) Site personnel are to be made aware of tree requirements and protective measures. Paving materials placed within the dripline of any tree should be of a porous material.
- (3) During the construction period all protected trees are maintained in a healthy and vigorous condition. This is to be done by ensuring that all identified tree protection measures are adhered to. In this regard all protected plants on this site shall not exhibit:
  - (a) A general decline in health and vigour.
  - (b) Damaged, crushed or dying roots due to poor pruning techniques.
  - (c) More than 10% loss or dieback of roots, branches and foliage.



Consultant's Report

- (d) Mechanical damage or bruising of bark and timber of roots, trunk and branches.
- (e) Yellowing of foliage or a thinning of the canopy untypical of its species.
- (f) An increase in the amount of deadwood not associated with normal growth.
- (g) An increase in kino or gum exudation.
- (h) Inappropriate increases in epicormic growth that may indicate that the plants are in a stressed condition.
- (i) Branch drop, torn branches and stripped bark not associated with natural climatic conditions.

The presence of any of these symptoms or signs may be considered by Council as a breach of the Conditions of Development Approval.

- (4) All trees on neighbouring properties are to be protected from adverse impacts caused by the works. Any excavations or changes of level occurring within the canopy of trees on neighbouring properties shall only be undertaken following consultation by a suitably qualified Arborist.

Any mitigating measures and recommendations required by the Arborist are to be implemented.

The owner of the adjoining allotment of land is not liable for the cost of work carried out for the purpose of this clause.

**Reason:** *Protection of Trees.*

## 12. Tree Pruning

Any tree pruning necessary for the approved construction shall be carried out under the supervision of an appropriately qualified Arborist and be in accordance with the relevant Australian Standards.

Note: The following Australian Standard applied at the time of determination:

- Australian Standard AS 4373.2007 - Pruning of Amenity Trees.

**Reason:** To ensure protection and longevity of existing trees.

## CONDITIONS THAT MUST BE COMPLIED PRIOR TO ISSUE OF OCCUPATION CERTIFICATE

### 13. Compliance with Standards

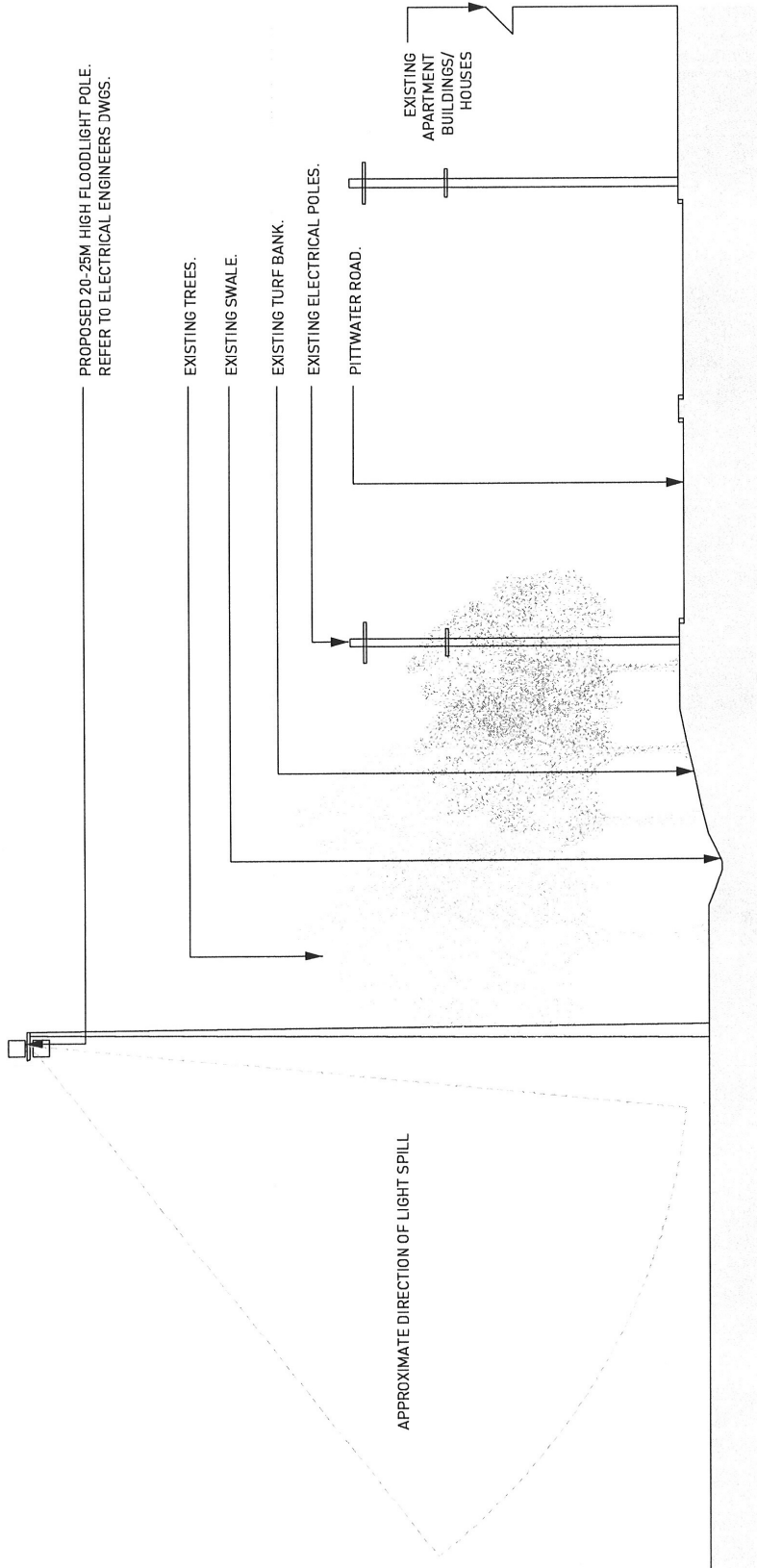
Prior to issue of the Occupation Certificate, and following the installation and testing of the lighting towers, the Applicant must provide certification from a suitably qualified person to the Principal Certifying Authority that the performance of the light towers complies with the following relevant Australian Standards.

