

## DEVELOPMENT APPLICATION ASSESSMENT REPORT

<b>Application Number:</b>	DA2020/0661
<b>Responsible Officer:</b>	Sarah McNeilly (Consultant Planner)
<b>Land to be developed (Address):</b>	Lot 7356 DP 1167221 Huston Parade, North Curl Curl (Field No.5 Abbott Road)
<b>Proposed Development:</b>	Replacement of existing 22m light pole with 25.7m light pole with integrated telecommunications facility on top and associated outdoor unit and landscape works.
<b>Zoning:</b>	RE1 Public Recreation
<b>Development Permissible:</b>	Yes (pursuant to SEPP Infrastructure) (prohibited under WLEP)
<b>Existing Use Rights:</b>	No
<b>Consent Authority:</b>	Northern Beaches Council
<b>Land and Environment Court Action:</b>	No
<b>Owner:</b>	Northern Beaches Council/ Crown Land
<b>Applicant:</b>	Optus Mobiles Pty Ltd

<b>Application Lodged:</b>	18/06/2020
<b>Integrated Development:</b>	Yes (Nominated Integrated Development)
<b>Designated Development:</b>	No
<b>State Reporting Category:</b>	Infrastructure
<b>Notified:</b>	28/07/2020 to 27/08/2020
<b>Advertised:</b>	Yes
<b>Submissions Received:</b>	390
<b>Clause 4.6 Variation:</b>	No
<b>Recommendation:</b>	Approval

<b>Estimated Cost of Works:</b>	\$249,975
---------------------------------	-----------

### EXECUTIVE SUMMARY

The proposal seeks Development Consent for the construction and operation of a new telecommunications facility (and floodlight pole co-location) at Lot 7356 DP1167221, Abbott Road Sportsground, North Curl Curl. Specifically, this will include:

- A 22.5m metre flood light pole with structural capacity to support telecommunications equipment and lighting;
- Three (3) panel antennas attached on a turret mount providing an overall height of 25.7 metres;
- An Optus vandal proof outdoor cabinet, screened by landscaping and on a raised metal platform (2940mm (H) x 2380mmn (W) x 3150mm (D));
- Fourteen (14) remote radio units;
- Underground power and fibre connections; and
- Associated ancillary equipment.

The applicant has stated that the proposed telecommunications facility is required due to a lack of mobile phone coverage in the immediate Curl Curl area.

The public notification of the application resulted in 376 letters of concern and 14 supporting letters. The issues raised included health, environmental and visual concerns.

A previous application (DA2017/0298) was refused by Council in 2017 at an alternate location at Adam Street Reserve (John Fisher Park), accessed from Griffin Road in Curl Curl.

The current application sits within a sporting field with 12 existing light poles, one of which will be removed to allow for the new telecommunications pole. Council's Urban Design officer is not supportive of the proposal based on the visual impact and scale of the structure.

However, based on a detailed assessment of the proposal against the applicable planning controls, it is considered that the current proposal is worthy of approval, and development consent is recommended subject to conditions of consent.

## **PROPOSED DEVELOPMENT IN DETAIL**

The proposed development results in the removal of an existing 22 metre light structure being removed and replaced with a telecommunications facility (with an overall height of 25.7 metres) comprising:

- A 22.5m flood light pole with structural capacity to support telecommunications equipment and lighting;
- Three (3) panel antennas (2600mm (H) x 548mm (W) x 150mm (D) attached on a turret mount providing an overall height of 25.7 metres;
- An Optus vandal proof outdoor cabinet, screened by landscaping and on a raised metal platform (2940mm (H) x 2380mm (W) x 3150mm (D));
- Fourteen (14) remote radio units;
- Underground power and fibre connections; and
- Associated ancillary equipment.

The new pole will sit immediately to the west of the pole to be removed, with the associated cabinet housing ancillary equipment located further to west and screened by landscaping proposed and detailed in an accompanying landscape plan. The pole sits within a sporting field where twelve (12) existing light poles sit around the perimeter providing night lights for recreational users.

## **ASSESSMENT INTRODUCTION**

The application has been assessed in accordance with the requirements of the Environmental Planning and Assessment Act 1979 and the associated Regulations. In this regard:

- An assessment report and recommendation has been prepared (the subject of this report) taking into account all relevant provisions of the Environmental Planning and Assessment Act 1979, and the associated regulations;
- A site inspection was conducted and consideration has been given to the impacts of the development upon the subject site and adjoining, surrounding and nearby properties;
- Notification to adjoining and surrounding properties, advertisement (where required) and referral to relevant internal and external bodies in accordance with the Act, Regulations and relevant Development Control Plan;
- A review and consideration of all submissions made by the public and community interest groups in relation to the application;
- A review and consideration of all documentation provided with the application (up to the time of determination);

- A review and consideration of all referral comments provided by the relevant Council Officers, State Government Authorities/Agencies and Federal Government Authorities/Agencies on the proposal.

## SUMMARY OF ASSESSMENT ISSUES

- Warringah DCP - D4 Electromagnetic Radiation
- Warringah DCP - D7 Views
- Warringah DCP - D9 Building Bulk
- Warringah DCP - E7 Development on land Adjoining Public Open Space
- SEPP (Infrastructure) 2007 Clause 115 – Guidelines (Visual impact)
- SEPP (Coastal Management) 2018
- Coastal Management Act 2016
- Community public recreation impacts
- Section 4.15(1)(e) - Public Interest of Environmental Planning and Assessment Act 1979
- Proximity to School

## SITE DESCRIPTION

<b>Property Description:</b>	Lot 7356 DP 1167221 Abbot Road Sportsground (Field 5), North Curl Curl
<b>Detailed Site Description:</b>	<p>The subject allotment comprises a large area of public open space separated into eight (8) parts and divided by Curl Curl Lagoon and Griffin Road. The allotment has an area of 14517.3m<sup>2</sup> and is zoned RE1 Public Recreation.</p> <p>Surrounding allotments consist of further public open space including sand dunes, parkland and the Abbott Road netball courts, soccer and AFL fields. North Curl Curl Public School is located approximately 300 metres north west of the site. The area immediately to the north of the site across Abbott Road is low density residential with residential uses being the primary land use surrounding the open space area in all directions.</p> <p>The area of the site relevant to this proposal is known as Abbott Road Fields and is accessed from Abbott Road. It includes multiple existing turfed fields used for sports including soccer and baseball, a pedestrian path along the Abbott Road perimeter, baseball nets on the southern side and it is bounded by vegetation on its perimeter with the lagoon to the south.</p>



Blue star indicates approximate position of proposed installation

## SITE HISTORY

There are numerous applications relevant to the broader parklands surrounding Curl Curl Lagoon and Beach in its entirety, which primarily deal with the surf club and community centres. There is one Development Application for a similar use at Griffin Road, refused by Council in 2017. No applications are recorded in Council's records for Abbott Road Reserve where the proposed works are to be located.

### Pre-lodgement Meeting (PLM2016/0056)

The applicant attended a pre-lodgement meeting at Council on 1<sup>st</sup> July 2016, wherein the applicant was advised that the option of a monopole at the selected location (Griffin Road, North Curl Curl) was not supported due to the concerns in relation to visual impact and scenic impacts on the character of the parkland setting.

### Development Application (DA2017/0298)

DA2017/0298 was submitted to Council on 5 April 2017 for a 25m high telecommunications facility at an alternate location at (Adam Street Reserve) Griffin Road, North Curl Curl. It was refused by Council on 19 July 2017 for the reasons outlined as follows:

1. *"Pursuant to Section 4.15(1)(e) of the Environmental Planning and Assessment Act 1979, the proposed development is not in the public interest.*
2. *Pursuant to Section 4.15(1)(b) of the Environmental Planning and Assessment Act 1979, the proposed development will have unacceptable impacts with regard to environmental impacts on both the natural and built environments, and the social and economic impacts in the locality.*

3. Pursuant to Section 4.15(1)(a)(i) of the Environmental Planning and Assessment Act 1979, the proposed development is inconsistent with the Clause 115(3) of SEPP (Infrastructure) 2007 – (Guidelines).
4. Pursuant to Section 4.15(1)(a)(iii) of the Environmental Planning and Assessment Act 1979, the proposed development is inconsistent with the provisions of Clause D4 Electromagnetic Radiation of the Warringah Development Control Plan 2011.
5. Pursuant to Section 4.15(1)(a)(iii) of the Environmental Planning and Assessment Act 1979 the proposed development is inconsistent with the provisions of Clause D7 Views of the Warringah Development Control Plan 2011.
6. Pursuant to Section 4.15(1)(a)(iii) of the Environmental Planning and Assessment Act 1979 the proposed development is inconsistent with the provisions of Clause D9 Building Bulk of the Warringah Development Control Plan 2011.
7. Pursuant to Section 4.15(1)(a)(iii) of the Environmental Planning and Assessment Act 1979 the proposed development is inconsistent with the provisions of Clause E7 Development on land Adjoining Public Open Space of the Warringah Development Control Plan 2011.
8. Pursuant to Section 4.15(1)(a)(iii) of the Environmental Planning and Assessment Act 1979 the proposed development is inconsistent with the provisions of State Environmental Planning Policy No 71 – Coastal Protection”

#### **Review of Determination (REV2018/0005)**

Rev2018/0005 was lodged with Council on 9 February 2018 to review the refusal of DA2017/0298. This was withdrawn by the applicant on 6 March 2018.

#### **Pre-lodgement Meeting (PLM2020/0072)**

*“The proposal is not acceptable and requires redesign prior to submission.*

*The design of the monopole is critical. It should be designed to be as “slender” as possible and no higher than the existing floodlights. The pole should have a similar appearance to the existing lighting structures within the reserve and the panel antennas should be as discreet in volume as possible to give the appearance of an extension of the pole itself.*

*The proposed development must demonstrate that it will maintain the visual and scenic quality of the locality and avoid visual clutter and proliferation of structures when viewed from surrounding residential development as well as the public domain.”*

#### **NOTIFICATION & SUBMISSIONS RECEIVED**

The subject development application has been publicly exhibited in accordance with the Environmental Planning and Assessment Act 1979, Environmental Planning and Assessment Regulation 2000 and the relevant Development Control Plan.

As a result of the public exhibition process council is in receipt of 390 submissions plus a petition with 114 signatures (of which 12 persons have already made online submissions) from:

<b>Name:</b>	<b>Address:</b>
Amanda Thompson	17 Carew Street, Dee Why
Steph Rawling	17 Corrie Road, North Manly
Kathryn Mitchell	21 Whistler Street, Manly
Nadia Butler	7a Hope Street, Seaforth

<b>Name:</b>	<b>Address:</b>
Blake Hayes	15 Spring Road Street, North Curl Curl
Joanna Hayes	15 Spring Road Road, North Curl Curl
Juliet George	22 Bellevue Parade, North Curl Curl
Amy White	21 - 21 Eric Street, Freshwater
Hayley Phillips	14 Fay street Street, North Curl Curl
Edward Phillips	41 Jocelyn Street, North Curl Curl
Rebecca Peattie	9 / 111-113 Harbord Road, Freshwater
Lauren Gray	5 / 2 Carlton Street, Freshwater
Jemma Cursons	13 / 108 Fisher Road, Dee Why
Sabrina Althoff	206 / 11 Mooramba Road, Dee Why
Ellie Cowan	1 / 39 Austral Avenue, North Manly
James Dyer	11 / 80 Old Pittwater Road, Brookvale
Victoria Bridgstock	5 / 29 - 33 Waine Street, Freshwater
Sally Keene	38 Parr Avenue, North Curl Curl
Mike Hayes	15 Spring Road, North Curl Curl
Juliet Wolak	88 Abbott Road, North Curl Curl
Daniella Cartiere	2 / 25 Playfair Road, North Curl Curl
Jenny Billing	-
Lauren Dyer	11 / 80 Old Pittwater Road, Brookvale
Gemma Ap Geraint	11 Manuela Place, Curl Curl
Renee Delsorte	23a Playfair Road, North Curl Curl
Chris Wolak	88 Abbott Road, North Curl Curl
David Gledhill	Manly Seaside Baseball Club
Kelly Slade	9 / 14 Banksia Street, Dee Why
Miranda Floriano	30 Abbott Road Street, North Curl Curl
Freddie Evrard	-
Brent France	9 Rabaul Road, North Curl Curl
Meliana Lee	11 Adam Street, Curl Curl
T Green	3 Jocelyn Street, North Curl Curl
Michael Jones	46 Griffin Road, North Curl Curl
Troy Wilson	6 Rabaul Road, North Curl Curl
Sheikh Islam	17 Griffin Road, North Curl Curl
JoJo Burke	733D Warringah Road, Forestville
Lindsay Brain	12 The Strand, Dee Why
Celine Herit	41 Jocelyn Street, North Curl Curl
Kevin Perkins	99 Headland Road, North Curl Curl
Cath Perry	91 Quirk Street, Dee Why
James McNeil	Unit 4 / 24 The Crescent, Dee Why
John Dransfield	24 Curl Curl Parade, Curl Curl
Helen Dransfield	24 Curl Curl Parade, Curl Curl
Christopher Marks	5 / 14 Stuart Street, Manly
Sophie Mady	19 Spring Road, North Curl Curl
Luisa Arrangov	99 b Pitt Road, North Curl Curl
Zeljke Vladimir	27 / 20 Mooramba Road Dee Why
Sarah Whitehead	7 Rabaul Road, North Curl Curl

Name:	Address:
Colin Whitehead	7 Rabaul Road, North Curl Curl
Georgina White x 2	33 Pitt Road, North Curl Curl
Yarima Gavilan Herrera	58 Abbott Road, North Curl Curl
Aja Elshaikh	14 Rabaul Road, North Curl Curl
Andrew Whitaker	Curl Curl North Public School P&C Association Playfair Road, North Curl Curl
Raphaelle Mady	444 Abercrombie Street, Darlington
Susan Bruce	41 Bellevue Parade, North Curl Curl
Stephen Page	35 Austin Avenue, North Curl Curl Sydney
Jennifer Dixon	4 / 658 Pittwater Road, Brookvale
Leanne Ralph	128 Headland Road, North Curl Curl
Klara Kuba	8 / 43 Adams Street, Curl Curl
Wendy Berryman	49 Bennett Street, Curl Curl
Stephen Kelly	38 Abbott Road, North Curl Curl
Leanne Ippolito	38 Delaigh Avenue, North Curl Curl
Katrina Salisbury	12 Spring Road, North Curl Curl
Ruth Clarkson	4 Griffin Road, North Curl Curl
Suzanne Fairlie	114 Pitt Road, North Curl Curl
Simo Popovac	135 Headland Road, North Curl Curl
Paula Cowan, President Pam Rawling, Secretary	Curl Curl Lagoon Friends Executive Committee
Mike Nikotin	3 Curl Curl Parade, Curl Curl
Janet Daniel	102 Headland Road, North Curl Curl
Roger Daniel	102 Headland Road, North Curl Curl
Guy Dickens	8A Rabaul Road, North Curl Curl
Linda Marks	8a Rabaul Road, North Curl Curl
Mary Indersmith	10a Rabaul Road, North Curl Curl
Details withheld	unknown
Pamela Rawling	1 / 32 Brighton Street, Freshwater
A Sanbrook	27 Stirgess Avenue, Curl Curl
Craig Stephen	88 Pitt Road, North Curl Curl
Deborah Plunkett	18 Lillie Street, North Curl Curl
Russell Plunkett	18 Lillie Street, North Curl Curl
Damian Hendriks	18 Ian Avenue, North Curl Curl
Lucy Kelly	36 Kalang Road, Elanora Heights
Mike Lee	11 Adams Street, Curl Curl
Richard Ruppung	100A Abbott Road, North Curl Curl
Jaden Harris	289 Headland Road, North Curl Curl
Ann Sharp	77 Brighton Street, Curl Curl
Adam Johns	44 - A Abbott Road, North Curl Curl
Amy Haynes	81 Bennett Street, Curl Curl
Beate Schroefl	7 Ross Street, North Curl Curl
Val Braun	11 Spring Road, North Curl Curl
Patrick Counsell	87 Brighton Street, Curl Curl
Bruce McLennan	46 Abbott Road, North Curl Curl

