

DEVELOPMENT APPLICATION ASSESSMENT REPORT

Application Number:	DA2018/1481
Responsible Officer:	Phil Lane
Land to be developed (Address):	Lot 2611 DP 752038, 1 / 0 Veterans Parade NARRABEEN NSW 2101
Proposed Development:	Construction of a telecommunications facility (Monopole tower and associated equipment shelter)
Zoning:	Warringah LEP2011 - Land zoned SP1 Special Activities Warringah LEP2011 - Land zoned E2 Environmental Conservation
Development Permissible:	Yes, under State Environmental Planning Policy (Infrastructure) 2007
Existing Use Rights:	No
Consent Authority:	Northern Beaches Council
Delegation Level:	NBLPP
Land and Environment Court Action:	No
Owner:	RSL LifeCare Limited
Applicant:	Visionstream Australia Pty Ltd
Application lodged:	06/09/2018
Integrated Development:	Yes
Designated Development:	No
State Reporting Category:	Infrastructure
Notified:	22/09/2018 to 22/10/2018
Advertised:	22/09/2018
Submissions Received:	110
Clause 4.6 Variation:	Nil
Recommendation:	Approval
Estimated Cost of Works:	\$ 265,375.00

EXECUTIVE SUMMARY

The proposal is for the construction of a telecommunications facility (mobile phone tower with associated equipment shelter maximum height of 31.3 metres) on the RSL War Veterans Retirement Village site at Narrabeen.

The War Vets site is a large site, having an area of 24.53 hectares and situated in a geographically elevated position on the western slopes of Collaroy Plateau/Narrabeen and also adjoins Narrabeen Lagoon. The site is visually prominent when viewed from areas to the north and west. The site is also

bordered by a low density residential areas to the south and east.

The location of the proposed facility within the subject site is centrally 85 metres from the southern boundary fronting Lantana Avenue and 600m from the eastern boundary of the site with Veterans Parade. Overall, the subject site has a substantial fall from east to west (from Veterans Parade to South Creek and Narrabeen Lagoon) with a fall over 70m (top to bottom), however, the specific area designated for the tower is gently sloping. The fall from the subject site of the proposed monopole to the Darnelles Section of the Village varies some 30m - 40m below in elevation. Additionally, on site there are pockets of dense vegetation and occasional village buildings and roads.

The site is zoned partly SP1 Special Activities and partly E2 Environmental Conservation under Warringah Local Environmental Plan 2011 (WLEP 2011). The specific location of the proposal is in the SP1 zone.

The proposal is a *"telecommunications facility"* as defined under WLEP 2011 and is a prohibited development in the SP1 zone. However, the proposal is permissible by virtue of State Environmental Planning Policy (Infrastructure) 2007, which prevails over WLEP 2011.

The application as originally lodged involved a tower with a maximum overall height of 41.3m (monopole at 40m and the top of the antennas at 41.3m). This was reduced by 5m to 36.3m (35m monopole) after concerns were expressed by Council regarding the excessive height and visual impact of the structure. After a request was made by Council for the applicant to withdraw this application due to concerns in relation to visual impacts, the applicant responded by further reducing the overall height of the structure by another 5m to 31.3m (30m monopole). Additionally, the headframe containing six (6) panel antennae at the top of the monopole will contain (via condition) a compact universal headframe not the standard headframe (currently submitted), further reducing the visual impacts to the surrounding area.

A number of issues and concerns via submissions and petitions have been raised during the assessment of this application, both for and against the proposal, which have been addressed within this report.

The applicant had stated that alternate options were investigated which did not involve a tower. This included the placement of a "low-impact facility" on the top of the Villers-Bretonneux Building within the War Veterans Site, which is 40m to the north of the proposed tower. However, further detailed Radio Frequency (RF) coverage maps have identified that the coverage from this building will not be sufficient to cover the whole village and in particular the most affect parts of the Darnelles at the western lower portion of the subject site and that this option is not viable.

Therefore, on balance and taking on board all the issues and concerns raised by the community both for and against this proposal Council can now support the development. It is considered that the amended proposal will delivery significant benefits to the residents of the War Vets site and also residents outside the village in terms of better mobile communications ensuring necessary links, services and support from and including emergency services. In addition, the 25% reduction in overall height (41.3m down to 31.3m) will lessen the visual impact of the proposal and ensure that the character of the area and the locality is maintained to an acceptable level in this visually sensitive location and setting.

Based on a detailed assessment of the proposal against the applicable planning controls, it is considered that the proposal will satisfy the appropriate controls and that all processes and assessments have been satisfactorily addressed. Therefore, this report recommends approval of the application.