- (a) AS4282:1997 Control of the Obtrusive Effects of Outdoor Lighting
- (b) AS2560.2.3 – 2007 – Lighting for football (all codes)

**Reason:** To ensure the development operates in accordance with appropriate standards.



Site and Elevation Plans



707 073 104

PURPOSE OF ISSUE  
DEVELOPMENT APPLICATION

REVIEW  
SK

DATE  
27.11.09

ISSUE  
A

NOLLANS AND PASSMORE RESERVES

CLIENT  
WARRINGAH COUNCIL

PROJECT ADDRESS  
DEE WHY, NSW

LOCATION

DRAWING TITLE  
LANDSCAPE SECTION - NOLLANS RESERVE

SCALE  
A4

PLOTTING  
27.11.09

STATUS  
A

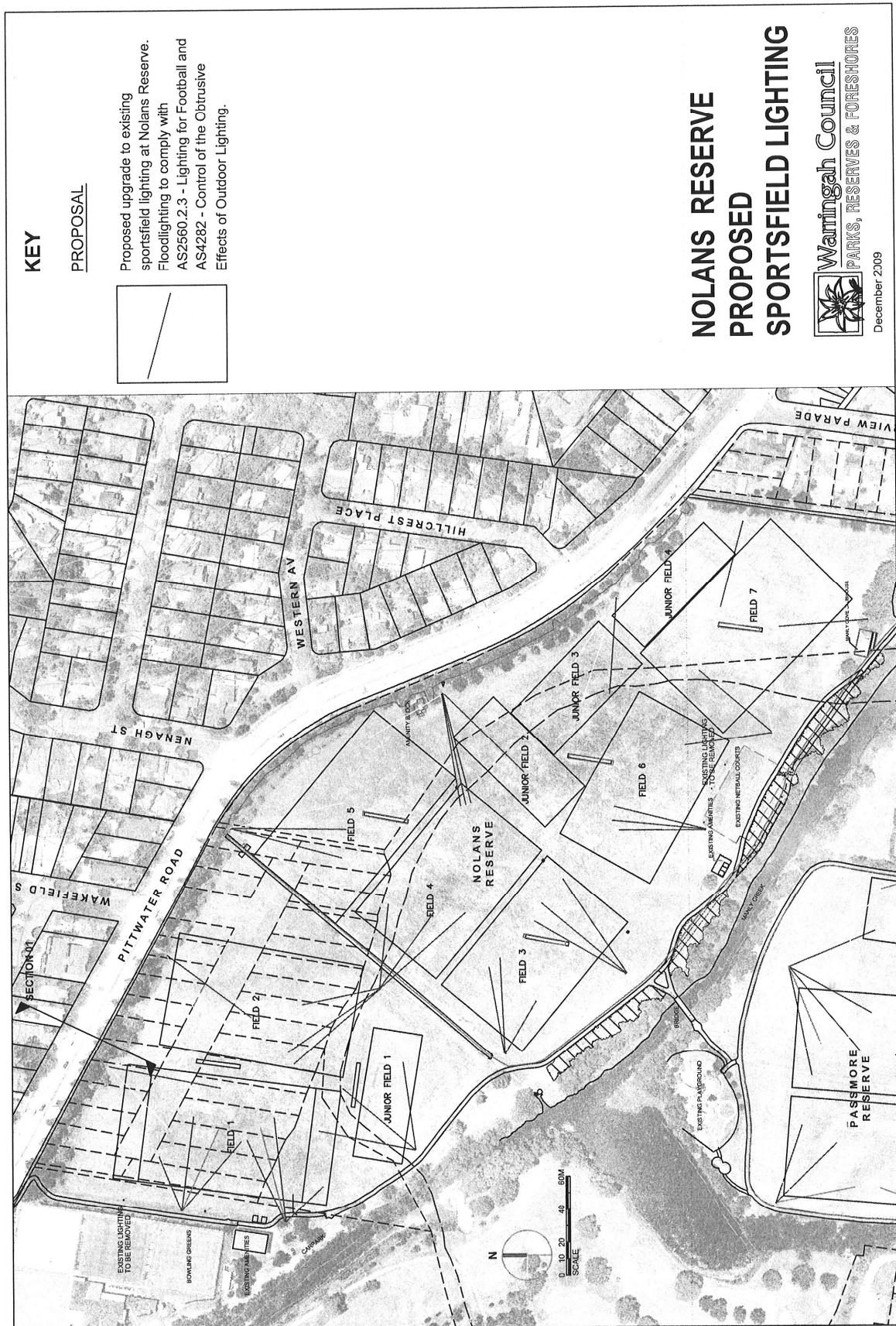
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01 SECTION - PITTWATER ROAD AND NOLLANS RESERVE INTERFACE  
1:200





Site and Elevation Plans



**KEY**

PROPOSAL

Proposed upgrade to existing sportsfield lighting at Nolans Reserve.

Floodlighting to comply with AS2560.2.3 - Lighting for Football and AS4282 - Control of the Obtrusive Effects of Outdoor Lighting.

**NOLANS RESERVE  
PROPOSED  
SPORTSFIELD LIGHTING**

**Warringham Council**  
PARKS, RESERVES & FORESHORES  
December 2009