Name:	Address:
Di Elliffe	13 / 2 - 4 Beach Street, Curl Curl
Stefan Olk	6 Baree Place, Warriewood
Jennifer Olk	6 Baree Place, Warriewood
Tim Dodd	54 Abbott Road, North Curl Curl
Mark Wright	36 Makim Street, North Curl Curl
Michael Rosato	6 Spring Road, North Curl Curl
Luke Falzon	2 Abbott Road, North Curl Curl
Stephen Grant	20 Spring Road Road, North Curl Curl
Michelle Puhl	60 Abbott Road RD North Curl Curl NSW 2099
Deborah Cox	18 Stirgess Avenue, Curl Curl
Paula Cowan	36 Playfair Road, North Curl Curl
Lisa Hunt	24 Delaigh Avenue, North Curl Curl
Jeanine Engel	113 Pitt Road, North Curl Curl
Amaris Leong	126 Abbott Road, North Curl Curl
Veronica Lowe	-
Cameron Glover	46 Wheeler Parade, North Curl Curl
Sabrina Kost	-
Andrea Markillie	49a Monash Parade, Dee Why
Jenny McGregor	17 / 55 Delmar Parade, Dee Why
Leahna Harvey	182 Pitt Road, North Curl Curl
Kemal Husain	53 Bellevue Parade Street, North Curl Curl
Jodie Pidcock	53 Bellevue Parade, North Curl Curl
Cameron Swan	17 Tango Avenue, Dee Why
Nicole Edgley	2 Surf Road, North Curl Curl
Nora Ross	Quirk Street, Dee Why
Rania Millard	39 Coles Road, Freshwater
Felicity Darcy	3 Stewart Avenue, ST Curl curl
Lucia Jadronova	7 / 64 Carrington Parade, Curl Curl
Andreas Kyriacou	41 Surfers Parade Street, Freshwater
Anita Kalcic	35 Quirk Street, Dee Why
D Lowe	4 / 34 Milson Road Street, North Sydney
Debra Hardy	80 Soldiers Avenue, Freshwater
Anna Jones	20 Abbott Road, North Curl Curl
Alice O'Connell	23 Spring Road ST North Curl Curl
Sally Liebke	73 Brighton Street, Curl Curl
Kristin Gosling	16 Quirk Street, Dee Why
Emma Graham	4 Pitt Road, Sydney
Sally Flemming	6 Pitt Road, Curl Curl
Beth Cowling	24 Carew Street, Dee Why
Louisa Hunter	7 Delaigh Avenue Street, North Curl Curl
Lisa Fay	18 / 28 McDonald Street Street, Freshwater
Shannon Golgerth	4 / 58 - 60 Oaks Avenue, Dee Why
Lyn Pinson	-
Michelle Lowery	66 Adams Street, Curl Curl
Edwina Alice Morgan	16 Smith Avenue Street, Allambie Heights



Name:	Address:
Stephanie Hodson	55 Parr Avenue, North Curl Curl
Heidi Ruettinger	43 Gardere Avenue, Curl Curl
Kymberlie Hall	1 / 37 Moore Road, Freshwater
Natalie Wilson	3 Travers Street, Curl Curl
Shantelle Blake	14 Cornwell Road, Allambie Heights
Keiran Deck	5 / 9 Orchard Street, Balgowlah
Amy Pareezer	5 / 20 - 22 Cassia Street, Dee why
Zoe Brailey	23 Gardere Avenue, Curl Curl
Holly Teu	14 Patrick Street, Beacon Hill
David Dubois	N/A
Peter Brailey	23 Gardere Avenue, Curl Curl
Katherine Dybalski	56 Cassia Street, Dee Why
Diana Van Der Heide	21 / 60 Lynwood Avenue, Dee Why AVE Sydney
Leah Gason	69 Hay Street, Collaroy
Camille Morgan	3 Redman Street Street, Seaforth
Christine Bostridge	6a Spring Road Street, North Curl Curl
Kev Markillie	PO Box 55 Street, Dee Why
Emma Lovell	34 Beach Street, Curl Curl
Lyndall Flemming	6 Pitt Road, North Curl Curl
Andrew Cowling	24 Carew Street, Dee Why
Felicity Watson	88 Lawrence Street, Freshwater
Shannon Nunn	6 / 145 Woodland Street, Balgowlah
Katie Barnard	Dee Why
Simone Collignon	37 Bushey Place, Dee Why
Rebecca Thornhill Robinson	96 Wyadra Avenue, Freshwater
Elizabeth Portocarrero	8 St Johns Close, Brookvale
Tracy Turner	42 Carlton Street, Freshwater
Acacia Grant	20 Spring Road North Curl Curl
Robert Bending	160a Garden Street Narrabeen
Katie Chatfield	6 Janice Place, Narraweena
Mark Catanzariti	10 Lalchere Street, Curl Curl
Scott Mellis	7 Lillie Street, North Curl Curl
Noni Mellis	7 Lillie Street, North Curl Curl
Kate Jeffrey	136 - B Pitt Road, North Curl Curl
Fran Villegas	49 Griffin Road, North Curl Curl
Brianna Sandstrom	8 Carew Street, Dee Why
Helen Girdlestone	68 Headland Road, North Curl Curl
Amy Stead	24 William Street, Fairlight
Peter Schydlo	Abbott Road, North Curl Curl
Jeanne Schydlo	Abbott Road, North Curl Curl
Michelle Peters	38 Austin Avenue, North Curl Curl
Wendy Hayfield	17 Undercliffe Street, Dee Why
Pam Ahrens	35 Parr Avenue, North Curl Curl
Vincent Roperti	6 / 5 Vuko Place, Warriewood
Matt Cooper	3 / 22 Ashburner Street, Manly

<b>Name:</b>	<b>Address:</b>
Richard Knell	5 / 29 Rangers Road, Cremorne
Ken Tweedale	52 Pitt Road, North Curl Curl
Jessica Britten	6a Lillie Street, North curl Curl
Kate Bagnell	33 Grant Street, Woodlands
Ines Glas	7 / 64 Francis Street, Manly
Deb Zimmer	55 Headland Road, Sydney
Simon Hawkes Lynn	74 Westmoreland Avenue, Collaroy
Vanessa Van Der Heide	20 Adams Street, Curl Curl
Alena Turley	5A Corrie Road, North Manly
Rebecca Lawson	18 Wheeler Pde Street, Dee Why
Lee Price	12 Reid Avenue, North Curl Curl
Helen McDougall	12 Reid Avenue, North Curl Curl
Catherine Denney	28 Tango Avenue, Dee why
Beatrice Player	18 Spring Road, North Curl Curl
REBECCA HARRIS	32 Stewart Avenue, Curl Cur
Sarah Byles	41 Adams Street, Curl Curl
Rachel Thomas	GPO Box 4103, North Curl Curl
Jenny Jackson	35 Spring Road, North Curl Curl NSW
Heidi Zhou	19 Spring Road, North Curl Curl
Mark Cruise	14A Bolta Place, Cromer
Lauren Pye	7 / 26 - 32 Boronia Street, Dee Why
Trent Sandstrom	8 Carew Street, Dee Why
Kate PETERS	96A Abbott Road, North Curl Curl
Lara Tocchini	14 Taiyul Road, North Narrabeen
Tianjin Lawless Jennings	1 / 59 Robert Street, Freshwater
Lauren Beness	24 Moore Road, Freshwater
Alice Hatt	-
Lace Cogan	136 Parr Parade, Narrabeena
Rhiannon Swan	17 Tango Avenue ,Dee Why
Natalie Fitzpatrick	7 Kwani Place, Narrabeena
Maxine Gourley	87 Griffin Road, North Curl Curl
Shannon Brunell	Balgowlah
Rebecca Duff	12 Ardsley Avenue, Frenchs Forest
Robert Davies	11 Stewart Avenue, Curl Curl
Sasha Havlik	22 Fay Street, North Curl Curl
Taylor Wye	3 / 19 - 21 Stewart Avenue, Curl Curl
Richard Shepherd	44 Playfair Road, North Curl Curl
Laura Smart	309 / 910 Pittwater RD Dee Why
Louise Johnson	44 Playfair Road, North Curl Curl
Hana Havlik	North Curl Curl
Kim Shelley	7 Pitt Road Street, North Curl Curl
Ann Newton	15 Urunga Street, North Balgowlah
Victoria Howell	33 Austin Avenue, North Curl Curl
Katherine Manu	15 Tango Avenue, Dee Why
Diana Shilland	120 Pitt Road, North Curl Curl

<b>Name:</b>	<b>Address:</b>
Daniel Peters	96A Abbott Road, North Curl Curl
Simone Bourgeois	2 / 20 Curl Curl Parade, Curl Curl
John Walsh	5 Stirgess Avenue, Curl Curl
Lance Stockdale	9 Lalchere Street, Curl Curl
Judith Hayden	32 Abbott Road, Nth Curl Curl
Adrianna Kalous	106 Pitt Road, North Curl Curl
K Burke	1 Burilla Avenue, North Curl Curl
Susie Morgan	1 Burilla Avenue, North Curl Curl
Geraldine Carporzen	48A Golf Parade Street, Manly
Sara Gray	27 Brighton Street, Curl Curl
Claire Salem	21 Makim Street, North Curl Curl
Will Cowling	Carew Street, Dee Why
Julie Harvey	26 Delaigh Avenue, North Curl Curl
Emma Carr	2 / 34 Austin Avenue, North Curl Curl
Mione Collins	27 Tango Avenue, Dee Why
Rosamund Horsley	2 / 37 Adams Street, Curl Curl
Neil Frederiksen	24 Surf Road, North Curl Curl
Caroline Jackson	29 Parr Avenue, North Curl Curl
Jane Lush	8 Burilla Avenue, North Curl Curl
Chris Thomas	9 / 43 Adams Street, Curl Curl
Cristina Hugo	85a Wyndora Avenue, Freshwater
Meghan Cady	5 Stewart Avenue, Curl Curl
Melanie Sinton	44 Abbott Road Road, North Curl Curl
Robert Mohan	27 Robertson Road, North Curl Curl
Blake Lovely	13 Spring Road, North Curl Curl
Lewis Edgley	2 Surf Road, North Curl Curl
Karl Black	1 / 17 Wheeler Parade, Dee Why
Malcolm Fisher	37 - King Street, Manly Vale
Stephen Talbot	14 Spring Road, North Curl Curl
Cassandra Sananes	31 Griffin Road, North Curl Curl
Kit Lowe	13 Robertson Road, North Curl Curl
Julian Dibbs	4 Brighton Street, Curl Curl
Marnie Clarkson	4 Griffin Road, North Curl Curl
Sean Coady	-
Viktorija McDonell	17 / 28 McDonald Street, Freshwater
Lee Bush	9 Spring Road, North Curl Curl
Dan Marshall	-
Kylie Trabona	67 Griffin Road, North Curl Curl
Katie Rudd	5 Farnell Street, Curl Curl
Sylvia Raptis	27 Robertson Road, North Curl Curl
Justin Cooper	-
Nicci Barnes	9 Spring Road, North Curl Curl
Jason Thompson	65 Griffin Road, North Curl curl
Bernadette Vogel	49 Gardere Avenue, Curl Curl
David England	2 Seaview Avenue, Curl Curl

Name:	Address:
Delma Latimer	North Curl Curl
L.Gordon Latimer	North Curl Curl
Stuart Wye	15 Bellevue Parade, North Curl Curl
Paul Bull	33 Pitt Road, North Curl Curl
Mardi Hall	82 - 82 Pitt Road, North Curl Curl
Christine Falzon	2 Abbott Road, North Curl Curl
Stefan Olk	6 Baree Place, Warriewood
Jennifer Olk	6 Baree Place, Warriewood
Arnold Barkhordarian	26a Surf Road, North Curl Curl
Melanie Martin	2 / 84 Wyadra Avenue, Freshwater
Bernadette Holland	6 / 37 - 37 Adams Street Curl Curl
Angus Keene	38 Parr Avenue, North Curl Curl
Simon Yeandle	40 Bellevue Parade, North Curl Curl
Sophire Wright	-
Jacob Chapple	-
Jennifer Jones	44 Tango Avenue, Dee Why
Angelica Rosato	1 / 6 Spring Road, North Curl Curl
Rita Rosato	6b Spring Road, North Curl Curl
Lisa Podmore	4 / 37 Adams Street ST Curl Curl
Allison Berridge	18 / 3 Greenwood Place, Freshwater
Michael Rosato	6 Spring Road, North Curl Curl
Frank Rosato	6B Spring Road, North Curl Curl
Jude Nicoll	81 Quirk Street, Dee Why
Grace Shepherd	44 Playfair Road, North Curl Curl
Nadya Anderson	58 Pitt Road, North Curl Curl
Toula McFadden	23 Tasman Street, Dee Why
Mary Anne Brickwood	25 Blackwood Road, North Curl Curl
Cameron Glover	46 Wheeler Parade, Dee Why
Sita Paling	34 Stewart Avenue, Curl Curl
Christopher Smyth	8 Adams Street, Curl Curl
Haydon Bray	13 Pitt Road, North Curl Curl
Hayley Rabbitts	2 / 100 Howard Avenue, Dee Why
Vince Carnovale	12b Charles Street, Freshwater
Jennifer Merrin	10 The Drive, Freshwater
Lucia Plane	62 Bower Street, Manly
Matthew Baker	-
Melanie Amon	3 / 35 Eurobin Avenue, Manly
Alex Patison	36 Tango Avenue, Dee Why
Elaine Patison	36 Tango Avenue, Dee Why
Emma Carr	2 / 34 Austin Avenue, North Curl Curl
Claire Cooper-Southam	66 Richard Road, Scotland Island,
Morgan Irvine	1/32 Westminster Ave - 1 Ross ST North Curl Curl
Amy Down	7 Nicholson Street, North Manly
Marie France Stockdale	3 / 5 - Ilikai Place, Dee Why
Marie Taylor	28 Stewart Avenue, Curl Curl

<b>Name:</b>	<b>Address:</b>
Monika King	26 Orara Road, Allambie Heights
Stuart Marshall	123 Headland Road, North Curl Curl
Michael Gaffney	2 / /51 Adams Street, Curl Curl
Frances Kelly	12 Griffin Road, North Curl Curl
Yana Hately	4 / 110 - 116 Lawrence Street, Freshwater
Bernard Phelan	50 Bellevue Parade, North Curl Curl
Kevin Mascarenhas	28 Chandos Street, Manly Vale
Craig Gibbons	29 Brighton ST Curl Curl
Shaun Hately	4 / 110 - 116 Lawrence Street, Freshwater
Alana Jones	Playfair Road, North Curl Curl
Natalie Kingston	12 Stewart Avenue, Curl Curl
Michelle Burns	30 Griffin Road, North Curl Curl
Lauren Farquhar	11 Creer Place, Narraweena
Tara Riggs	43 Bennett Street, Curl Curl
William Davies	36 Stirgess Avenue, Curl Curl
Suzanne Davies	36 Stirgess Avenue, Curl Curl
Raymond Cox	3 Austin Avenue, North Curl Curl,
Angela Peterson	30 Robertson Road, North Curl Curl
Dena Oxborrow	-
Sophie Stack	-
Brian Twemlow	211 Headland Road, North Curl Curl
Monique France	9 Rabaul Road, North Curl Curl
Diane Brook	5 Jocelyn Street, North Curl Curl
Jean Dumas	2 Murray Road, Freshwater
Camilla Dumas	2 Murray Road, Freshwater
Barbara Boyce	13 Blackwood Road, North Curl Curl
Jamie Bakewell	30 Stewart Avenue, Curl Curl
Gregory Jepson	1 Rabaul Road, North Curl Curl
Rodger Fishwick	14 Abbott Road, North Curl Curl
Dave Harvey	48 Stirgess Avenue, Curl Curl
Melissa Firth	4 - Ross Street, North Curl Curl
Laura Snyder	4 Ross Street, North Curl Curl
Sally Taylor	31 - Farnell Street, Curl Curl
Philippe Mady	19 Spring Road, North Curl Curl
Vicky Ballantyne	5 Adams Street Street, Curl Curl
Stephen Brickwood	25 Blackwood Road, North Curl Curl
Scott OConnell	23 Spring Road Road, North Curl Curl
Judith Hayden	32 Abbott Rd Abbott Road, North Curl Curl
Stephen Brickwood	25 Blackwood Road, North Curl Curl
Elizabeth Teasdale	43 Pitt Road, North Curl Curl
Kirstie Ashley	1 Rabaul Road, North Curl Curl
Margaret Ward	6 Manuela Place, South Curl Curl
Robert Starkey	3 / 32 Brighton Street, Freshwater
Juliane Grabbert	115 Pitt Road Street, North Curl Curl
Kellie Petherick	28 Franklin Street, Curl Curl