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 Local Environmental Plan 2011 - Warringah Local Environmental Plan 2011

Warringah Local Environmental Plan 2011 - Zone SP1 Special Activities

Warringah Local Environmental Plan 2011 - Zone E2 Environmental Conservation

Warringah Development Control Plan - War Veterans Village, Narrabeen

SITE DESCRIPTION

Property Description:	Lot 2611 DP 752038 , 1 / 0 Veterans Parade NARRABEEN NSW 2101
Detailed Site Description:	The site is described as Lot 1 Veterans Parade, Narrabeen being Lot 2611 within Deposited Plan 752038. The site is made up of a number of lots. The site is located within the SP1 – Special Activities: Seniors Housing Health Services Facility zone. The property also adjoins a E2 Environmental Conservation zone to the west. The is currently used as a seniors housing complex, owned by RSL Lifecare Limited. The immediate area is characterised by the War Veterans RSL Retirement Village residential dwellings and buildings and amenities complex buildings. The adjoining and surrounding area is characterised by

residential dwellings along Lantana Avenue, Ennerdale Crescent, Greystoke Street and Veterans Parade.

It is noted that State Environmental Planning Policy (Infrastructure 2007), contains a provision, Clause 115(1), that enables development, for the purpose of a telecommunication facility, to be carried out by any person on any land with consent from Council. Therefore, telecommunications facilities are permissible in all zones within the Northern Beaches Local Government Area with the consent of the Council as the State Planning Policy overrides Council's Local Environmental Plan (WLEP 2011) which prohibits such development as proposed.

Map:



SITE HISTORY

A search of Council's records has revealed that there are no recent or relevant applications for this site.

The land has been used for residential purposes for an extended period of time.

No prelodgement meeting was held in relation to this proposal prior to lodgement of the development application.

PROPOSED DEVELOPMENT IN DETAIL

The proposal involves the following:

- The construction of a 31.3m high (revised*) mobile phone tower, comprising a monopole and six (6) panel antennas attached to a headframe
- The construction of a Telstra equipment shelter with demension of 3.15 metres deep x 2.38 metres wide x 3.0 metres high to house electrical equipment associated with the facility

- New access to the facility from the existing driveway off Lakeshore Drive
- New underground optical fibre route via Lantana Avenue and underneath the existing amenities building to the east of the subject site (Therapy and Lifestyle Centre at No. 1 Lakeshore Drive)
- A new power supply route from the north of the property via the existing multi storey residential building (known as Villers-Bretonneux Building)
- The construction of a 8m x 8m (64 sqm) fenced (compound) lease area to house the facility
- The construction of a 2.4 metres high standard security fence

(*) The original plans submitted with the application sought approval for a 41.3m high (overall) tower comprising a 40m high monopole and standard headframe measuring 3.2m x 3.2m x 3.2m (triangular in shape).

Amended Plans received 4 April 2019

Amended plans were submitted reducing the overall height to 36.3m and a reduced size headframe.

Amended Plans received 30 July 2019

A further reduction in the overall height to 31.3m was proposed by the Applicant via amended plans received by Council on 30 July 2019. The assessment of the application is against the plans submitted 30 July 2019.

Section 4.15 Matters for Consideration'	Comments
agreement	
Section 4.15 (1) (a)(iv) – Provisions of the Environmental Planning and Assessment Regulation 2000 (EP&A Regulation 2000)	<u>Division 8A</u> of the EP&A Regulation 2000 requires the consent authority to consider "Prescribed conditions" of development consent. These matters have been addressed via a condition of consent. <u>Clauses 54 and 109</u> of the EP&A Regulation 2000, Council requested additional information and has therefore considered the number of days taken in this assessment in light of this clause within the Regulations. Additional information was requested in relation to reduction in the height of the monopole, relocation of the services and monopole and photomontages. Additionally, amendments to the Statement of Environmental Effects (SEE) for the justification of the monopole versus the alternative of locating the telecommunications facility on top of the Villers-Bretonneux Building. Additionally, site coverage maps at heights of 40m, 35m and 30m including a proposed installation on top of the Villers-Bretonneux Building. <u>Clause 92</u> of the EP&A Regulation 2000 requires the consent authority to consider AS 2601 - 1991: The Demolition of Structures. This matter has been addressed via a condition of consent. <u>Clause 98</u> of the EP&A Regulation 2000 requires the consent authority to consider the provisions of the Building Code of Australia (BCA). This matter has been addressed via a condition of consent.
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	(i) Environmental Impact 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 supported based on the reduction in the overall height and the limited impacts on surroundings properties in Lantana Avenue. (ii) Social Impact The proposed development will not have a detrimental social impact in the locality considering the nature of the proposal. However, it is noted that the proposal is intended to provide improved mobile phone coverage to address residents concerns in relation to safety and isolation. (iii) Economic Impact The proposed development will not have a detrimental economic impact on the locality considering the nature of the existing and proposed land use.
Section 4.15 (1) (c) – the suitability of the site for the	The site is considered suitable for the proposed development.

