

Parks, Reserves and Foreshores Referral Response

Application Number:	DA2020/0661
Date:	31/08/2020
To:	Phil Lane
Land to be developed (Address):	Lot 7356 DP 1167221 Crown Licence RI 569549 , 7356 / 1167221 Huston Parade NORTH CURL CURL NSW 2099

Reasons for referral

This application seeks consent for any application on land or land being adjoining or adjacent to any parks, reserves, beaches, or foreshore
And as such, Council's Parks, Reserves and Foreshores officers are required to consider the likely impacts of the proposal.

Officer comments

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.

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 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 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.

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.

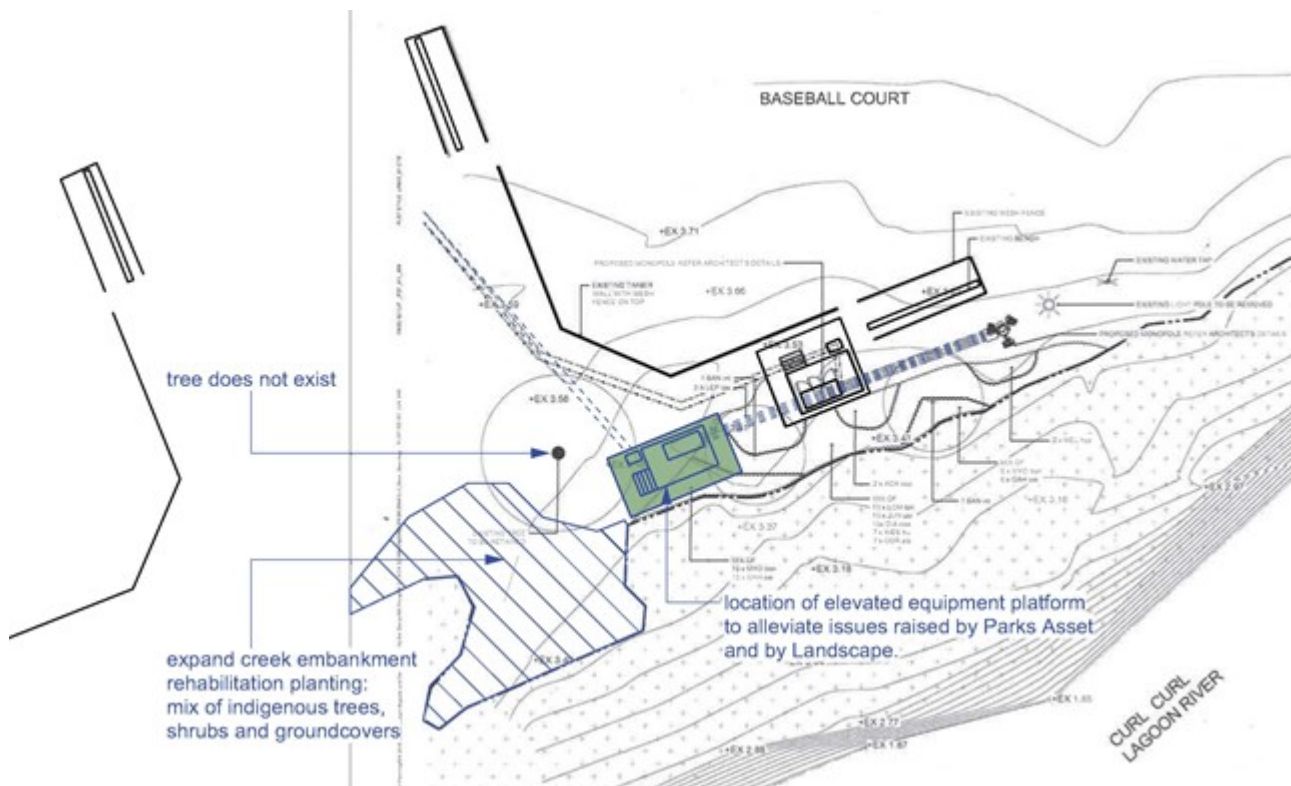
A total of eight suggested locations are analysed for suitability to secure optimal service improvements as outlined in the Statement of Environmental Effects. In consideration of location, analysis of co-location has been undertaken, concluding inadequate location and upgrade options to secure the required 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.

The selected site from the applicant is Field No. 5 at the Abbott Road Sportsground in North Curl Curl.

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.

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:



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.

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:

- repair of ground following excavation works
- ownership of responsibility and procedures for the replacement of Council's floodlighting
- ongoing maintenance of telecommunication facility and equipment, including co-ordination with Council and communications with community
- times of operation for ongoing works

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 Certification of sports flood lighting levels.

The proposal is therefore supported.

Note: Should you have any concerns with the referral comments above, please discuss these with the Responsible Officer.

Parks, Reserves and Foreshores Conditions:

DEVELOPMENT CONSENT OPERATIONAL CONDITIONS

Memorandum of Understanding agreement

The operator of the telecommunication facility shall enter into a Memorandum of Understanding agreement that maintenance associated with the development is to be undertaken by the proponent, 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:

- repair of ground following excavation works
- ownership of responsibility and procedures for the replacement of Council's floodlighting
- ongoing maintenance of telecommunication facility and equipment, including co-ordination with Council and communications with community
- times of operation for ongoing works

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

Working on 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.

CONDITIONS THAT MUST BE ADDRESSED PRIOR TO ANY COMMENCEMENT

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.

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.

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.

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.

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.

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

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.

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.

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.