<b>Name:</b>	<b>Address:</b>
Rosalind de Rome	33 Spring Road North Curl Curl
Sabrina Kost	-
David Dubois	-
Susan Stack	4 Spring Road, North Curl Curl
Zali Steggall OAM	2 / 17 - 19 Sydney Road, Manly
Mark Stack	4 Spring Road North Curl Curl
Tino Grabbert	115 Pitt Road Street, North Curl Curl
Victor Mady	19 Spring Road, North Curl Curl
Sophie Stack	-
Chris Hansen	120 Abbott Road Street, North Curl Curl
Peter Caheny	40 Bennett Street, Curl Curl
James Griffin MP	Shop 2, 2 Wentworth Street, Manly
Michael Briody	1 Ellen Street, Curl Curl
Trevor Matthews	6 Tanderra Place, Curl Curl
A Sanbrook	27 Stirgess Avenue, Curl Curl
Rodney Rayner	39 Pitt Road, North Curl Curl
Helen Rayner	39 Pitt Road, North Curl Curl
Christopher Rynd	15 Jamieson Avenue, North Curl Curl
Chris Willcocks	7 Travers Road, Curl Curl
Evan Matthews	6 Tanderra Place, Curl Curl
Bruce McLennan	46 Abbott Road, North Curl Curl
Kit Rynd	15 Jamieson Avenue, North Curl Curl
Tim Fielding	-
David O'Brien	14 Playfair Road, North Curl Curl
Louise Waddington	35 Ross Street, North Curl Curl
Andy Postle	PO Box 6051 Narraweena
Ian Bonner	11A Grainger Avenue, North Curl Curl

### **Issues raised in submissions:**

#### **1. Health Risks**

- Area should be kept free of electromagnetic devices/microwave radiation (effects on health)
- Proximity to residences, schools, playing fields, children's playground, youth centre, beaches and waterways
- Inadequate evidence to prove the health impacts of Electromagnetic Emissions (EME) emitted from the 5G phone tower to local residents and visitors
- Australian Standards are extremely high and don't take into account uncertainty about the long-term effects of this relatively new technology
- Long term effects of EMF radiation are unknown, especially with regard to children's development, health and wellbeing.
- Health risks to surrounding waterways and wetlands
- World Health Organisation acknowledges that EMEs are potentially carcinogenic
- Rising non-genetic aggressive breast cancer and Motor Neurone Disease (MND) cases being investigated relating to radiation which is concentrated surrounding mobile phone towers
- Radiation harming soft tissue cells increasing chances of cancer and tumours
- National Code of Practice for Mobile Phone Base Station Deployment is premised on location atop high buildings and not in parkland

- No safety studies that can assure us that there are no negative health effects from this type of construction, in fact quite the opposite; there is substantial evidence suggesting there are very serious health risks.
- Does the Council warrant that there are and will be no adverse health effects that can be attributed to RF EME, even at low emissions?
- The Federal government continues to undertake research into this area

Planners Comments:

The Australian Government has adopted standards for electromagnetic emissions for such facilities, to ensure these types of infrastructure structures can be safely developed. Council relies on these standards to make sure that any proposed telecommunications facility achieves the required health standards and does not pose unnecessary risks to the public. The proposed development meets these requirements and accordingly, health risks are not an issue for the application as is acknowledged by Council's Health officer.

## **2. School Health Risks**

- The tower is within 300m of Curl Curl North Public School, already not compliant with the Department of Education which states towers as the one proposed should be no more than 500m from a school.
- Other schools within the range of possible exposure to radiation. These schools include Manly Selective High School and Freshwater Senior Campus with other students also travelling through this area daily to get to school.
- We should be cautious when considering the installation of telecommunications towers in close proximity to school and recreational facilities which are regularly used by students.
- Curl Curl North Public School currently use sports fields for recreational activities as well as their school playground due to construction
- Newly built classrooms are closer to the boundary placing it closer to the tower.
- 12-13 schools use fields for weekly sport eg. PSSA

Planners Comments:

The location of the telecommunications tower meets all relevant health requirements. The Australian standards do not specify a distance from schools or playing fields and accordingly, this is not a planning consideration in the assessment of the proposal.

## **3. Public open space and recreational area**

- More need for open space for mental health and physical activity for residents, adults and children.
- The proposed location is located within a major sporting fields used regularly for sports games, training and relaxation
- The site is zoned RE1, Public recreation and the proposal is at odds with the objectives of this zone.

Planners Comments:

The existing open space will remain available to the public and its use will be unaffected by the proposed development. The structure meets all health requirements and accordingly the public open space area will remain appropriate for all sporting and personal physical activity uses. The objectives of the open space zone are met with the recreational uses retained, natural environment preserved and appropriate management of the public space.

Council's landscape and parks officers have advised that the location of the elevated platform associated with the monopole would be better sited elsewhere to minimise impact upon the use of the area for its intended sporting use. The relocation of this elevated platform could be supported subject to conditions recommended by Council's Parks and Reserves Department.

## **4. Visual Impacts**

- Proposed tower unsightly and large
- View from beach
- Tower visually conspicuous in reserve due to height and central location
- Visual impact to highly valuable community asset
- Visual Impact Assessment accompanying application concedes the proposal will have a high impact
- Visual Impact Assessment provided by Optus is deficient and one sided
- Light towers have not been through DA process and are precedent Optus using as precedent
- Conflict with the Northern Beaches Council Curl Curl Beach Landscape Master Plan
- Permanent structure that is totally out of line with the surrounding landscape.
- No other structures in the vicinity of a similar height
- Adjacent tree buffer is approximately 15 metres in height and will not fully screen the structure
- In order for the height of 25 metres to be achieved, the base of the tower would be required to be wide enough to provide structural strength for the tower and would create a negative visual impact at its base
- View already interrupted by Optus lines.
- Equipment shelter not clearly shown or addressed in visual impact assessment

Planners Comments:

The height of the proposed monopole is compatible with the light pole it replaces and with the surrounding light poles within the sporting field. The siting of the new Optus structure is well considered ensuring that it is not out of place. However, Council's Urban Design Officer has recommended refusal stating, *"it will still be substantially taller than the other lighting poles and therefore will still be noticeable"*. This view is not concurred with, as the additional 3.7 metres in height is not considered vastly different, and not to the detriment of the open space area.

The applicant submitted on 16 September 2020 *"Response to Submissions"* and stated the following in relation to visual impacts:-

*"The telecommunications facility will co-locate with a council flood light pole, which will ultimately reduce the potential for unnecessary structures and visual clutter within the site. The existing floodlight has an overall height of 22.00 metres, while the proposal would have an overall height of 25.70 metres. There are also more than twenty other floodlight poles or other vertical elements of varying heights on John Fisher Park (please see Viewpoint 5 (VP5) in Appendix B of the VIA for an illustration of these vertical elements), so the proposed facility would have a high degree of visual consistency with other elements within the site. The proposal will comply with the existing built form and surroundings of existing infrastructure such as floodlight poles, light poles, power poles throughout and surrounding the site."*



Appendix B – Photo simulations of the proposed development – Visual Impact Assessment by Urbis dated 7 May 2020 (view point from southern side of Curl Curl Lagoon)





LOT 7201 GRIFFIN ROAD, NORTH CURL CURL, NSW  
 VP 2 : ABBOTT RD, LOOKING SOUTH-SOUTH EAST TOWARDS SITE | STANDARD 50MM VIEW - EXISTING PHOTO TAKEN 2019-09-10 12:46PM AEST



LOT 7201 GRIFFIN ROAD, NORTH CURL CURL, NSW  
 VP 2 : ABBOTT RD, LOOKING SOUTH-SOUTH EAST TOWARDS PROPOSED DEVELOPMENT | 3D PHOTOSIMULATION

Appendix B – Photo simulations of the proposed development – Visual Impact Assessment by Urbis dated 7 May 2020 (view point from Abbott Road)

The recommendation of this report diverts from the advice from Council’s Urban Design Officer with the impact of the additional 3.7 metres considered reasonable and of minimal impact.

## 5. Inappropriate location

- There are alternative options such as industrial areas e.g. 27 Sydenham Road, Brookvale
- All parkland inappropriate, proposed land zoned RE1
- Other sites considered by Optus with lesser structures ruled out for visual impacts
- According to Code, as far as practical a telecommunications facility is to be mounted on an existing building or structure and integrated with the design and appearance of the building or structure, you will find plenty of those in Brookvale
- Optus should look at improving existing surrounding towers rather than adding new ones, one structure is already located at Mary McKillop Park.
- Been rejected in the years 2015 and 2017 as a result of community consultation and locational factors, to which a community agreement with council claims, “no towers were to be erected in public parks and reserves”.
- Central location on Field 5, makes structure more prominent
- Better to locate on high ground where height of structure can be lower and lesser impact
- Better located adjacent existing development e.g. community centre or rear of art centre
- Can relocate to industrial area such as Brookvale

### Planners Comments:

This application can only consider the proposed location and the impacts in this space. The applicant has looked at some of the suggested alternative locations and these have been discounted for various technical and other reasons.

SEPP Infrastructure permits the proposed development within this zone and accordingly such structures can be considered by Council. Given that the proposal is considered to be of a scale and overall impact consistent with the character and landscape of the area, the development is considered appropriate.

## 6. Environment (Flora and Fauna)

- Detrimental impacts on flora and fauna
- Curl Curl Lagoon Estuary Management Plan breached
- Preservation of natural parks and wildlife breached by Optus use
- Natural corridor been rehabilitated recently, and bush regeneration has done in this area – proposed development is to the detriment of these works
- Community and Council have spent an enormous amount of time and money on rehabilitation work in Curl Curl Lagoon and surrounding reserves, beach (less than 200 m away) and John Fisher Park
- Effect on local wildlife which is slowly coming back after the pristine lagoon was destroyed by the tip and runoff from local industries
- Wildlife just returning to area following rehabilitations works

- Excavation and or disturbance to natural ground on the site could result in toxins from previous land use to seep through, undoing and remediation work that has been completed in order to enhance the surrounding environment

Planners Comments:

Council's Environmental Officers have indicated that they have no objections to the development based on the imposition of conditions which ensure the maintenance and consideration of environmental factors. The advice provided is that the natural habitats will be retained and protected adequately, and that the development is appropriate subject to appropriate management and construction.

The community rehabilitation works will be unaffected.

**7. Impacts on local community**

- Property values decreased
- Local community opposed
- Community lose control of land if leased
- Community being taken advantage of by big business who are more worried about profit than community health and the environment
- Inadequate time to review as a community
- Note not all the Community were contacted based on the very short time frame we had to consult the Community
- Overwhelmingly opposed to this mobile tower proposal in any park, reserve, public land, near homes, schools or beach
- Inadequate community consultation by Optus
- Beach is tourist attraction which would be detrimentally impacted by eyesore. Loss of interest would impact local economy
- Tower will deter locals from using the area
- Too close to sporting fields such as the soccer fields, netball courts and baseball fields.
- Parents will take their kids out of sport to avoid fields
- Deterrent to move to the area and people more likely to relocate due to the unknown impacts of emissions, thus would be detrimental to the community and local economy.

Planners Comments:

The community consultation process by Optus and the notification process by Council have been undertaken accordingly to relevant requirements.

Telecommunication towers are generally an unpopular development within the local community. However, they are a necessity of modern life and this proposal allows for a structure which is compliant with health requirements. The proposed location is considered to be a reasonable and appropriate choice to solve the flawed mobile coverage in this locality and is not to the detriment of any valid planning consideration.

**8. Proposed installation is Unnecessary**

- Phone reception in South Curl Curl consistent and adequate
- Benefits low, with mobile coverage adequate and limited number of users
- Optus has successfully operated without this tower
- The argument of improved communications for users of the park is not essential
- Small area of bad reception is accepted by residents

Planners Comments:

Varying comments were received from the public stating that the phone reception is both good and bad in the area. Similarly, some find this acceptable and others, unacceptable. This is not a relevant ground for refusal of the application.

**9. Future Additions**

- Full impact not addressed as other providers may want to use tower and also locate enclosures, antennas etc. at site, resulting in greater environmental impacts
- Other towers and enlargement possible in the future as co-sharing is encouraged
- Sets precedent for other towers and telecommunications companies.

Planners Comments:

Should the application be approved, and the structure built, any future additions to the monopole and Optus development would be subject to a new and separate Development Application. The impacts of these would be considered at that time. It is acknowledged that co-sharing is encouraged and that applications may result in the future.

**10. Documentation Deficient**

- Light poles not existing and should not be shown
- Plans inadequate/ no dimensions
- Difficult to work out location
- Size and location not clear
- Notification was insufficient
  - proposed location is inaccurate
  - advised to be in Hudson Parade but is actually to be on sporting fields adjacent to Abbots road
  - Notification period was too short and was done inadequately

Planners Comments:

The plans and documentation are accurate and adequate to allow for assessment of the application.

The notification period and the notification area was also extended, and a new sign located on the site to clarify location following concerns/issues in the original notification period.

**11. Submissions in favour of the proposal**

- Poor service will be resolved in this area
- Better service enabling working from home easier/running own business/conducting everyday life
- The 25.7 metre structure will replace an existing light pole and will not change the view much, rather it will blend in with the existing lights.

Planners Comments:

The lack of service in the Curl Curl area is noted.

**REFERRALS**

Internal Referral Body	Comments
Environmental Health – industrial use	<p>Council’s Environmental Health officer has provided the following comments:</p> <p><i>“The proposed telecommunications facility will comprise a 22.5 metre monopole, six panel antennas, fourteen remote radio units, council floodlights, an outdoor cabinet and other associated ancillary equipment and will have a total height of 25.7m (including antennas and floodlights). The main issue for consideration is Electromagnetic Radiation and Councils flood lighting of playingfields.</i></p> <p><i>Due to public concern about possible health effects of electromagnetic energy (EME) the applicants comments are repeated here to assist the reader:</i></p>

Internal Referral Body	Comments
	<p><i>EME &amp; HEALTH</i></p> <p><i>Optus acknowledges some people are genuinely concerned about the possible health effects of electromagnetic energy (EME) from mobile phone base stations and is committed to addressing these concerns responsibly. Optus, along with the other mobile phone carriers, must strictly adhere to Commonwealth Legislation and regulations regarding mobile phone facilities and equipment administered by the Australian Communications and Media Authority (ACMA).</i></p> <p><i>In 2003 the ACMA adopted a technical standard for continuous exposure of the general public to RF EME from mobile base stations. The standard, known as the Radiocommunications (Electromagnetic Radiation – Human Exposure) Standard 2003, was prepared by the Australian Radiation Protection and Nuclear Safety Agency (ARPANSA) and is the same as that recommended by ICNIRP (International Commission for Non-Ionising Radiation Protection), an agency associated with the World Health Organisation (WHO). Mobile carriers must comply with the Australian Standard on exposure to EME set by the ACMA.</i></p> <p><i>The Standard operates by placing a limit on the strength of the signal (or RF EME) that Optus can transmit to and from any network base station. The general public health standard is not based on distance limitations, or the creation of ‘buffer zones’. The environmental standard restricts the signal strength to a level low enough to protect everyone at all times. It has a significant safety margin, or precautionary approach, built into it.</i></p> <p><i>The use of the Standard in development applications involving Telecommunications Facilities was tested and supported by decisions made in the New South Wales Land and Environment Court, having particular regard to Telstra Corporation Limited Vs Hornsby Shire Council [2006] NSWLEC 133 which tested whether the proposed EME levels will harm the health and safety of the residents.</i></p> <p><i>The Land and Environment Court ruled in favour of Telstra, on the basis that the Standards set by the ACMA are scientifically proved &amp; robust.</i></p> <p><i>The Court stated that Councils should adopt these standards when measuring and determining EME levels, given that it is the ACMA that has the responsibility for ensuring exposure limits do not adversely affect the health and amenity of the community. The Court further stated that it was not appropriate for the Court to set aside or disregard the existing safety standard nor is it appropriate for the Court to pioneer its own standards. The Court ruled it was appropriate for safety standards to be set by authorities with special expertise, such as ARPANSA. In order to demonstrate compliance with the standard, ARPANSA created a prediction report using a standard methodology to analyse the maximum potential impact of any new</i></p>