Section 4.15 Matters for Consideration'	Comments
development	
Section 4.15 (1) (d) – any submissions made in accordance with the EPA Act or EPA Regs	See discussion on “Notification & Submissions Received” in this report.
Section 4.15 (1) (e) – the public interest	This assessment has found the proposal to be compliant with the applicable planning controls applying to the site and the type of development, namely SEPP Infrastructure 2007, WLEP and WDCP 2011. The proposal will result in a development which will have an acceptable impact on the visual and scenic quality of the area given the central position of the monopole within the RSL Village, reduction in overall height and therefore limiting the visual intrusion of the structure in views and outlooks presently obtained over the site. On balance, the improvements this facility will provide enhanced mobile phone coverage in the area, the development, as proposed, is considered to be in the public interest.

EXISTING USE RIGHTS

Existing Use Rights are not applicable to this application.

BUSHFIRE PRONE LAND

The property is classified as bush fire prone land. Section 4.14 of the Environmental Planning and Assessment Act 1979 requires Council to be satisfied that the development conforms to the specifications and requirements of the "*Planning for Bush Fire Protection*" document.

A Preliminary Bushfire Assessment was submitted with the application (prepared by Visionstream, dated 3 April 2019) stating that the development conforms to the relevant specifications and requirements listed within the "*Planning for Bush Fire Protection*" document.

NSW Rural Fire Services on 12 April 2019 recommended conditions in accordance with Section 4.14 of the 'Environmental Planning and Assessment Act 1979'.

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 110 submission/s from:

Name:	Address:
Mrs Janette Rachel Williams	44/10 Lakeshore Drive NARRABEEN NSW 2101
Mrs Shirley McLaren	6/10 Lakeshore Drive NARRABEEN NSW 2101
Frances Harrington	8/10 Lakeshore Drive NARRABEEN NSW 2101
Mr David Edward Ineson	133 Powderworks Road ELANORA HEIGHTS NSW 2101

Name:	Address:
Donette Wilma Taylor	2 Parkland Way WARRIEWOOD NSW 2102
Jim Muir	19/5 Endeavour Drive NARRABEEN NSW 2101
Ann Phillips	91/10 Lakeshore Drive NARRABEEN NSW 2101
Ms Susanna Kate Heloise Paul	23 Aubreen Street COLLAROY PLATEAU NSW 2097
Mr Anthony John Philps	21/3 Lakeshore Drive NARRABEEN NSW 2101
Mr John James Cannons	77 Lantana Avenue WHEELER HEIGHTS NSW 2097
Ms Vanda Maree Skavaas	94 Stella Street COLLAROY PLATEAU NSW 2097
Lauren Jamie Armstrong	6 Ennerdale Crescent WHEELER HEIGHTS NSW 2097
Mrs Gertrude Groenendyk Brett Groenendyk	71 Lantana Avenue WHEELER HEIGHTS NSW 2097
Mrs Amy Therese Tickle	110 Parkes Road COLLAROY PLATEAU NSW 2097
Mrs Rachel Joanne Cernecca	75 B Lantana Avenue WHEELER HEIGHTS NSW 2097
Mr Allan Burrows	16/10 Lakeshore Drive NARRABEEN NSW 2101
Mr Scott James Leeson	75 A Lantana Avenue WHEELER HEIGHTS NSW 2097
Mrs Colleen Camelin	23 / 2 - 10 Hawkesbury Avenue DEE WHY NSW 2099
David Allcroft	47/10 Lakeshore Drive NARRABEEN NSW 2101
Ms Cassandra Robyn Sinclair	55 Tennyson Road CROMER NSW 2099
Mr Lee Williams	10 Veterans Parade COLLAROY PLATEAU NSW 2097
Lara Kerby	
Arthur James Skene	57/5 Endeavour Drive NARRABEEN NSW 2101
Domenico Polito	39 Lantana Avenue WHEELER HEIGHTS NSW 2097
Mr Eugenius Johannes Andreas Van Der Kwartel	84 A Rose Avenue WHEELER HEIGHTS NSW 2097
Philip Onyango	
Mr Stuart Leslie Horton	73 Lincoln Avenue COLLAROY NSW 2097
Mr Horst Kuessner	
Mr Nicholas Mirenzi	135 Veterans Parade NARRABEEN NSW 2101
Virginia Kenney	
Peter Macalister Brinkman	21 Lantana Avenue WHEELER HEIGHTS NSW 2097
Mr Anthony Carter	50/10 Lakeshore Drive NARRABEEN NSW 2101
Graydon Conde	
Mr Aaron Mark Gibby	11 / 59 Stuart Street MANLY NSW 2095
Mr Scott Bunnett	149 Veterans Parade NARRABEEN NSW 2101
Mrs Clare Rachel Hozack	80 Veterans Parade WHEELER HEIGHTS NSW 2097
Ms Fiona Judith Rosemary Cowan	137 Veterans Parade NARRABEEN NSW 2101
Kimberley Maree Wilmot	79 Lantana Avenue WHEELER HEIGHTS NSW 2097
Mrs Caroline Jane Mathie	98 Edgecliffe Boulevarde COLLAROY PLATEAU NSW 2097
Russell Murray Radcliffe	67 A Lantana Avenue WHEELER HEIGHTS NSW 2097
Doris Lynette Snowden	83 Lantana Avenue WHEELER HEIGHTS NSW 2097