Internal Referral Body	Comments
	<p><i>telecommunications facility. Carriers are obliged to undertake this analysis for each new facility and make it publicly available. Importantly, the ARPANSA-created compliance report demonstrates the maximum signal strength of a proposed facility, assuming that it's handling the maximum number of users 24 hours a day.</i></p> <p><i>In this way, ARPANSA requires network carriers to demonstrate the greatest possible impact that a new telecommunications facility could have on the environment, to give the community greater peace of mind. In reality, base stations are designed to operate at the lowest possible power level to accommodate only the number of customers using the facility at any one time. This design function is called 'adaptive power control' and ensures that the base station operates at minimum, not maximum, power levels at all times.</i></p> <p><i>The maximum environmental EME level from the site at Curl Curl, once it is operational, has been estimated as being will within the ACMA mandated exposure limit (refer to Appendix E). This maximum level is extremely low and the maximum environmental EME level from the site, once it is operational, will comply with the ACMA mandated exposure limit. Optus complies with the public health and safety standard by a significant margin.</i></p> <p><i>and also</i></p> <p><i>Optus relies on the expert advice of national and international health authorities such as the Australian Radiation Protection and Nuclear Safety Agency (ARPANSA) and the World Health Organisation (WHO) for overall assessments of health and safety impacts. The WHO advises that all expert reviews on the health effects of exposure to radiofrequency fields have concluded that no adverse health effects have been established from exposure to radiofrequency fields at levels below the international safety guidelines that have been adopted in Australia</i></p> <p><i>The estimated maximum EME is 1.42% of the 100% public exposure limit.</i></p> <p><i>Lighting is to be restricted to the playing areas and approved times of operation."</i></p> <p><b>Recommendation:</b> Approval – subject to conditions</p>
Environmental Health – Acid Sulfate soils	<p>Council's Environmental Health Officer has provided the following comments:</p> <p><i>"The applicant advises: As required by SEPP 55, a preliminary site investigation has been undertaken (refer to Appendix S)</i></p>

Internal Referral Body	Comments
	<p><i>The preliminary site investigation recommends that:</i></p> <ul style="list-style-type: none"> <li>• <i>An Acid Sulfate Soils Management Plan needs to be commissioned prior to commencement of excavation work. Details are available in the Acid Sulfate Soils report issued separately (Ref: CUAB-19- PASSA);</i></li> <li>• <i>If required, excavated soils can be re-used on-site subject to treatment and testing of the soils in accordance with an Acid Sulfate Soils Management Plan as per Recommendation 1 above;</i></li> <li>• <i>Should any evidence become apparent during site/earth works that asbestos or asbestos fragments (or other contaminants including hydrocarbon odours) are present in soils then appropriate actions should be undertaken in accordance with relevant guidelines and regulations;</i></li> <li>• <i>Any soils imported to the Site must be validated as suitable for Public Open Space land use; and</i></li> <li>• <i>On-site soils meet the contamination criteria for classification as General Solid Waste. All soils to be taken offsite must take into the presence of Potential Acid Sulfate Soils at the Site prior to being disposed of to a suitable landfill facility.”</i></li> </ul> <p><b>Recommendation:</b> Approval – subject to conditions</p>
Environmental Health – contaminated lands	<p>Council’s Environmental Health Officer has provided the following comments:</p> <p><i>“Applicant advises: As required by SEPP 55, a preliminary site investigation has been undertaken (refer to Appendix S) The preliminary site investigation recommends that:</i></p> <ul style="list-style-type: none"> <li>• <i>An Acid Sulfate Soils Management Plan needs to be commissioned prior to commencement of excavation work. Details are available in the Acid Sulfate Soils report issued separately (Ref: CUAB-19-PASSA);</i></li> <li>• <i>If required, excavated soils can be re-used on-site subject to treatment and testing of the soils in accordance with an Acid Sulfate Soils Management Plan as per Recommendation 1 above;</i></li> <li>• <i>Should any evidence become apparent during site/earth works that asbestos or asbestos fragments (or other contaminants including hydrocarbon odours) are present in soils then appropriate actions should be undertaken in accordance with relevant guidelines and regulations;</i></li> <li>• <i>Any soils imported to the Site must be validated as suitable for Public Open Space land use; and</i></li> <li>• <i>On-site soils meet the contamination criteria for classification as General Solid Waste. All soils to be</i></li> </ul>

Internal Referral Body	Comments
	<p><i>taken offsite must take into the presence of Potential Acid Sulfate Soils at the Site prior to being disposed of to a suitable landfill facility (these matters will be dealt with in the Acid Sulfate referral)</i></p> <p><i>additionally they advise:</i></p> <p><b>4.1 General History</b>  <i>A review of the John Fisher Park and Abbott Road Land Plan of Management (2001) identifies the Site and the surrounding areas history as;</i></p> <p><i>The site now occupied by John Fisher Park, also referred to as Abbott Road Fields was previously low lying, poorly draining estuarine flats. The area supported Swamp Mahogany (Eucalyptus robusta) heath and scrub, dominated by Swamp Oak (Casuarina glauca). Due to its poorly drained soils, swamp lands and dense vegetation, the area was not suited to colonisation by early settlers who were looking for agricultural land (Benson and Howell, 1990). Early in the 20th century, part of the land was cleared and drainage was improved for the establishment of market gardens. These gardens retained some proportion of the previous native vegetation. Following World War I, the northern beaches of Sydney became popular holiday resorts.</i></p> <p><i>As motor cars improved access to northern areas, small cottages were built behind the beaches from Manly to Newport. Following World War II intensive urban development began to spread along the coastal beaches and up onto the sandstone plateaus. In response to urban development and population growth in the local area, in 1951 the market gardens were converted into a tip. This involved extensive filling with both putrescible and non-putrescible wastes and resulted in the straightening of the previously more winding Greendale Creek. As a result of the change in hydrology and the addition of fill, the banks of the creek were progressively raised and steepened, narrowing the creek. Filling was followed by civil works which continued up until the mid-1970's, after which the park was developed as open space, with numerous sporting facilities. The finished park was named after John L. Fisher, Shire President at the time the project began. The park is also referred to as Abbott Road Fields. Sources and supporting information are provided in Appendix G.</i></p> <p><b>4.2 Heritage Registers</b>  <i>The Site was listed (at the time of preparation of this report) as a heritage item under Australian and NSW Heritage registers. A statement of significance show The Memorial Gateway has historical, technical and aesthetic significance as a man-made and high visual element designed as a formal entrance to the newly established playing fields for both Manly High School and its adjoining sports grounds. It also has a high degree of social significance in its association with famous local sports identities. Schedule 5 of Council's LEP did not list the site as a heritage item. The</i></p>

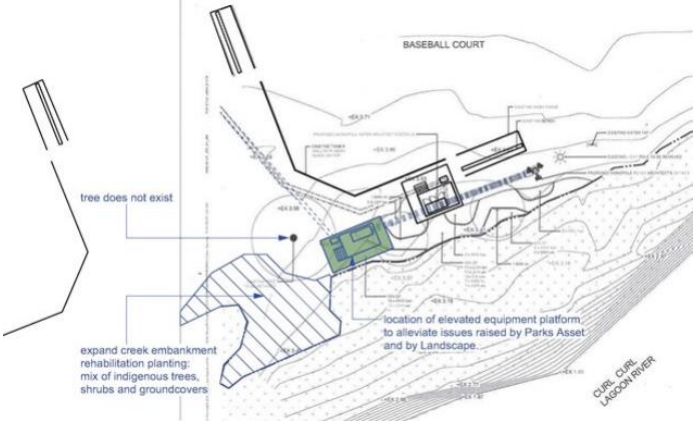
Internal Referral Body	Comments
	<p><i>search did not identify the presence of any items of national or state significance in the vicinity of the Site. The results of the heritage database search are provided in Appendix D. Canopy Enterprises PSI/WC Part of Abbott Road Fields, Curl Curl 2096 Ref: CUAB-19-PSI Page 12</i></p> <p><b>4.3 EPA Records</b>  <i>Search of the NSW EPA’s public register under the Protection of the Environment Operations Act 1997 (POEO Act) was undertaken (Appendix E). The search for the Site did not identify any records in the database for the Site. A search was conducted of the EPA’s public contaminated land register (Appendix E). The search showed no entry for the Site. There is a site located 1.2km west of the site which has been notified to the EPA under Section 60 of the contaminated Land Management Act 1997 (CLM Act). The property is listed as a “Landfill”. It is assigned an EPA Site Management Class of “Regulation under CLM Act not required” which means that “The EPA has completed an assessment of the contamination and decided that regulation under the Contaminated Land Management Act 1997 is not required.”</i></p> <p><i>In summary the site was a previous landfill capped and used as playing fields, The limited construction work for a communications tower only is likely to uncover a small quantity of previous landfill and needs to be managed.(Acid Sulfate Soil is dealt with in another referral)</i></p> <p><i>The applicant has carried out limited boring and testing and is not expecting any significant issues but acknowledges that the material removed will need to be examined with regard to potential contaminants including asbestos.”</i></p> <p><i>Environmental Health will require this material to be managed and covered after excavation, pending testing and then appropriately reused on site or removed and disposed of appropriately, conditions will be added below.</i></p> <p><b>Recommendation:</b>  <i>Approval – subject to conditions</i></p>
Natural Environment- Coastal	<p><i>Council’s Natural Environment Officer has provided the following comments:</i></p> <p><i>“The application has been assessed in consideration of the Coastal Management Act 2016, State Environmental Planning Policy (Coastal Management) 2018 and has also been assessed against requirements of the Warringah LEP 2011 and Warringah DCP 2011.</i></p> <p><b>Coastal Management Act 2016</b>  <i>The subject site has been identified as being within the coastal zone and therefore Coastal Management Act 2016 is applicable to the proposed development.</i></p>



Internal Referral Body	Comments
	<p><i>The proposed development is in line with the objects, as set out under Clause 3 of the Coastal Management Act 2016.</i></p> <p><b>State Environmental Planning Policy (Coastal Management) 2018</b>  <i>As the subject site has been identified as being within the coastal zone and therefore SEPP (Coastal Management) 2018 is also applicable to the proposed development.</i></p> <p><i>The subject land has been included on the 'Coastal Environment Area' and 'Coastal Use Area' maps but not been included on the Coastal Vulnerability Area Map under the State Environmental Planning Policy (Coastal Management) 2018 (CM SEPP). Hence, Clauses 13, 14 and 15 of the CM SEPP apply for this DA.</i></p> <p><i>Comment:</i>  <i>On internal assessment and as also assessed in the submitted Statement of Environmental Effects (SEE) report prepared by URBIS dated 4 May 2020, the DA satisfies requirements under clauses 13, 14 and 15 of the CM SEPP.</i></p> <p><i>As such, it is considered that the application does comply with the requirements of the State Environmental Planning Policy (Coastal Management) 2018.</i></p> <p><b>Warringah LEP 2011 and Warringah DCP 2011</b>  <i>No other coastal related issues identified.</i></p> <p><i>As such, it is considered that the application does comply with the requirements of the coastal relevant clauses of the Warringah LEP 2011 and Warringah DCP 2011. The proposal is therefore supported.</i></p> <p><i>Note: Should you have any concerns with the referral comments above, please discuss these with the Responsible Officer.</i></p> <p><b>Recommendation:</b>  Approval</p>
Natural Environment - Flood	<p>Council's Flood Officer has provided the following comments:</p> <p><i>"The proposed telecommunications installation is located within a flood prone area. Conditions are included to ensure that electricals are appropriately protected from flooding.</i></p> <p><i>The proposal is therefore supported."</i></p> <p><b>Recommendation:</b>  Approval – subject to conditions</p>

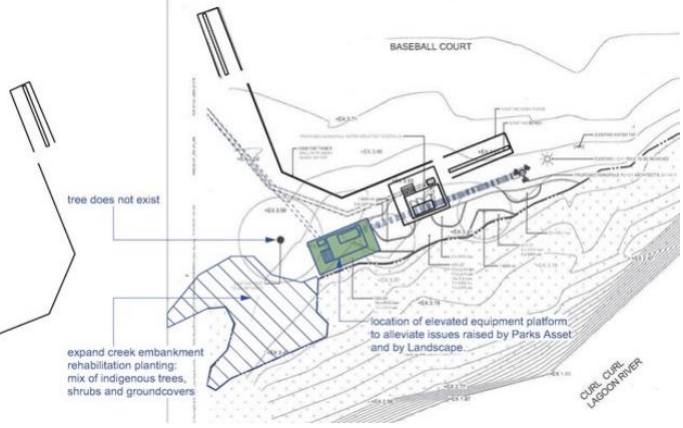
Internal Referral Body	Comments
Property and Commercial Development	<p>Council's Property and Commercial Development Officer provided the following comments:</p> <p><i>"The proposal is for the erection of a new 25.7 metre high telco facility at John Fischer park, North Curl Curl.</i></p> <p><i>The relevant Plan of Management for the site should be checked to ensure that the proposal is consistent with the objectives and future development permitted in the PoM.</i></p> <p><i>Property advises that a proposed new pole of this height will likely attract other carriers in future to co-locate on the same pole and each other carrier will require similar equipment on ground within the Council managed Crown Reserve. This may lead to a situation where the pole and ground area become cluttered with equipment similar to the situation at Plateau Park Collaroy Plateau which has become a target for vandalism.</i></p> <p><i>In relation to the proposed works, the proposed equipment on ground appears to be very close to the existing baseball spectator area.</i></p> <p><i>Any proposed development consent for this proposal should be subject to a separate formal agreement between the carrier and Council's Park and Recreation Group (as Crown Land Manager) for the proposed new pole regarding pole ownership, renewal/replacement, maintenance, electricity usage, floodlights, shut down provisions etc on the proposed new pole.</i></p> <p><i>The proposal is therefore supported."</i></p> <p><b>Recommendation:</b> Approval</p>
Parks, Reserves and Foreshores	<p>Council's Parks, Reserves and Foreshores Officer provided the following comments:</p> <p><i>"The development proposal is for construction and ongoing operation of a telecommunications facility located within the Abbott Road sportsground in North Curl Curl. The proposal includes co-locating the telecommunications facility with Council's existing flood lighting, as well as a shelter on the ground levels for associated equipment.</i></p> <p><i>As reported in the Statement of Environmental Effects, the facility comprises the replacement of a 22 metre lighting pole with a 22.5 metre monopole, six panel antennas, nine remote radio units, council floodlights, an outdoor cabinet and other associated ancillary equipment. The new structure will have a total height of 25.7m (including antennas and floodlights).</i></p> <p><i>The Parks Assets Referral is considered against State Environmental Planning Policy (Infrastructure) 2007, and the NSW Telecommunications Facilities Guideline including Broadband 2010, Warringah LEP, and Warringah DCP, and</i></p>

Internal Referral Body	Comments
	<p><i>Parks analysis against the following considerations as described in the Statement of Environmental Effects: suitability of the site for development; site selection and exploration of alternative locations; community concerns and opinions; compliance with relevant state policies and controls; and environmental impacts.</i></p> <p><i>The Land upon where the proposal is located is identified as RE1 Public Recreation, and in this zone telecommunications facilities are not permitted under the Warringah LEP. Under clause 115 of the State Environmental Planning Policy (Infrastructure) 2007, which prevails over the Warringah LEP, the proposed telecommunication facility is permitted with consent from Council.</i></p> <p><i>A total of eight suggested locations are analysed for suitability to secure optimal service improvements as outlined in the Statement of Environmental Effects. In consideration of location, analysis of colocation has been undertaken, concluding inadequate location and upgrade options to secure the required service improvements to the Curl Curl area. All locations result in some form of impact in terms of distance from residential, sporting and educational land use areas. In terms of recreational amenity the subject of this Parks Referral, it is considered that the utilisation of the proposed monopole with combined sportsfield flood lighting and telecommunications does not change the use of the land for its existing recreational purposes.</i></p> <p><i>The selected site from the applicant is Field No. 5 at the Abbott Road Sportsground in North Curl Curl.</i></p> <p><i>It is Parks determination that the selected site does not substantially impact upon the recreational use of the land, whereas other alternative sites require new infrastructure or similar additions, and are in locations that impact residential, sporting and educational land use areas.</i></p> <p><i>The proposal includes removal of the existing sports floodlighting pole in a west direction approximately 3 metres and replacement with the proposed monopole supporting sports field floodlighting and telecommunications on top, as well as the installation of a elevated equipment platform upon the ground. Parks Assets considers that the location of the elevated equipment platform upon the ground as indicated on the plans impacts upon the access and useability of the baseball facility behind the batting net for players and spectators (player dug-out and storage of game equipment, and safe location to watch games) and should be located elsewhere to minimise impact upon the use of the area for its intended sporting use, and an alternative location is available as shown below:</i></p>

Internal Referral Body	Comments
	 <p data-bbox="667 775 1423 969"><i>With the requirement to relocate the elevated equipment platform, it is considered that the use of the land as recreational remains the same and is not impacted by this proposal. Construction co-ordination to ensure continued public access and sporting use shall be a condition of consent.</i></p> <p data-bbox="667 1010 1460 1509"><i>Given the above considerations, Parks can support the application subject to resolution of the planning consideration of permissible use within the zone, and thereupon subject to the applicant entering into a Memorandum of Understanding agreement that maintenance associated with the development is undertaken by the operator of the telecommunication facility, including repairs of any physical public open space upon the ground impacted during construction and following completion for the life of the development, and that Council access is not restricted by the operator of the telecommunication facility, as well as any other agreements considered necessary by Council, with Parks Assets requiring the following agreement with the operator of the telecommunication facility:</i></p> <ul data-bbox="667 1547 1406 1778" style="list-style-type: none"> <li><i>• repair of ground following excavation works</i></li> <li><i>• ownership of responsibility and procedures for the replacement of Council's floodlighting</i></li> <li><i>• ongoing maintenance of telecommunication facility and equipment, including co-ordination with Council and communications with community</i></li> <li><i>• times of operation for ongoing works</i></li> </ul> <p data-bbox="667 1816 1460 2114"><i>Furthermore, conditions of consent shall be imposed on any approval including: Working on and Access to Reserves Permit, Construction Management Plan - Council Assets, Installation and Maintenance of Sediment and Erosion Control, Dilapidation Report of Land owned or managed by Council, Protection of trees and vegetation within Land owned or managed by Council, Protection of Council's Public Assets, Removal of All Temporary structures/Materials and Construction Rubbish, and</i></p>

Internal Referral Body	Comments
	<p><i>Certification of sports flood lighting levels.</i></p> <p><i>The proposal is therefore supported.</i></p> <p><i>Recommendation: Approval subject to conditions”</i></p>
Urban Design	<p>Council’s Urban Design Officer provided the following comments:</p> <p><i>“The proposal should addressed the following issues:</i></p> <ol style="list-style-type: none"> <li><i>1. There is a discrepancy to the overall height of the structure described in the documents submitted. The drawings indicate an overall an overall height of 25.7m while the SEE states 28.3m the existing light pole is 22m so it could be 3.7m or 6.3m additional height. The proponent should clarify.</i></li> <li><i>2. Based on all the options/locations studied and proposed to date, the current proposed location seems to be the best option as it replaces a lighting pole but it will still be substantially taller than the other lighting poles and therefore will still be noticeable.</i></li> </ol> <p><i>The proposal is therefore unsupported.”</i></p> <p><b>Recommendation:</b> Refusal</p> <p><u>Planner’s comment:</u> A revised SEE was provided which resolved the discrepancy in height. The additional 3.7 metres in height is not considered unreasonable in this location and given the setting with 11 other neighbouring light poles, will be of minimal impact. Accordingly, the recommendation of this report does not concur with Council’s Urban Design Officer.</p>
Landscape	<p>Council’s Landscape Officer provided the following comments:</p> <p><i>“The development proposal is for construction and ongoing operation of a telecommunications facility located within the Abbott Road sportsground in North Curl Curl. The proposal includes co-locating the telecommunications facility with Council’s existing flood lighting, as well as a shelter on the ground levels for associated equipment.</i></p> <p><i>As reported in the Statement of Environmental Effects, the facility comprises the replacement of a 22-metre lighting pole with a 22.5 metre monopole, six panel antennas, nine remote radio units, council floodlights, an outdoor cabinet and other associated ancillary equipment. The new structure will have a total height of 25.7m (including antennas and floodlights). The Landscape Referral is considered against State Environmental Planning Policy (Infrastructure) 2007, and the NSW Telecommunications Facilities Guideline including Broadband 2010, Warringah LEP, and Warringah DCP including D1 Landscaped Open Space and Bushland Setting, D4 Electromagnetic Radiation, D9</i></p>

Internal Referral Body	Comments
	<p data-bbox="673 206 1391 268"><i>Building Bulk, and D21 Provision and Location of Utility Services.</i></p> <p data-bbox="673 304 1417 439"><i>The Landscape analysis against the Warringah DCP controls requires development to minimise built form and impact of development when viewed from adjoining properties, streets, waterways and public recreation land.</i></p> <p data-bbox="673 474 1458 739"><i>The Land upon where the proposal is located is identified as RE1 Public Recreation, and in this zone, telecommunications facilities are not permitted under the Warringah LEP. Under clause 115 of the State Environmental Planning Policy (Infrastructure) 2007, which prevails over the Warringah LEP, the proposed telecommunication facility is permitted with consent from Council.</i></p> <p data-bbox="673 775 1458 1209"><i>A total of eight suggested locations are analysed for suitability to secure optimal service improvements as outlined in the Statement of Environmental Effects. In consideration of location, analysis of colocation has been undertaken, concluding inadequate location and upgrade options to secure the required service improvements to the Curl Curl area. All locations result in some form of impact in terms of distance from residential, sporting and educational land use areas, as well as visual impacts to the landscape. It is considered that rather than add additional visual, heritage and environmental impacts elsewhere, the proposal provides the least impact of the presented options due to its location.</i></p> <p data-bbox="673 1245 1401 1308"><i>The selected site from the applicant is Field No. 5 at the Abbott Road Sportsground in North Curl Curl.</i></p> <p data-bbox="673 1344 1452 1814"><i>The selected site does not substantially add new visual elements into the landscape, as the existing Abbott Road playing fields include eleven flood lighting poles around the perimeter that are visible in the immediate vicinity. Similarly, tall flood lighting occupies nearby Reub Hudson playing fields. The proposal adds an additional 3.7 metres in height with telecommunications equipment flush-mounted to the top section of the monopole. Other alternative sites would require new infrastructure or similar additions, and are in locations that impact residential, sporting and educational land use areas. It is noted that the existing Abbott Road floodlighting is most visible in the immediate vicinity and is less visible in surrounding areas or is otherwise set against a background of residential and hillside landform.</i></p> <p data-bbox="673 1850 1452 2141"><i>The proposal includes removal of the existing sports floodlighting pole in a west direction approximately 3 metres and replacement with the proposed monopole supporting sports field floodlighting and telecommunications on top, as well as the installation of a elevated equipment platform upon the ground. Council's Landscape Referral assessment considers that the location of the elevated equipment platform upon the ground as indicated on the plans impacts upon the access and useability of the</i></p>

Internal Referral Body	Comments
	<p>baseball facility behind the batting net for players and spectators (player dug-out and storage of game equipment, and safe location to watch games) and should be located elsewhere to minimise impact upon the use of the area for its intended sporting use, and an alternative location is available as shown below:</p>  <p>The diagram is a site plan showing a 'BASEBALL COURT' at the top. Below it is an 'elevated equipment platform' (highlighted in green). To the left of the platform is a creek with 'expand creek embankment rehabilitation planting' (shaded with diagonal lines). A note indicates 'tree does not exist' at a specific location. The bottom right corner is labeled 'OUR CURB LOGGON PIER'. Elevation contours are shown throughout the site.</p> <p>With the requirement to relocate the elevated equipment platform and provide additional landscape embankment rehabilitation planting, it is considered that the visual impact is minimised.</p> <p>Given the above considerations, Landscape Referral can support the application subject to resolution of the planning consideration of permissible use within the zone, and thereupon subject to amended landscape plans to comply with the above sketch, requiring:</p> <ul style="list-style-type: none"> <li>• relocation of the elevated equipment platform</li> <li>• additional creek embankment rehabilitation planting containing a mix of indigenous trees, shrubs and Groundcovers.</li> </ul> <p>The proposal is therefore supported.</p> <p>Recommendation: Approval – subject to conditions”</p>
Biodiversity & Bushland	<p>“A number of controls under the Warringah DCP apply to the proposed location, including E3 Threatened Species and High Conservation Habitat, E4 Wildlife Corridor and E5 Native Vegetation. The proposal has also been assessed against the NSW and Commonwealth biodiversity legislation, as well as State Environmental Planning Policy (Coastal Management) 2018 cl. 13 Development on land within the coastal environment area.</p> <p>Swamp Oak Floodplain Forest of the NSW North Coast, Sydney Basin and South East Corner Bioregions vegetation community, an Endangered Ecological Community listed under both the NSW and Commonwealth biodiversity legislation, has been mapped within the study area. The John Fisher Park Telecommunications Facility - Flora and Fauna Assessment and Biodiversity Management Plan</p>

Internal Referral Body	Comments
	<p><i>(Eco Logical Australia 2019) has concluded that "despite the disturbed nature and extensive recent revegetation within the subject site, it is considered likely that the vegetation community is revegetated Estuarine Swamp Oak Forest, which aligns with Swamp Oak Floodplain Forest Endangered Ecological Community, listed under the BC and EPBC Acts. No threatened flora or fauna were observed during the field survey, and no threatened fauna are likely to use the study area as foraging habitat, due to the recent clearing and the fact that the replanted vegetation as not matured to a point where it can provide habitat for threatened species."</i></p> <p><i>While construction of the proposed telecommunications facility will result in the removal of recently planted native vegetation within the study area, the proposal is unlikely to result in a significant impact to TECs, threatened flora and threatened fauna likely to be found within the study area. Recommendations have been included to minimise the potential impacts, and a Biodiversity Management Plan is proposed to be implemented that includes several mitigation measures.</i></p> <p><i>The proposal is therefore supported."</i></p>

External Referral Body	Comments
Natural Resources Access Regulator	<p>A response form NRAR was received dated 1 July 2020 which provided the following comment:</p> <p><i>"The Natural Resources Access Regulator (NRAR) has reviewed documents for the above development application and considers that, for the purposes of the Water Management Act 2000 (WM Act), the proposed works are exempt from the need to obtain a controlled activity approval and no further assessment by this agency is necessary.</i></p> <p><i>Controlled Activity Not Required</i>  <i>The proposed works are of insufficient size and scale and/or do not involve carrying out a work, removing or depositing material on waterfront land, or carrying out an activity which affects the quantity or flow of water in a water source."</i></p>
Ausgrid	<p>The proposal was referred to Ausgrid who provided a response stating that the proposal is acceptable subject to compliance with the relevant Ausgrid Network Standards and SafeWork NSW Codes of Practice. These recommendations will be included as a condition of consent.</p>

### **ENVIRONMENTAL PLANNING AND ASSESSMENT ACT, 1979 (EP&A Act)**

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



Section 4.15 'Matters for Consideration'	Comments
Section 4.15 (1) (a)(i) – Provisions of any environmental planning instrument	See discussion on “Environmental Planning Instruments” in this report.
Section 4.15 (1) (a)(ii) – Provisions of any draft environmental planning instrument	Draft State Environmental Planning Policy (Remediation of Land) seeks to replace the existing SEPP No. 55 (Remediation of Land). Public consultation on the draft policy was completed on 13 April 2018. The subject site has been used for recreational purposes for an extended period of time. The proposed development retains the recreational use of the site. It is noted the site has been filled and suitable reports and conditions have been included to ensure compliance with this SEPP.
Section 4.15 (1) (a)(iii) – Provisions of any development control plan	Warringah Development Control Plan 2011 applies to this proposal
Section 4.15 (1) (a)(iiia) – Provisions of any planning agreement	None applicable
Section 4.15 (1) (a)(iv) – Provisions of the regulations	<p><u>Division 8A</u> of the EP&amp;A Regulation 2000 requires the consent authority to consider "Prescribed conditions" of development consent. Should the Development Application be approved, these matters will be addressed via a condition of consent.</p> <p><u>Clauses 54 and 109</u> of the EP&amp;A Regulation 2000: No additional information was requested however an amended Statement of Environmental Effects and Response to Submissions was received from the applicant to address matter raised during the assessment of this development application.</p> <p><u>Clause 92</u> of the EP&amp;A Regulation 2000 requires the consent authority to consider AS 2601 - 1991: The Demolition of Structures. Should the Development Application be approved, these matters will be addressed via a condition of consent.</p> <p><u>Clause 98</u> of the EP&amp;A Regulation 2000 requires the consent authority to consider the provisions of the Building Code of Australia (BCA). Should the Development Application be approved, this matter will be addressed via a condition of consent.</p>
Section 4.15 (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	<p>(i) The environmental impacts of the proposed development on the natural and built environment are addressed under the Warringah Development Control Plan 2011 section in this report. In summary it is noted that the proposed structure is not supported due to an inappropriate visual impact, being of greater height and scale than the surrounding light poles within the sporting field.</p> <p>(ii) The proposed development will have a negligible and appropriate social impact in the locality enhancing mobile coverage fitting within the existing sport field context.</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>
Section 4.15 (1) (c) – the suitability of the site for the development	The site is considered suitable for the proposed development.

<b>Section 4.15 'Matters for Consideration'</b>	<b>Comments</b>
Section 4.15 (1) (d) – any submissions made in accordance with the EPA Act or EPA Regs	See discussion on “Public Exhibition” in this report
Section 4.15 (1) (e) – the public interest	The development is considered to be in the public interest providing a needed telecommunications facility.

### **ENVIRONMENTAL PLANNING INSTRUMENTS (EPIs)\***

All, Environmental Planning Instruments (SEPPs, REPs and LEPs), Development Controls Plans and Council Policies have been considered in the merit assessment of this application.

In this regard, whilst all provisions of each Environmental Planning Instruments (SEPPs, REPs and LEPs), Development Controls Plans and Council Policies have been considered in the assessment, many provisions contained within the document are not relevant or are enacting, definitions and operational provisions which the proposal is considered to be acceptable against.

As such, an assessment is provided against the controls relevant to the merit consideration of the application hereunder.

### **STATE ENVIRONMENTAL PLANNING POLICIES (SEPPS) AND STATE REGIONAL ENVIRONMENTAL PLANS (SREPS)**

#### **State Environmental Planning Policy Coastal Management 2018**

SEPP Coastal Management 2018 applies to all land within the NSW Coastal Zone as defined by the NSW Coastal Protection Act 1979 and the location of the proposed telecommunications facility is nominated within the NSW Coastal Zone area. Additionally, Curl Curl Lagoon is also listed in Schedule 1 of this SEPP as a coastal lake.