Name:	Address:
Mr Bernard Crosweller	118/10 Lakeshore Drive NARRABEEN NSW 2101
Valerie Mahn	80/10 Lakeshore Drive NARRABEEN NSW 2101
John Dwyer	51/10 Lakeshore Drive NARRABEEN NSW 2101
Ian Robert Graves	12 / 1 Eastbank Avenue COLLAROY NSW 2097
Mr Les Hubble	Villa 9 10 Lakeshore Drive The Dardanelles NARRABEEN NSW 2101
Colin T Harris	20/10 Lakeshore Drive NARRABEEN NSW 2101
John Brian Coleman Freda Jean Coleman	83 Quirk Street DEE WHY NSW 2099
Joanna Golding	13 / 51 McDonald Street FRESHWATER NSW 2096
Ms Karyn Alicia Snowden	2 / 77 Whistler Street MANLY NSW 2095
Mr Gregg Walkom	87 Lantana Avenue WHEELER HEIGHTS NSW 2097
Mrs Gemma Lee Strong	105 Essilia Street COLLAROY NSW 2097
Mrs Shannon Hope Mills	20 Windermere Place WHEELER HEIGHTS NSW 2097
Alison Clinch	3 Orlando Road CROMER NSW 2099
Samuel David Hart Ms Melanie Michelle Hart	20 Tarra Crescent DEE WHY NSW 2099
Mrs Noelene Joy Cheney	28 Ennerdale Crescent WHEELER HEIGHTS NSW 2097
Mrs Rowena Kirsty Grenenger	79 A Lantana Avenue WHEELER HEIGHTS NSW 2097
Mrs Renee Adel Nicholson	23 Acacia Street COLLAROY PLATEAU NSW 2097
Mr Ian Jon Kalms	26 Heather Street WHEELER HEIGHTS NSW 2097
Mrs Katherine Eloise O'Connor	20 Kirkstone Road WHEELER HEIGHTS NSW 2097
Mr Dean Francis Gleeson	14 Macquarie Street CROMER NSW 2099
Mr Glenn Slater	70 Fuller Street COLLAROY PLATEAU NSW 2097
Withheld	WHEELER HEIGHTS NSW 2097
Julie Anne Dahlberg	59 Lantana Avenue WHEELER HEIGHTS NSW 2097
Mrs Heather Proctor	
Mr Rhys John Richards	61 Lantana Avenue WHEELER HEIGHTS NSW 2097
Ms Kristen Morgan	36 Lindley Avenue NARRABEEN NSW 2101
Christina Hinton	25 Iluka Avenue ELANORA HEIGHTS NSW 2101
Ms Taylor Katherine Bellomo	98 Wakehurst Parkway ELANORA HEIGHTS NSW 2101
Maryann Rose Murphy	13 Loftus Street NARRABEEN NSW 2101
Ms Chelsea Anne Boland	16 Plateau Road COLLAROY PLATEAU NSW 2097
Sonia Alice Carr	2 / 18 Ramsay Street COLLAROY NSW 2097
Mrs Shaylene Jasmin Olivey Mr Rhys Nathan Olivey	9 A Carawa Road CROMER NSW 2099
Mr John Malcolm Hillard Deborah Claire O'Flynn	13 Fuller Street COLLAROY PLATEAU NSW 2097
Mr Gerry Amrod Ramdeen Mrs Joanna Elizabeth Ramdeen	133 Veterans Parade NARRABEEN NSW 2101