<b>Matters for Consideration</b>	<b>Comment</b>	<b>Consistent</b>
(a) The aims of the policy are: (a) to protect and manage the natural, cultural, recreational and economic attributes of the New South Wales coast, and (b) to protect and improve existing public access to and along coastal foreshores to the extent that this is compatible with the natural attributes of the coastal foreshore, and (c) to ensure that new opportunities for public access to and along coastal foreshores are identified and realised to the extent that this is compatible with the natural attributes of the coastal foreshore, and (d) to protect and preserve Aboriginal cultural heritage, and Aboriginal places, values,	The proposal, is considered to be consistent with the aims of the policy for the following reasons: a) The proposal will not be to the detriment of the natural, recreational and economic attributes of the NSW coast. b) Public access will not be impacted. c) The proposal does not have potential to provide new public access to the foreshore. d) The development will have no impact. e) The visual amenity of the foreshore is retained with views from the coast appropriate. f) The scenic value of the beach will be retained. g) There will be no impact as a result of the proposal.	Yes

Matters for Consideration	Comment	Consistent
<p>customs, beliefs and traditional knowledge, and</p> <p>(e) to ensure that the visual amenity of the coast is protected, and</p> <p>(f) to protect and preserve beach environments and beach amenity, and</p> <p>(g) to protect and preserve native coastal vegetation, and</p> <p>(h) to protect and preserve the marine environment of New South Wales, and</p> <p>(i) to protect and preserve rock platforms, and</p> <p>(j) to manage the coastal zone in accordance with the principles of ecologically sustainable development (within the meaning of section 6 (2) of the <i>Protection of the Environment Administration Act 1991</i>), and</p> <p>(k) to ensure that the type, bulk, scale and size of development is appropriate for the location and protects and improves the natural scenic quality of the surrounding area, and</p> <p>(l) measures to protect the cultural places, values, customs, beliefs and traditional knowledge of Aboriginals, and</p> <p>(m) likely impacts of development on the water quality of coastal water bodies, and</p> <p>(n) the conservation and preservation of items of heritage, archaeological or historic significance, and</p> <p>(o) only in cases in which a council prepares a draft local environmental plan that applies to land to which this Policy applies, the means to encourage compact towns and cities, and</p> <p>(p) only in cases in which a development application in relation to proposed development is determined:</p> <p>(i) the cumulative impacts of the proposed development on the environment, and</p>	<p>h) The proposal will not affect the marine environment of NSW.</p> <p>i) No rock platforms are affected by the proposal.</p> <p>j) The proposal is considered to be in accordance with the principles of ecologically sustainable development.</p> <p>k) The proposal will be of acceptable bulk and scale for the location.</p> <p>l) No impacts will result as a result of the proposed development.</p> <p>m) There will be no impact on water quality as a result of proposed development.</p> <p>n) No heritage items are impacted by the proposed development.</p> <p>o) Not applicable.</p> <p>p) Not applicable.</p>	

Matters for Consideration	Comment	Consistent
(ii) measures to ensure that water and energy usage by the proposed development is efficient.		
(b) Existing public access to and along the coastal foreshore for pedestrians or persons with a disability should be retained and, where possible, public access to and along the coastal foreshore for pedestrians or persons with a disability should be improved	The public access to the foreshore is not altered by the proposal.	YES
(c) Opportunities to provide new public access to and along the coastal foreshore for pedestrians or persons with a disability	The proposal does not have potential to provide new public access to the foreshore.	YES
(d) The suitability of development given its type, location and design and its relationship with the surrounding area	The proposal is well sited away from the foreshore and has an appropriate relationship with the surrounding area, being compatible with neighbouring structures in the sporting field.	YES
(e) Any detrimental impact that development may have on the amenity of the coastal foreshore, including any significant overshadowing of the coastal foreshore and any significant loss of views from a public place to the coastal foreshore	There is no significant loss of view or overshadowing of the foreshore as a result of the proposal.	YES
(f) The scenic qualities of the New South Wales coast, and means to protect and improve these qualities	The proposal is considered appropriate with regard to impacts on scenic qualities of the New South Wales coast and the associated public open space area.	YES
(g) Measures to conserve animals (within the meaning of the <i>Threatened Species Conservation Act 1995</i> ) and plants (within the meaning of that Act), and their habitats	There is no remanent native vegetation or potential habitat for threatened species on the subject site, as such measures to conserve animals, plants or their habitat are not required.	YES
(h) Measures to conserve fish (within the meaning of Part 7A of the <i>Fisheries Management Act 1994</i> ) and marine vegetation (within the meaning of that Part), and their habitats	The proposal involves a telecommunications facility and therefore additional measures to conserve fish and marine vegetation are not required.	YES
(i) Existing wildlife corridors and the impact of development on these corridors	The proposal does not significantly impact upon any existing wildlife corridors.	YES

Matters for Consideration	Comment	Consistent
(j) The likely impact of coastal processes and coastal hazards on development and any likely impacts of development on coastal processes and coastal hazards	The proposal is not considered to increase the likely impacts of coastal processes and coastal hazards to the site.	YES
(k) Measures to reduce the potential for conflict between land-based and water-based coastal activities	The proposal is unlikely to create any potential conflict between land based and water based coastal activities.	YES
(l) Measures to protect the cultural places, values, customs, beliefs and traditional knowledge of Aboriginals	The proposal is not in the vicinity of any known aboriginal sites and does not require any specific measures for the preservation of cultural places, values, customs or beliefs.	YES
(m) Likely impacts of development on the water quality of coastal water bodies	The proposal is unlikely to create any additional impact to water quality.	YES
(n) The conservation and preservation of items of heritage, archaeological or historic significance	The subject site does include heritage items. The alterations and additions proposed will not impact on any neighbouring heritage sites.	YES
(o) Only in cases in which a council prepares a draft local environmental plan that applies to land to which this Policy applies, the means to encourage compact towns and cities	Council has not prepared a draft LEP that specifically applies to the site in regards to compact towns and cities.	YES
(p) Only in cases in which a development application in relation to proposed development is determined: (i) the cumulative impacts of the proposed development on the environment, and (ii) measures to ensure that water and energy usage by the proposed development is efficient	The cumulative impacts of the proposal are satisfactory.	YES
S13) A provision of an environmental planning instrument that allows development within a zone to be consented to as if it were in a neighbouring zone, or a similar provision, has no effect.	The proposal does not attempt to allow development within a zone to be consented to as if it were in a neighbouring zone.	YES
S14) A consent authority must not consent to an application to carry out development on land to which this Policy applies if, in the opinion of the consent	The proposal is unlikely to result in the impeding or diminishing, to any extent, of the physical, land-based right of access of the public to or along the coastal foreshore.	YES

Matters for Consideration	Comment	Consistent
authority, the development will, or is likely to, result in the impeding or diminishing, to any extent, of the physical, land-based right of access of the public to or along the coastal foreshore.		
S15) The consent authority must not consent to a development application to carry out development on land to which this Policy applies in which effluent is proposed to be disposed of by means of a non-reticulated system if the consent authority is satisfied the proposal will, or is likely to, have a negative effect on the water quality of the sea or any nearby beach, or an estuary, a coastal lake, a coastal creek or other similar body of water, or a rock platform.	The proposal does not involve a non-reticulated effluent disposal system that will, or is likely to, have a negative effect on the water quality of the sea or any nearby beach, or an estuary, a coastal lake, a coastal creek or other similar body of water, or a rock platform.	YES
S16) The consent authority must not grant consent to a development application to carry out development on land to which this Policy applies if the consent authority is of the opinion that the development will, or is likely to, discharge untreated stormwater into the sea, a beach, or an estuary, a coastal lake, a coastal creek or other similar body of water, or onto a rock platform.	The proposed development will not discharge untreated stormwater into the sea, a beach, or an estuary, a coastal lake, a coastal creek or other similar body of water, or onto a rock platform.	YES

### SEPP 55 – Remediation of Land

Clause 7 (1) (a) of SEPP 55 requires the Consent Authority to consider whether land is contaminated. John Fisher Park (also known as Abbott Road Playing Fields) is on the 'List of NSW contaminated sites notified to EPA' not the 'Contaminated Land: Record of Notices'. According to the EPA the reasoning for the contamination was "landfill". The EPA has completed an assessment of the contamination and decided that regulation under the Contaminated Land Management Act 1997 is not required.

In this regard it is considered 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 telecommunications facility use.

### SEPP (Infrastructure) 2007

Division 21 of SEPP (Infrastructure) permits the development of 'Telecommunication Facilities' which are defined as;

*“(a) any part of the infrastructure of a telecommunications network, or*

- (b) any line, cable, optical fibre, fibre access node, interconnect point, equipment, apparatus, tower, mast, antenna, dish, tunnel, duct, hole, pit, pole or other structure in connection with a telecommunications network, or
- (c) any other thing used in or in connection with a telecommunications network.”

Clause 115 of the SEPP specifically permits development with consent as follows:

*“(1) Development for the purposes of telecommunications facilities, other than development in clause 114 or development that is exempt development under clause 20 or 116, may be carried out by any person with consent on any land.”*

Accordingly, the telecommunication facility proposed at John Fisher Reserve can be considered as a development permitted with consent, even though it is a prohibited use under the provision of the Warringah LEP.

As the determining Authority, Council must consider *“any guidelines concerning site selection, design, construction or operating principles for telecommunications facilities that are issued by the Secretary for the purposes of this clause and published in the Gazette”*.

The principles of the Guideline are addressed below.

Principle	Consideration	Consistent
Principle 1: A telecommunications facility is to be designed and sited to minimise visual impact.	The structure and associated facilities are considered to be appropriately sited within the context of the sporting field and the surrounding lighting structures.	Yes
Principle 2: Telecommunications facilities should be collocated wherever practical	The application satisfactorily demonstrates that co-location is not an available or practical option in this case. Co-location is not considered practicable where there is no existing tower or other suitable telecommunications facility that can provide equivalent site technical specifications including meeting requirements for coverage objectives, radio traffic capacity demands and sufficient call quality.	Yes
Principle 3: Health standards for exposure to radio emissions will be met.	The application contains an EME Environmental Report showing the predicted levels of electromagnetic energy to comply with the safety limits imposed by the Australian Communications and Media Authority and the Electromagnetic Radiation Standard, and demonstrating compliance with the Mobile Phone Networks Code. The application demonstrates the facility is designed and can be installed and operated so the maximum human exposure levels to radiofrequency emissions comply with the Radiation Protection Standard.	Yes
Principle 4:	Sydney Airport is 20km from the site. The siting and height of the facility meets the	Yes

Minimise disturbance and risk, and maximise compliance	requirements of the Civil Aviation Regulations 1988 and Airports (Protection of Airspace) Regulation 1996 of the Commonwealth. A consent condition requires written verification to be provided prior to the issue of a Construction Certificate. The proposed facility minimises site disturbance and impacts on the natural attributes of the site.	
--	--	--

### SEPP (Infrastructure) 2007

Clause 45 of the SEPP requires the Consent Authority to consider any development application (or an application for modification of consent) for any development carried out:

- within or immediately adjacent to an easement for electricity purposes (whether or not the electricity infrastructure exists).
- immediately adjacent to an electricity substation.
- within 5.0m of an overhead power line.
- includes installation of a swimming pool any part of which is: within 30m of a structure supporting an overhead electricity transmission line and/or within 5.0m of an overhead electricity power line.

Comment: The proposal was referred to Ausgrid. A response stating that the proposal is acceptable subject to compliance with the relevant Ausgrid Network Standards and SafeWork NSW Codes of Practice. These recommendations will be included as a condition of consent.

### Warringah Local Environmental Plan 2011

Is the development permissible under WLEP 2011?	No  Telecommunications facility is a prohibited land use in the RE1 Public Recreation zone. However, this use is permissible with consent under Clause 115 of State Environmental Planning Policy (Infrastructure) 2007.
After consideration of the merits of the proposal, is the development consistent with:	
Aims of the LEP?	Yes
Zone objectives of the LEP?	Yes

### Principal Development Standards

Standard	Requirement	Proposed	% Variation	Complies
Height of Buildings	-	N/A	-	N/A

### Compliance Assessment

Clause	Compliance with Requirements
4.3 Height of buildings	N/A
5.3 Development near zone boundaries	N/A
5.5 Development within the coastal zone	Yes
5.10 Heritage Conservation	Yes



6.1 Acid Sulfate soils	Yes
6.2 Earthworks	Yes
6.3 Flood planning	Yes
6.4 Development on Sloping Land	Yes
6.5 Coastal Hazards	N/A

### Detailed Assessment

#### **Aims of LEP**

The development does not satisfy the aims specifically (clause 1.2(f) of the WLEP) which requires: In relation to environmental quality, to:

- (i) achieve development outcomes of quality urban design, and*
- (ii) encourage development that demonstrates efficient and sustainable use of energy and resources, and*
- (iii) achieve land use relationships that promote the efficient use of infrastructure, and*
- (iv) ensure that development does not have an adverse effect on streetscapes and vistas, public places, areas visible from navigable waters or the natural environment, and*
- (v) protect, conserve and manage biodiversity and the natural environment, and*
- (vi) manage environmental constraints to development including acid sulfate soils, land slip risk, flood and tidal inundation, coastal erosion and biodiversity,*

The development is of similar scale and design to the surrounding light poles within the sporting field and results in a reasonable and appropriate development. The large public open space area will not be detrimentally impacted and accordingly, the development as proposed satisfies the aims of the LEP.

#### **RE1 Public Recreation**

The objectives of the RE1 zone are not considered to be fulfilled as is detailed below.

- *To enable land to be used for public open space or recreational purposes.*

The installation of a telecommunications monopole within the public open space area continues to allow for use for recreation purposes. The proposed location of the ancillary structure is not supported by Council officers and accordingly conditions of consent will ensure it is appropriately relocated to ensure it does not disrupt the use of the space.

- *To provide a range of recreational settings and activities and compatible land uses.*

The recreational setting is retained.

- *To protect and enhance the natural environment for recreational purposes.*

The natural environment is retained and protected.

- *To protect, manage and restore public land that is of ecological, scientific, cultural or aesthetic value.*

The installation of the structure, replacing an existing lighting pole allows for achievement of this objective with the Optus pole to replace an existing structure of similar scale and location.

- *To prevent development that could destroy, damage or otherwise have an adverse effect on those values.*

The development is appropriate when considered against the values of the zone and can be supported subject to conditions of consent.

## Heritage

The site includes three heritage items being:

- Coastal Cliffs landscape conservation heritage area – Item C10
- South Curl Curl Pool – Item I129
- WW1 Obelisk – Item I109
- Building known as “Stewart House” – Item I128

All items are located a significant distance from the subject site and are not impacted by the proposal. The heritage significance of each of the above is retained and is not at odds with the development proceeding.

## Warringah Development Control Plan 2011

### Compliance Assessment

Clause	Compliance with Requirements	Consistency Aims/Objectives
A.5 Objectives	Yes	Yes
C2 Traffic, Access and Safety	Yes	Yes
C4 Stormwater	Yes	Yes
C5 Erosion and Sedimentation	Yes	Yes
C8 Demolition and Construction	Yes	Yes
C9 Waste management	Yes	Yes
D4 Electromagnetic Radiation	Yes	Yes
D7 Views	Yes	Yes
D9 Building Bulk	Yes	Yes
D10 Building Colours and Materials	Yes	Yes
D12 Glare and Reflection	Yes	Yes
E2 Prescribed Vegetation	Yes	Yes
E3 Threatened species, populations, ecological communities listed under State or Commonwealth legislation, or High Habitat	Yes	Yes
E4 Wildlife Corridors	Yes	Yes
E5 Native Vegetation	Yes	Yes
E6 Retaining unique environmental features	Yes	Yes
E7 Development Adjoining Public Open Space	Yes	Yes
E8 Waterways and Riparian lands	Yes	Yes
E10 Landslip Risk	Yes	Yes
E11 Flood Prone Land	Yes	Yes

### Detailed Assessment

#### Objectives of DCP

The objectives of the DCP are met by the proposed development as is demonstrated in the following:

- *To ensure development responds to the characteristics of the site and the qualities of the surrounding neighbourhood*

Comment: The development responds to the location of the site replacing a structure (Light pole) with another of compatible scale (Optus pole).

- *To ensure new development is a good neighbour, creates a unified landscape, contributes to the street, reinforces the importance of pedestrian areas and creates an attractive design outcome*

Comment: The new telecommunications pole and ancillary structure are of compatible scale to the neighbouring structures and will site well within the sporting field setting. The impact on the streetscape and parkland is negligible and the overall landscape will not be detrimentally impacted.

- *To inspire design innovation for residential, commercial and industrial development*

N/A

- *To provide a high level of access to and within development.*

N/A

- *To protect environmentally sensitive areas from overdevelopment or visually intrusive development so that scenic qualities, as well as the biological and ecological values of those areas, are maintained*

Comment: Scenic qualities and natural qualities are not detrimentally impacted by the installation of the telecommunications tower which is considered to be of compatible scale to the structure which it will replace.

- *To achieve environmentally, economically and socially sustainable development for the community of Warringah*

Comment: This is achieved with the new telecommunications facility being infrastructure required by the community and located in an appropriate space with reasonable and sustainable impacts.

## **D4 Electromagnetic Radiation**

### Description of Non-compliance

The DCP requires that mobile phone base station and associated infrastructure and equipment do not result in an adverse visual impact on the natural or built environment. The proposed development is 25.7 metres in height and greater in height than surrounding light poles by 3.7metres.

### Merit consideration

The proposal will comply with relevant standards with regard to electromagnetic radiation levels and has a reasonable and appropriate visual impact which is not to the detriment of the natural environment.

The views of the structure within the sporting fields are acceptable being of compatible height and scale to the existing light poles with the difference of 3.7 metres not excessive when considered against the 22 metre height of the existing light poles.

Having regard to the above assessment, it is concluded that the proposed development is consistent with the relevant objectives of WDCP and the objectives specified in Section 4.15(1)(a)(iii) of the Environmental Planning and the Assessment Act, 1979. Accordingly, this assessment finds that the proposal is supported, in this particular circumstance.

## **D7 Views**

The DCP requires the reasonable sharing of views. The proposed development includes a 25.7 metre structure and an ancillary structure.

### Merit consideration

The DCP requires the reasonable sharing of views. The proposed development includes a 25.7 metre structure and an ancillary structure.

The views to the ocean and from many areas in the locality will be reasonable with the proposal development, with visual concerns being more based on the immediate view to the structure within the Abbott Road fields.