Name:	Address:
Mr Brook Eadie Mrs Leah Justine Eadie	22 Dorothy Street CROMER NSW 2099
Mrs Bronwyn Lesley Wassell	32 Wabash Avenue CROMER NSW 2099
Mr Rex Stanley Harding Diane June Harding	42 Ennerdale Crescent WHEELER HEIGHTS NSW 2097
Mr Roger George Williams	35 Lantana Avenue WHEELER HEIGHTS NSW 2097
Robert Gray	
John Sowden	
Mr Robert John MacLennan	1 / 941 Pittwater Road COLLAROY NSW 2097
Jan Watson Mr Warren William Watson	45 Taiyul Road NORTH NARRABEEN NSW 2101
Richard Hughes	
Frank Coleman	78/1 Lakeshore Drive NARRABEEN NSW 2101
Mr Michael John Kadwell Mrs Nola Constance Kadwell	89 Central Road AVALON BEACH NSW 2107
Richard George Hannaby Mrs Judith Anne Hannaby	8 Judith Place CROMER NSW 2099
Elizabeth Thomas Mr Denis Duross	62/10 Lakeshore Drive NARRABEEN NSW 2101
Mr Scott Hugh Miller	14 / 3 Wetherill Street NARRABEEN NSW 2101
Shirley Walsh	103/10 Lakeshore Drive NARRABEEN NSW 2101
Ms Jennifer Kathleen Millard	13 Eastbank Avenue COLLAROY NSW 2097
Ross Fairhall	4/10 Lakeshore Drive NARRABEEN NSW 2101
Mr Alan Henry Edmonds	25 Ambleside Street WHEELER HEIGHTS NSW 2097
Paul Anthony Macqueen Angela Macqueen	23 Edgecliffe Boulevarde COLLAROY PLATEAU NSW 2097
Jill Hyslop	128/10 Lakeshore Drive NARRABEEN NSW 2101
Donald Hyslop	1 Ralston Avenue BELROSE NSW 2085
Vicki Seffadj	
Brian Edward Workman	60 Elanora Road ELANORA HEIGHTS NSW 2101
Douglas Swinburn	
Kay Thiel	
Yvonne Dive	13/10 Lakeshore Drive NARRABEEN NSW 2101
Ms Denise Byers	66/10 Lakeshore Drive NARRABEEN NSW 2101
Anne Wood	84/10 Lakeshore Drive NARRABEEN NSW 2101
Bryan Lewis Nicholas Joan Nicholas	54/10 Lakeshore Drive NARRABEEN NSW 2101
Miss Colette Cranmer	
Fiona Margaret Woolley	32 Duncan Crescent COLLAROY PLATEAU NSW 2097
Sue Mcgrath	213/6 Jersey Place CROMER NSW 2099
Brian Thiel	7/4 Colooli Street NARRABEEN NSW 2101
Mr Kenneth John Gilkes	222 Willandra Road CROMER NSW 2099

Name:	Address:
Mr Elton William Ray	12 Kendal Crescent WHEELER HEIGHTS NSW 2097

The notification and advertising of the application resulted in 110 individual submissions. In addition a petition with 802 signatures against the proposal and a petition with 571 signatures in favour of the proposal (as at 6 August 2019).

The following issues were raised in the submissions:

- Sufficient level of existing telecommunications;
- Inappropriate development in residential area'
- The proposal has not been designed to minimise the visual impact;
- Not consistent with the Environmental Conservation (E2) zone or the Seniors Housing Health Services Facility (SP1) zone;
- Not consistent with existing development in the area;
- The detrimental health impacts of 5G radio transmission technologies on schools and surrounding environment habitats have not been adequately tested;
- Construction of an underground service line will Impact on existing vegetation;
- The tower will impact native animals;
- Construction traffic;
- Precedence for future communication towers;
- Notification was not provided to all residents with the 500m coverage range of the tower;
- Political donations (Section 2.8 of the Development Application Form);
- Greater consideration should be given to alternative locations;
- Communications Alliance Ltd. C564:2011 Industry Code - Mobile Phone Base Station Deployment;
- Existing unreliable service coverage, for landlines and mobiles;
- Benefit for the community in terms of health, safety and welfare including medical devices that rely on reception;
- Devaluation of properties;
- Reduced tower size will reduce options for other service providers; and
- A number of signers for the petition in opposition are out of area (live outside Northern Beaches LGA)

The matters raised within the submissions are addressed as follows:

- ***Sufficient level of existing telecommunications***

Comment: Issues were raised that there is currently a sufficient level of coverage within the area and this development is not required. The applicant contends that additional service is required and it is noted within submissions from within the RSL Village of a poor level of service(s) . Accordingly, Council is not required to determine what is sufficient but rather assess the proposal on its merit as lodged. Therefore, this does not warrant amendment or refusal of the application.

- ***Inappropriate development in a residential area***

Comment: Issues were raised that the proposed monopole constitutes as inappropriate development within a residential area.

As the demand grows for faster telecommunications services, the only way to provide these improved services is through the construction of additional telecommunication infrastructure such as monopoles, panels and other cells. There are numerous telecommunication infrastructure/services within the surrounding area that are visible from both public areas and private residential properties.