Having regard to the above assessment, it is concluded that the proposed development is inconsistent with the relevant objectives of WDCP and the objectives specified in Section 4.15(1)(a)(iii) of the Environmental Planning and Assessment Act, 1979. Accordingly, this assessment finds that the proposal is supported, in this particular circumstance.

## **D9 Building Bulk**

### Description of Non-compliance

The DCP requires minimisation of the visual impact of development when viewed from adjoining properties, streets, waterways and land zoned for public recreation purposes. Similarly, it is required that the building height and scale needs to relate to topography and site conditions.

### Merit consideration

The proposed telecommunications pole height is not considered unreasonable in this location and given the setting with 11 other neighbouring light poles, will be of minimal impact.

Having regard to the installation of the monopole, antennae and associated structures, and the scale of the structure in comparison to the open space surrounds, it is concluded that the proposed development is consistent with the relevant objectives of the WDCP and the objectives specified in Section 4.15(1)(a)(iii) of the Environmental Planning and Assessment Act, 1979. Accordingly, this assessment finds that the proposal is supported, in this particular circumstance.

## **E7 Development on Land Adjoining Public Open Space**

### Description of Non-compliance

The DCP requires development on land adjoining public open space complement the landscape character and public use and enjoyment of the adjoining parks, bushland reserves and other public open spaces.

### Merit consideration

The telecommunications facility is consistent with the public open space landscape character with the height, scale and siting similar to the lighting pole it will replace. It is of negligible impact on the enjoyment of the open space or the visual aesthetic of the Reserve.

Having regard to the above assessment, it is concluded that the proposed development is consistent with the relevant objectives of the WDCP and the objectives specified in Section 4.15(1)(a)(iii) of the Environmental Planning and Assessment Act, 1979. Accordingly, this assessment finds that the proposal is supported, in this particular circumstance.

## **Northern Beaches Section 7.12 Contributions Plan 2019**

A monetary contribution of \$2499.75 is required for the provision of new and augmented public infrastructure. The contribution is calculated as 1% of the total development cost \$249,975.22.

## **John Fisher Park Plan of Management**

The site is covered by the John Fisher Park Plan of Management. The Plan does not include development in the nature of the telecommunications facility as proposed. The structure of the

POM bases its forward planning on the premise of retention and improvement of the natural environment and improvement and upgrading of sporting and community facilities.

It is considered that the proposed development is consistent with the key objectives being:

- *To provide a sound basis for the future management of John Fisher Park and Abbott Road Land, guiding the major strategies and actions that are needed to achieve the vision for John Fisher Park and Abbott Road Land.*
- *To manage John Fisher Park and Abbott Road Land in accordance with ecologically sustainable development principles.*
- *For a participatory style of management to be encouraged in all aspects of park operations so as to develop a sense of ownership between the community and the park.*
- *To be consistent with and contribute to Council's overall management plan*
- *To incorporate Curl Curl Lagoon Rehabilitation Study recommendations and other relevant studies into the plan.*

These objectives envisage an open space area used by the community and retained as ecologically sustainable parkland. The installation of the telecommunications tower is compatible with these objectives. The proposed monopole will allow for a development that is consistent with the objectives of the POM. In this case the development is considered to satisfy the objectives.

## **CONCLUSION**

The site has been inspected and the application assessed having regard to all documentation submitted by the applicant and the provisions of:

- Environmental Planning and Assessment Act 1979;
- Environmental Planning and Assessment Regulation 2000;
- All relevant Environmental Planning Instruments and draft EPI's;
- State Environmental Planning Policy (Infrastructure) 2007
- State Environmental Planning Policy 71 – Coastal Protection
- Warringah Local Environment Plan 2011;
- Warringah Development Control Plan 2011;
- Codes and Policies of Council AND
- John Fisher Park Plan of Management

The proposal has been assessed against the relevant matters for consideration under Section 4.15 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 does not result in any unreasonable impacts for the surrounding open space, residents or streetscape subject to the conditions contained within the recommendation.

The visual impact and scale of the development is considered to be reasonable and appropriate to and compatible with the location. In particular the height difference of the new structure is not vastly different to the surrounding light poles and the structure will replace an existing light pole, resulting in the new development being entirely compatible with its setting.

In consideration of the proposal and the merit consideration of the development, the proposal is considered to be:

- Consistent with the objectives of the DCP
- Consistent with the zone objectives of the LEP
- Consistent with the aims of the LEP
- Consistent with the objectives of the relevant EPIs
- Consistent with the objects of the Environmental Planning and Assessment Act 1979

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

## RECOMMENDATION

THAT Council as the consent authority approve Development Consent to DA2020/0661 for Installation of a Telecommunications Facility (Monopole) with associated equipment shelter on land at Lot 7356 in DP 1167221 Abbott Road, North Curl Curl (Abbott Road Fields), subject to the conditions printed below:

### **DEVELOPMENT CONSENT OPERATIONAL CONDITIONS**

**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:

a) Approved Plans

<b>Architectural Plans - Endorsed with Council's stamp</b>		
<b>Drawing No.</b>	<b>Dated</b>	<b>Prepared By</b>
S2711-P1 (Rev 1)	30 April 2020	Lendlease
S2711-P2 (Rev 1)	30 April 2020	Lendlease
L100 (Rev A)	15 July 2019	Urbis
L101 (Rev A)	15 July 2019	Urbis
L102 (Rev B)	2 August 2019	Urbis
L103 (Rev B)	2 August 2019	Urbis

<b>Reports / Documentation – All recommendations and requirements contained within:</b>		
<b>Report No. / Page No. / Section No.</b>	<b>Dated</b>	<b>Prepared By</b>
Geotechnical Investigation	20 December 2018	AW Geotechnics
Aboricultural Impact Assessment	23 July 2019	Ecological
Environmental EME Report	30 April 2020	Land Lease
EPBC Act Protected Matters Report	1 July 2019	Department of Environment and Energy
Flora and Fauna Assessment and Biodiversity Management Plan	23 July 2019	Ecological
Preliminary Acid Sulfate Soils Assessment	May 2019	Canopy Enterprises

Preliminary Site Investigation inclusive of Supplementary Sampling & Waste Classification	May 2019	Canopy Enterprises
Waterways Impact Statement	23 July 2019	Ecological

b) Any plans and / or documentation submitted to satisfy the Conditions of this consent.

c) The development is to be undertaken generally in accordance with the following:

<b>Waste Management Plan</b>		
<b>Drawing No/Title.</b>	<b>Dated</b>	<b>Prepared By</b>
Waste Management Plan	2 October 2018	P. Marzullo

In the event of any inconsistency between conditions of this consent and the drawings/documents referred to above, the conditions of this consent will prevail.

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

## 2. Compliance with Other Department, Authority or Service Requirements

The development must be carried out in compliance with all recommendations and requirements, excluding general advice, within the following:

<b>Other Department, Authority or Service</b>	<b>EDMS Reference</b>	<b>Dated</b>
Ausgrid	Response Ausgrid Referral	27 July 2020
Natural Resources Access Regulator	Response Natural Resources Access Regulator	1 July 2020

(NOTE: For a copy of the above referenced document/s, please see Application Tracking on Council's website [www.northernbeaches.nsw.gov.au](http://www.northernbeaches.nsw.gov.au))

Reason: To ensure the work is carried out in accordance with the determination and the statutory requirements of other departments, authorities or bodies.

## 3. Prescribed Conditions (Crown Land Only)

(a) All building works must be carried out in accordance with the requirements of the Building Code of Australia (BCA).

Reason: Legislative Requirement.

## 4. General Requirements (Crown Land Only)

(a) Unless authorised by Council:

Building construction and delivery of material hours are restricted to:

- i 7.00 am to 5.00 pm inclusive Monday to Friday,
- i 8.00 am to 1.00 pm inclusive on Saturday,
- i No work on Sundays and Public Holidays. Demolition and excavation works are

restricted to:

- i 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).

(b) 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.

(c) 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.

(d) Where works are to be carried out to a Class 1a building, smoke alarms are to be installed throughout all new and existing portions of that Class 1a building in accordance with the Building Code of Australia prior to the occupation of the new works.

(e) The applicant shall bear the cost of all works associated with the development that occurs on Council's property.

(f) No building, demolition, excavation or material of any nature and no hoist, plant and machinery (crane, concrete pump or lift) shall be placed on Council's footpaths, roadways, parks or grass verges without Council Approval.

(g) Demolition materials and builders' wastes are to be removed to approved waste/recycling centres.

(h) All sound producing plant, equipment, machinery or fittings and the use will not exceed more than 5dB (A) above the background level when measured from any property boundary and/or habitable room(s) consistent with the Environment Protection Authority's NSW Industrial Noise Policy and/or Protection of the Environment Operations Act 1997.

(i) No trees or native shrubs or understorey vegetation on public property (footpaths, roads, reserves, etc.) or on the land to be developed 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.

(j) Prior to the commencement of any development onsite for:

- i) Building/s that are to be erected
- ii) Building/s that are situated in the immediate vicinity of a public place and is dangerous to persons or property on or in the public place
- iii) Building/s that are to be demolished
- iv) For any work/s that is to be carried out
- v) For any work/s that is to be demolished

The person responsible for the development site is to erect or install on or around the development area such temporary structures or appliances (wholly within the development site) as are necessary to protect persons or property and to prevent unauthorised access to the site in order for the land or premises to be maintained in a safe or healthy condition. Upon completion of the development, such temporary structures or appliances are to be removed within 7 days.

(k) Any Regulated System (e.g. air-handling system, hot water system, a humidifying system, warm-water system, water-cooling system, cooling towers) as defined under the provisions of the Public Health Act 2010 installed onsite is required to be registered with Council prior to operating.

Note: Systems can be registered at [www.northernbeaches.nsw.gov.au](http://www.northernbeaches.nsw.gov.au)

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



## 5. Compliance with Standards (Crown Land Only)

The development is required to be carried out in accordance with all relevant Australian Standards.

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

## FEES / CHARGES / CONTRIBUTIONS

## 6. Policy Controls

Northern Beaches 7.12 Contributions Plan 2019

A monetary contribution of \$2,499.75 is payable to Northern Beaches Council for the provision of local infrastructure and services pursuant to section 7.12 of the Environmental Planning & Assessment Act 1979 and the Northern Beaches Section 7.12 Contributions Plan 2019. The monetary contribution is based on a development cost of \$249,975.22.

The monetary contribution is to be paid prior to the issue of the first Construction Certificate or Subdivision Certificate whichever occurs first, or prior to the issue of the Subdivision Certificate where no Construction Certificate is required. If the monetary contribution (total or in part) remains unpaid after the financial quarter that the development consent is issued, the amount unpaid (whether it be the full cash contribution or part thereof) will be adjusted on a quarterly basis in accordance with the applicable Consumer Price Index. If this situation applies, the cash contribution payable for this development will be the total unpaid monetary contribution as adjusted.

The proponent shall provide to the Certifying Authority written evidence (receipt/s) from Council that the total monetary contribution has been paid.

The Northern Beaches Section 7.12 Contributions Plan 2019 may be inspected at 725 Pittwater Rd, Dee Why and at Council's Customer Service Centres or alternatively, on Council's website at [www.northernbeaches.nsw.gov.au](http://www.northernbeaches.nsw.gov.au)

This fee must be paid prior to the issue of the Construction Certificate. Details demonstrating compliance are to be submitted to the Principal Certifying Authority.

Reason: To provide for contributions in accordance with the Contribution Plan to fund the provision of new or augmented local infrastructure and services.

## 7. Security Bond

A bond (determined from cost of works) of \$1,500 and an inspection fee in accordance with Council's Fees and Charges paid as security are required to ensure the rectification of any damage that may occur to the Council infrastructure contained within the road reserve adjoining the site as a result of construction or the transportation of materials and equipment to and from the development site.

An inspection fee in accordance with Council adopted fees and charges (at the time of payment) is payable for each kerb inspection as determined by Council (minimum (1) one inspection).

All bonds and fees shall be deposited with Council prior to Construction Certificate or demolition work commencing, and details demonstrating payment are to be submitted to the Certifying Authority prior to the issue of the Construction Certificate.

To process the inspection fee and bond payment a Bond Lodgement Form must be completed with the payments (a copy of the form is attached to this consent and alternatively a copy is located on Council's website at [www.northernbeaches.nsw.gov.au](http://www.northernbeaches.nsw.gov.au)).

Reason: To ensure adequate protection of Council's infrastructure.

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

### 8. Prior to construction certificate - Acid Sulfate Management

Prior to works commencing an Acid Management Plan as required by the Preliminary Assessment by Urbis Pty Ltd May 2020 shall be prepared to the satisfaction of the Certifying Authority.

Reason: To ensure Acid Sulfate Soil is properly managed.

### 9. Working and Access to Reserves Permit

Works (undertaken by principal contractors working without Council supervision) on Land owned or managed by Council require a "Working on Reserves" permit prior to commencement.

Applications can be obtained from Council's website or the Parks and Recreation business unit. Reason: public safety and the protection of Council infrastructure.

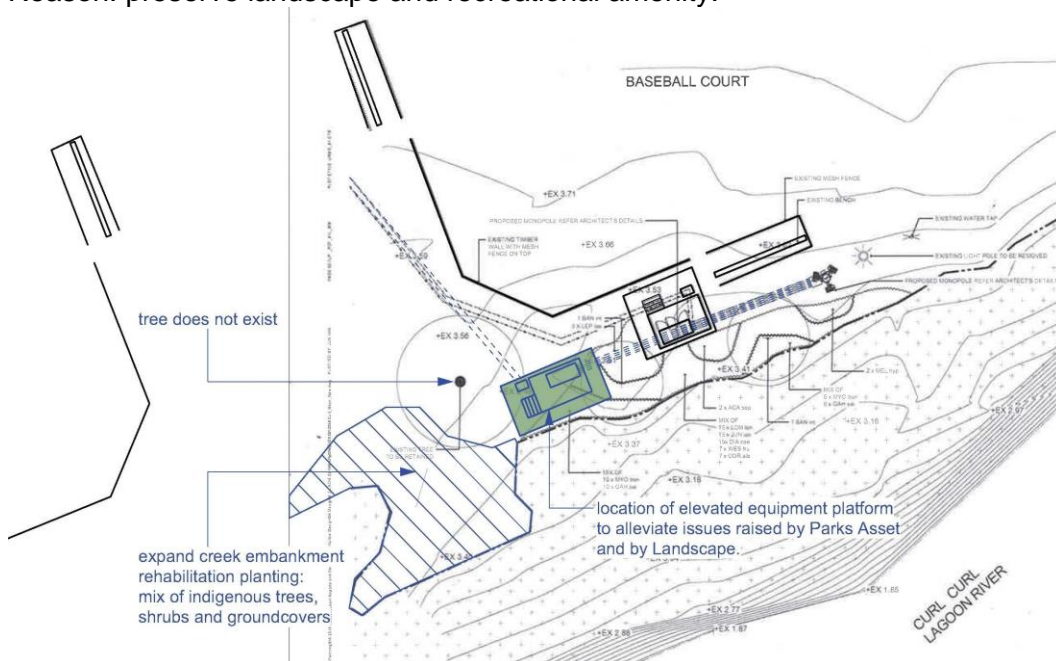
### 10. Amended Landscape Plan

An Amended Landscape Plan shall be issued to the Certifying Authority prior to the issue of a Construction Certificate to include the following details:

- i) relocation of the elevated equipment platform, as per attached sketch,
- ii) additional creek embankment rehabilitation planting containing a mix of indigenous trees, shrubs and groundcovers.

Certification shall be provided to the Certifying Authority that these amendments have been documented.

Reason: preserve landscape and recreational amenity.



### 11. Flooding

In order to protect property and occupants from flood risk the following is required:

#### Building Components and Structural Soundness – C1

All new development shall be designed and constructed as flood compatible buildings in accordance with Reducing Vulnerability of Buildings to Flood Damage: Guidance on Building in Flood Prone Areas, Hawkesbury-Nepean Floodplain Management Steering Committee (2006).

#### Building Components and Structural Soundness – C2

All new development must be designed and constructed to ensure structural integrity up to the **Flood Planning Level of 4.16m AHD**, taking into account the forces of floodwater, wave action, flowing water with debris, buoyancy and immersion. Structural certification shall be provided confirming the above.

#### Building Components and Structural Soundness – C3

All new electrical equipment, power points, wiring, fuel lines, sewerage systems or any other service pipes and connections must be waterproofed and/or located above the Flood Planning Level of 4.16m AHD.