Surrounding monopoles are located within industrial, commercial, semi-rural, rural, recreation and residential areas. Therefore, it is considered that the location of the proposed telecommunications services is appropriate as the location, height, colour and sizing of the headframe (compact) will ensure adequate visual relief to the adjoining and surrounding properties and other surrounding areas/spaces.

Therefore, it is considered that this item has been addressed and does not warrant amendment or refusal of the application.

- ***The proposal has not been designed to minimise visual impact***

Comment: The applicant has amended the height of the monopole by reducing the proposed structure from the original height of 41.3m (overall height) to 36.3m (overall height) and then finally to 31.3m (overall height). In addition alternatives for the the headframe have been given to Council for consideration which are the standard headframe and a universal compact headframe. It is considered that a universal compact headframe will reduce the visual impact of the development, this is demonstrated in Figures 2 and 3 below.

Figure 2: Universal Compact Headframe

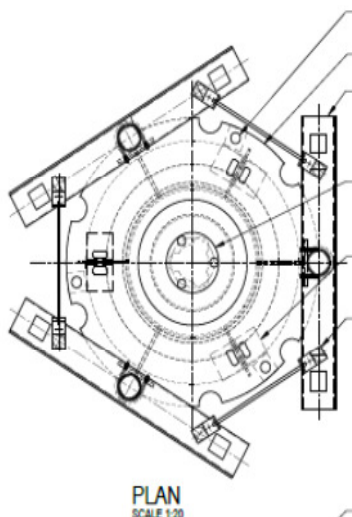
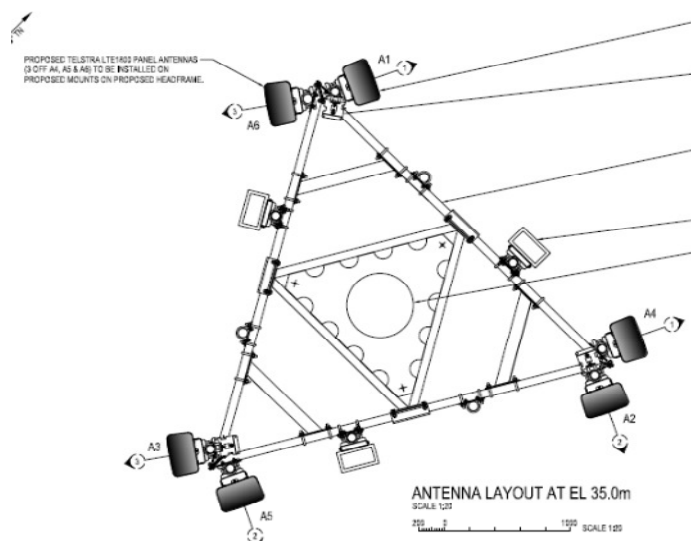


Figure 3: Standard Headframe



The applicant also completed a visual analysis from a number of locations surrounding the

proposed site. These photomontages are included as a separate attachment (see Attachment 1) to this assessment report.

A number of site inspections to address the visual impact were undertaken during the assessment of this application. The proposed location for the monopole telecommunications structure maybe seen from some properties within the nearby vicinity of Lantana Avenue. However, the structure will be largely screened by the surrounding tree canopy, and the existing built form to ensure that the proposed will have minimal impact on the surrounding amenity of adjoining properties, public spaces and vantage points.

Therefore, it is considered that the visual impact of the addressed and does not warrant amendment or refusal of the application.

- ***Not consistent with the Environmental Conservation (E2) zone or the Seniors Housing Health Services Facility (SP1) zone***

Comment: The site is located within the SP1 Special Activities zone under the Warringah Local Environmental Plan 2011. The objectives of the zone are as follows:

- *"To provide for special land uses that are not provided for in other zones.*
- *To provide for sites with special natural characteristics that are not provided for in other zones.*
- *To facilitate development that is in keeping with the special characteristics of the site or its existing or intended special use, and that minimises any adverse impacts on surrounding land."*

The proposed telecommunications infrastructure is required to provide improved mobile coverage, particularly to the residents of the RSL Lifecare Retirement Village and the residents in the surrounding areas. The telecommunications facility is located on a relatively small area of land, combined with the chosen location where the existing buildings and vegetation assist in screening the proposal. It is therefore considered that the proposal will not have detrimental impacts on surrounding land and therefore achieves the objectives of the zone.

It is noted that within the State Environmental Planning Policy (Infrastructure 2007), there is a provision, Clause 115(1), that enables development, for the purpose of a telecommunication facility, to be carried out by any person on any land with consent from Council. Therefore, telecommunications facilities are permissible in all zones within the Northern Beaches Local Government Area with the consent of the Council.

Therefore, it is considered that this item has been addressed and does not warrant amendment or refusal of the application.

- ***Not consistent with existing development in the area***

Comment: Issues were raised that the proposal is inconsistent with existing development in the area. The location and design of the proposal is to enable improved telecommunications via the ability to operate on the line of sight and triangulation with surrounding base stations and other telecommunication facilities. Therefore, the proposed location and height is chosen to ensure the functionality of the telecommunication installation.

The retirement village has a number of large sized buildings. The adjoining Villers-Bretonneux Building is five (5) storeys in height and located approximately 40m from the proposal structure. There are also numerous monopoles of similar height located in close proximity to the proposed location. For example, there is a monopole located at Plateau Park, which is located 1.25km to the southeast and at Narrabeen Fitness Camp which is located 1.5km to the northwest from the proposed subject location.

Therefore, it is considered that this item has been addressed and does not warrant amendment or refusal of the application.

- ***Existing inconsistent and insufficient service coverage, for both landline and mobile***

Comment: Submissions from within the RSL Village have cited poor or inadequate service(s) as being the justification for the proposal. Council is not required to determine what is sufficient but rather assess the proposal on its planning and environmental merits. This is a matter to be resolved between the service provider and the management/owners of the village. Therefore, this does not warrant amendment or refusal of the application.

- ***Significantly improve the way residents experience their homes***

Comment: An improved telecommunication service would improve coverage within the surrounding area and allow for a significant improvement in the way of life for surrounding residents, particularly in the RSL Retirement Village. It is considered a reasonable expectation that all members of the public receive a level of service that is afforded to other areas of the Northern Beaches.

It is considered that this item has been addressed and does not warrant amendment or refusal of the application.

- ***Construction of an underground service line will impact existing vegetation***

Comment: A site meeting with the applicant (Visionstream), Telstra (the provider), RSL Lifecare (the owner) and Council was undertaken on 6 February 2019 and on 23 July 2019. Following the site meeting on 6 February 2019, amended plans were received which altered the route of the underground services (such as power) directly from Villers-Bretonneux Building to the north

of the subject site. The fibre optics was also amended to be routed under the Therapy and Lifestyle Centre (No. 1 Lakeshore Drive).

Council's Landscape Advisor has reviewed the amended plans and has raised no objections subject to conditions being imposed on the consent.

It is acknowledged that some pruning of existing vegetation maybe required for the installation of the proposal, however, it is considered that this is reasonable in this instance.

Therefore, it is considered that this item has been addressed and does not warrant amendment or refusal of the application.

- ***The tower will impact native animals***

Comment: The relocation of services (power and fibre optics) will minimise impacts on environmental values within the E2 Conservation zone.

A review of the re-routing of these services was completed by Council's Biodiversity Officer reveals, the previous concerns have been satisfied that the proposal will have minimal impacts on native animals.

Therefore, it is considered that this item has been addressed and does not warrant amendment or refusal of the application.

- **Construction traffic**

Comment: Issues were raised in regards to construction traffic within the local streets for the proposed development. Conditions maybe imposed (subject to approval) to ensure that the construction movements have ensured adequate measures, safety and will minimise impacts to the local traffic network.

Therefore, it is considered that this item has been addressed and does not warrant amendment or refusal of the application.

- **Precedence for future communication towers**

Comment: Issues were raised that this proposal will set a precedent for additional telecommunication towers and other telecommunications infrastructure within the area. However, all applications are considered on their individual merits and any approval of this type of facility will not automatically deemed by others appropriate or worthy of approval. Notwithstanding this, it is noted that additional facilities could be attached to an approved tower as exempt development under SEPP Infrastructure.

This issue does not warrant amendment or refusal of the application.

- **Notification was not provided to all residents with the 500m coverage range of the tower**

Comment: The proposal was notified and advertised in accordance with the provisions of the Warringah Development Control Plan 2011 (Part A.7 Exhibition, Advertisement and Notification of Applications). An advertisement was also placed in the Manly Daily on 22 September 2018 and 143 letters were sent to adjoining and surrounding properties.

Therefore, it is considered that this item has been addressed and does not warrant amendment or refusal of the application.

- **Political donations (Section 2.8 of the Development Application Form)**

Comment: A review of Section 2.8 of the Development Application Form (Political Donations and Gifts Disclosure Statement) was undertaken and it is considered that the form has been filled out correctly and in accordance with Section 147(3) of Environmental Planning Assessment Act 1979.

Therefore, it is considered that this item has been addressed and does not warrant amendment or refusal of the application.

- **Greater consideration should be given to alternative locations**

Comment: The Statement of Environmental Effects (SEE) submitted with the application detailed that Telstra and Visionstream with the RSL Lifecare had initially investigated three (3) locations within the Retirement Village.