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

**Reason:** To reduce the impact of flooding and flood liability on owners and occupiers of flood-prone property and reduce public and private losses in accordance with Council and NSW Government policy.

#### **12. Project Ecologist**

A Project Ecologist is to be employed for the duration of the approved works to ensure all bushland protection measures are carried out according to the conditions of consent. The Project Ecologist will provide certification that conditions relating to the Biodiversity Management Plan (Eco Logical Australia 2019) are carried out. The Project Ecologist will ensure that all conditions relating to the biodiversity management of the property are fully implemented.

The Project Ecologist must have one of the following memberships/accreditation

- i Practising member of the NSW Ecological Consultants Association OR
- i Biodiversity Assessment Method assessor accreditation under the NSW Biodiversity Conservation Act 2016

Reason: To ensure bushland management.

#### **13. Implementation of Flora and Fauna Assessment Recommendations and Biodiversity Management Plan**

All requirements in the John Fisher Park Telecommunications Facility - Flora and Fauna Assessment and Biodiversity Management Plan (Eco Logical Australia 2019) are to be implemented prior, during and post construction.

Details demonstrating pre-construction compliance are to be certified by the project ecologist and submitted to the Certifying Authority prior to the issue of the Construction Certificate.

Reason: Biodiversity/Vegetation Conservation and Management.

### **CONDITIONS THAT MUST BE ADDRESSED PRIOR TO ANY COMMENCEMENT**

#### **14. Installation and Maintenance of Sediment and Erosion**

Prior to commencement of works on site, sediment and erosion controls must be installed along the immediate downslope of the works area, in accordance with Landcom's 'Managing Urban Stormwater: Soils and Construction' (2004). The erosion controls shall be maintained in an operational condition until the development activities have been completed and the site fully stabilised. Sediment shall be removed from the sediment controls following each heavy or prolonged rainfall period.

Techniques used for erosion and sediment control on site are to be adequately maintained and monitored at all times, particularly after periods of rain, and shall remain in proper operation until all development activities have been completed and the site is sufficiently stabilised with vegetation.

Reason: to protect the surrounding environment from the effects of sedimentation and erosion from the site.

**15. Dilapidation Report of Land owned or managed by Council**

A dilapidation report established at the commencement of the works shall contain a survey of pre-existing land features including photographic record of the Land under Council's care control and management adjoining the development, detailing the physical condition of items such as, but not exclusively limited to, natural waterways, native vegetation, sporting facilities and amenities, sports field surfacing and markings, and other physical assets such as crossovers, driveways, footpaths, utilities, furniture, play equipment, gardens, bushland, and any rock outcrops.

This dilapidation report shall be submitted to Council and the Certifying Authority prior to commencement of works, and shall be the basis for rectification of any damage to Council's assets as listed in the Post Construction Dilapidation report submitted prior to the issue of the Occupation Certificate.

Any damage to Council's public assets shall be made good by the applicant and/or the contractor like for like, to the satisfaction of Council.

The applicant may be held liable to any damage to public infrastructures in the vicinity of the site, where such damage is not accurately recorded under the requirements of this condition. In this regard, where required, the damage deposit lodged by the applicant may be used by Council to repair such damage on Council's property.

Reason: protection of Council's assets.

**16. Construction Management Plan - Council Assets**

Prior to commencement of works on site, appropriate environmental site management measures must be in place and incorporate the following throughout demolition and construction:

- i) access to and from the site during construction and demolition,
- ii) safety and security of the site, road and footpath area including details of proposed fencing, hoarding and lighting,
- iii) methods of loading and unloading machinery and building materials,
- iv) location of storage materials, excavation and waste materials,
- v) methods to prevent material being tracked off the site onto surrounding roadways and waterways,
- vi) erosion, sediment and dust control measures, and
- vii) protection of existing trees and vegetation including the tree protection zone, in accordance with AS 4970-2009 Protection of Trees on Development Sites,
- viii) consideration of organised community sports use of the land in close proximity to development works to ensure no impact upon such recreational activities.

During works, the site management measures set out in the above must remain in place and be maintained until the completion of works.

Construction materials must not be stored on Land owned or managed by Council without approval and without prior identification of required areas within the Construction Management Plan. Safe pedestrian access free of trip hazards must be maintained at all times on or adjacent to any public access routes connected to Land owned or managed by Council.

Reason: to protect the surrounding environment from the effects of sedimentation and erosion from the site.

**17. Installation and Maintenance of Sediment Control**

Prior to any works commencing on site, including demolition, sediment and erosion controls must be installed in accordance with Landcom's 'Managing Urban Stormwater: Soils and Construction' (2004). Techniques used for erosion and sediment control on site are to be adequately maintained and monitored at all times, particularly after periods of rain, and shall remain in proper operation until all development activities have been completed and the site is sufficiently stabilised with vegetation.

Reason: To protect the surrounding environment from the effects of sedimentation and erosion from the site.

**18. Acid Sulfate Soil**

The Acid Management Plan (as required by the Preliminary Assessment by Urbis Pty Ltd May 2020) shall be complied with during construction and records of disposal or treatment on site of Acid Sulfate Soil shall be supplied to the Certifying Authority.

Reason: To ensure the management of Acid Sulfate Soil and to protect the Environment.

**19. Protection of trees and vegetation within Land owned or managed by Council**

Unless identified by the development consent, existing trees and vegetation shall be protected in accordance with AS4970- 2009 Protection of Trees on Development Sites, with particular reference to Section 4, with no ground intrusion into the tree protection zone and no trunk, branch nor canopy disturbance.

Should any problems arise with regard to the existing trees on public land during the construction period, the applicant is to immediately Contact Council's Tree Services section and resolve the matter to Council's satisfaction.

Reason: tree and vegetation protection and management.

**20. Storage of Materials on Land owned or managed by Council**

The dumping of building materials, spoil, vegetation, green waste, or any other material in Land owned or managed by Council is prohibited.

The storage of building materials on Land owned or managed by Council is prohibited, unless identified in the approved Construction Management Plan.

Reason: public safety and environmental protection.

**21. During works -Excavated Material**

Material excavated on the site is to be stored completely covered with a waterproof membrane and tested by an appropriately qualified person for chemical contamination as well as asbestos related material prior to its treatment and reuse on site or disposal to an authorised disposal facility.

(Records of testing, treatment and disposal shall be supplied to the certifying Authority before commissioning of the tower)

Reason: To manage in an environmentally responsible way, potential contaminants in excavated fill material.

**22. Tree and vegetation protection - General**

a) Existing trees and vegetation shall be retained and protected, including:

- i) all trees and vegetation within the site, excluding exempt trees and vegetation under the relevant planning instruments of legislation,
- ii) all trees and vegetation located on adjoining properties,
- iii) all road reserve trees and vegetation.

b) Tree protection shall be undertaken as follows:

- i) tree protection shall be in accordance with Australian Standard 4970-2009 Protection of Trees on Development Sites, including the provision of temporary fencing to protect existing trees within 5 metres of development,
- ii) existing ground levels shall be maintained within the tree protection zone of trees to be retained, unless authorised by an Arborist with minimum AQF Level 5 in arboriculture
- iii) removal of existing tree roots at or >25mm (Ø) diameter is not permitted without consultation with an Arborist with minimum AQF Level 5 in arboriculture,
- iv) no excavated material, building material storage, site facilities, nor landscape materials are to be placed within the canopy dripline of trees and other vegetation required to be retained,
- v) structures are to bridge tree roots at or >25mm (Ø) diameter unless directed by an Arborist with minimum AQF Level 5 in arboriculture on site,
- vi) excavation for stormwater lines and all other utility services is not permitted within the tree protection zone, without consultation with an Arborist with minimum AQF Level 5 in arboriculture including advice on root protection measures,
- vii) should either or all of v), vi) and vii) occur during site establishment and construction works, an Arborist with minimum AQF Level 5 in arboriculture shall provide recommendations for tree protection measures. Details including photographic evidence of works undertaken shall be submitted by the Arborist to the Certifying Authority,
- viii) any temporary access to, or location of scaffolding within the tree protection zone of a protected tree or any other tree to be retained during the construction works is to be undertaken using the protection measures specified in sections 4.5.3 and 4.5.6 of Australian Standard 4970- 2009 Protection of Trees on Development Sites,
- ix) the activities listed in section 4.2 of Australian Standard 4970-2009 Protection of Trees on Development Sites shall not occur within the tree protection zone of any tree on the lot or any tree on an adjoining site
- x) tree pruning from within the site to enable approved works shall not exceed 10% of any tree canopy, and shall be in accordance with Australian Standard 4373-2007 Pruning of Amenity Trees.
- xi) the tree protection measures specified in this clause must: i) be in place before work commences on the site, and ii) be maintained in good condition during the construction period, and iii) remain in place for the duration of the construction works.

The Certifying Authority must ensure that:

- c) The activities listed in section 4.2 of Australian Standard 4970-2009 Protection of Trees on Development Sites, do not occur within the tree protection zone of any tree, and any temporary access to, or location of scaffolding within the tree protection zone of a protected tree, or any other tree to be retained on the site during the construction, is undertaken using the protection measures specified in sections 4.5.3 and 4.5.6 of that standard.

Note: All street trees within the road verge and trees within private property are protected under Northern Beaches Council development control plans, except where Council's written consent for removal has been obtained. The felling, lopping, topping, ringbarking, or removal of any tree

(s) is prohibited.

Reason: tree and vegetation protection.

### **23. Condition of existing trees and vegetation**

During the construction period the applicant is responsible for ensuring all existing trees and vegetation required to be retained are maintained in a healthy and vigorous condition. This is to be done by ensuring that all identified protection measures are adhered to, or by seeking arboricultural advice from an Arborist with minimum AQF Level 5 in arboriculture during the works. In this regard all protected trees and vegetation shall not exhibit:

- i) a general decline in health and vigour,
- ii) damaged, crushed or dying roots due to poor pruning techniques,
- iii) more than 10% loss or dieback of roots, branches and foliage,

- iv) mechanical damage or bruising of bark and timber of roots, trunk and branches,
- v) yellowing of foliage or a thinning of the canopy untypical of its species, an increase in the amount of deadwood not associated with normal growth,
- vi) an increase in kino or gum exudation,
- vii) inappropriate increases in epicormic growth that may indicate that the plants are in a stressed condition,
- viii) branch drop, torn branches and stripped bark not associated with natural climatic conditions.

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 and vegetation.

**24. Off-site Disposal of Contaminated Soil - Chain of Custody**

'Chain of Custody' documentation shall be kept and submitted for the transport and disposal of any contaminated excavation fill material from the site .

Details demonstrating compliance are to be submitted to the Principal Certifying Authority and Council within seven (7) days of transport.

Reason: For protection of the environment

**25. Survey Certificate**

A survey certificate prepared by a Registered Surveyor at the following stages of construction:

- (a) At completion of the monopole and installation of antennas confirming the finished height is in accordance with levels indicated on the approved plans.

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

Reason: To determine the height of the structure under construction comply with levels shown on approved plans.

**CONDITIONS WHICH MUST BE COMPLIED WITH PRIOR TO THE ISSUE OF THE OCCUPATION CERTIFICATE**

**26. Landscape completion**

Landscaping is to be implemented in accordance with the approved Amended Landscape Plan.

Prior to the issue of an Occupation Certificate, a landscape report prepared by a landscape architect or landscape designer shall be submitted to the Certifying Authority, certifying that the landscape works have been completed in accordance with any conditions of consent.

Reason: environmental amenity.

**27. Post Construction Dilapidation Report of Land owned or managed by Council**

Rectification works to Council's assets shall be contained in a Post Construction Dilapidation report submitted to Council prior to the issue of the Occupation Certificate.

The applicant may be held liable to any damage to public infrastructures in the vicinity of the site, where such damage is not accurately recorded under the requirements of this condition.

In this regard, where required, the damage deposit lodged by the applicant may be used by Council to repair such damage on Council's property.

Reason: protection of Council's assets.

**28. Certification of sports flood lighting levels**

Written certification by a suitably qualified professional is to be provided to Council prior to the use of the new lights to demonstrate that the lighting complies with the requirements of AS4282- 1997 'Control of the Obtrusive Effects of Outdoor Lighting' and AS256 -2007 Sports Lighting.

Reason: ensure residential premises are not affected by inappropriate or excessive illumination and that appropriate illumination levels are provided for sport and recreation.

**29. Removal of All Temporary Structures/Materials and Construction Rubbish**

Once construction has been completed all silt and sediment fences, silt, rubbish, building debris, straw bales and temporary fences/bunds are to be removed from the site.

Details demonstrating compliance are to be submitted to the Certifying Authority prior to the issue of any Occupation Certificate.

Reason: to protect reserve amenity and public safety.

**30. Prior to completion of all work and ongoing use**

The levels of radio frequency (RF) electromagnetic energy (EME) around the wireless base station shall be measured by a suitably qualified person using methodology developed by the Australian Radiation Protection and Nuclear Safety Agency (ARPANSA) and a certificate of compliance with applicable standards shall be issued to the certifying Authority and a copy to Council.

Levels shall include those from all sources in the area to 500m distance from the tower so the accumulative impact is documented.

Reason: To ensure the levels of radio frequency (RF) electromagnetic energy (EME) are compliant with Australian Standards and do not pose a risk to the community.

**31. Records required -excavated material**

Records of testing , treatment and disposal of excavated material shall be supplied to the certifying Authority before commissioning of the tower.

Reason: To document the management of potential contaminants in excavated fill material

**32. Certification of Planting, Biodiversity Management and ongoing work**

The Project Ecologist or Ecological Consultant is to certify that:

- a) Native plant selection and planting as per John Fisher Park Telecommunications Facility - Flora and Fauna Assessment and Biodiversity Management Plan has been completed;
- b) All actions prescribed in the approved John Fisher Park Telecommunications Facility - Flora and Fauna Assessment and Biodiversity Management Plan have been undertaken fully and where relevant completed and that an appropriate program of regeneration and maintenance has been entered into to comply with requirements of the Plan;
- c) That areas/features requiring protection have been adequately protected and are in an acceptable condition.

Reason: Bushland management



## **ON-GOING CONDITIONS THAT MUST BE COMPLIED WITH AT ALL TIMES**

**33. Environmental and priority weed control**

All weeds within the development works area are to be removed and controlled in accordance with the NSW Biosecurity Act 2015.

Reason: preservation of environmental amenity.

**34. Lighting Spill and Glare**

Flood lighting shall be installed and used to ensure that light spill and glare is contained within the playing areas and non-habitable areas.

Lighting shall be turned off immediately following any approved playing activities and times.

Reason: To ensure that light spill and glare does not adversely impact on residential premises.

**35. Landscape maintenance**

If any landscape materials/components or planting under this consent fails, they are to be replaced with similar materials/components. Trees, shrubs and groundcovers required to be planted under this consent are to be mulched, watered and fertilized as required at the time of planting.

If any tree, shrub or groundcover required to be planted under this consent fails, they are to be replaced with similar species to maintain the landscape theme and be generally in accordance with the approved Amended Landscape Plan.

Reason: to maintain local environmental amenity.

**36. Control of Weeds**

Prior to the completion of works, all priority weeds (as listed under the Biosecurity Act 2015) are to be removed/controlled within the subject site using an appropriately registered control method. Information on weeds of the Northern Beaches can be found at the NSW WeedWise website (<http://weeds.dpi.nsw.gov.au/>). All environmental weeds are to be removed and controlled. Refer to Council website [http://www.pittwater.nsw.gov.au/environment/noxious\\_weeds](http://www.pittwater.nsw.gov.au/environment/noxious_weeds)

Reason: Weed management.

**37. No Planting Environmental Weeds**

No environmental weeds are to be planted on the site. Information on weeds of the Northern Beaches can be found at the NSW WeedWise website (<http://weeds.dpi.nsw.gov.au/>).

Reason: Weed management.

**38. Works to cease if item found**

If any Aboriginal Engravings or Relics are unearthed all work is to cease immediately and the Aboriginal Heritage Office (AHO) and Office of Environment and Heritage (OEH) are to be notified.

Reason: To protect Aboriginal Heritage.

**39. Dead or Injured Wildlife**

If construction activity associated with this development results in injury or death of a native mammal, bird, reptile or amphibian, a registered wildlife rescue and rehabilitation organisation must be contacted for advice.

Reason: To mitigate potential impacts to native wildlife resulting from construction activity.