Candidate A - 10 Endeavour Drive - rooftop installation

The proposed location was not ideal for radio frequency (RF) purposes and therefore would not meet Telstra's technical requirements.

Candidate B - 3 Lakeshore Drive - rooftop installation (Villers-Bretonneux Building)

The proposed location was initially considered appropriate given its central location within the retirement village and initial preliminary Radio Frequency (RF) predictions. RSL Lifecare undertook their own consultation process with the RSL Lifecare residents. As a result, the consultation concluded that the residents would be more amenable to a new monopole facility nearby rather than a rooftop facility at the proposed location.

Council did raise this issue with the applicant (Visionstream), the provider (Telstra) and the land owner (RSL Lifecare) why this site was not suitable for the installation of a rooftop mounted telecommunication to service the affected areas of the War Vets Village. Under the State Environmental Planning Policy (Infrastructure 2007) there is a provision which allows for a Low Impact Installations which could allow for a rooftop mounted installation up to 8m above the existing building height of 17m and hence the top of the antenna would be at a height of 25m. However, new RF predictions and calculations (see Narrabeen - Area of Coverage Enhancement (Rooftop)) were recently submitted by Telstra demonstrating that this installation would not service all of the village including the areas of the Darnelles at the bottom of the village.

Given the above it is considered that the location is not suitable.

Candidate C - 1 Lakeshore Drive - (formerly 40m, tower, now 30m tower)

The proposed site (as per this application) is located adjacent to No. 1 Lakeshore Drive which is approximately 40m away from the Villers-Bretonneux Building to the north. The site was selected by the applicant (Visionstream), the provider (Telstra) and the owner (RSL Lifecare) as it is centrally located within the retirement village, and it was suggested by the applicant that the surrounding buildings and the mature vegetation would provide screening of the proposed structure.

It is considered that due consideration was demonstrated by the applicant, Telstra and RSL Lifecare prior to the lodgement and during the assessment of this application. Additionally, the overall height of the monopole has been reduced by over 10m (reduction of 25%) due to Council's initial concerns over the visual impacts.

Given the above it is considered that this item has been addressed and does not warrant amendment or refusal of the application.

- ***Communications Alliance Ltd. C564:2011 Industry Code - Mobile Phone Base Station Deployment***

Comment: The applicant (Visionstream) and the provider (Telstra) have complied with the Industry Code as demonstrated below:

"Through the application of a precautionary approach:

- *"Considering all colocation possibilities and opportunities for the facility*
- *Going through a candidate selection process (which was discussed in more detail as part of the SEE)*
- *The precautionary approach checklists (Section 4.1 and 4.2) have been completed and uploaded to the RFNSA.*
- *Providing RF EMR Health and Safety information (including EME Report) to the community. This was discussed in more detail in the SEE and a copy of the EME report was included in the application. The EME Report is also available for download on the RFNSA.*
- *The Code requires sufficient community consultation and part of the planning process. Consultation was done by the North Beaches Council and additional information on the proposed development was also available on the RFNSA."*

Given the above it is considered the proposal has complied with the Code and it is considered that this item has been addressed and does not warrant amendment or refusal of the application.

- **The detrimental health impacts of 5G radio transmission technologies on schools and**

surrounding environment habitats have not been adequately tested

Comment: The application includes an Electromagnetic Energy (EME) Report. As Council is not the Authorised Regulatory Authority (ARA) to assess human exposure levels to radio frequency (EME) emissions, the Australian Radiation Protection and Nuclear Safety Agency (ARPANSA) are the relevant Regulatory Authority to assess and condition any application relating to this matter.

Notwithstanding the above, the EME Report demonstrated that the levels are within the prescribed standards. Therefore, it is considered that this item has been addressed and does not warrant amendment or refusal of the application.

- **Benefit for the community in terms of health, safety and welfare including medical devices that rely on reception**

Comment: Comments were made that there will be a benefit to the community in relation to better reception within the area and that the development is required for this reason. The applicant contends that additional service is required and it is evident from the number of submissions made from persons from within the RSL Village that the current level of service is considered to be average to poor within certain parts of the village. Council is not required to determine what is sufficient in terms of service levels but rather assess the proposal on its planning and environmental merits, however it is acknowledged.

Therefore, this does not warrant amendment or refusal of the application.

- **Devaluation of properties**

Comment: Under Section 4.15 'Matters for Consideration' of the Environmental Planning and Assessment Act 1979 are not a consideration. It is therefore considered that this issue does not warrant amendment or refusal of this application.

- **Reduced tower size will reduce options for other service providers**

Comment: Council is assessing the impacts of the proposed monopole and considering all submissions and petitions for and against this installation. Council has from the initial site inspection in February 2019 with the applicant, provider and the owner had issues over the visual impacts and the height of the structure. The monopole has been reduced from the original height of 40m to 35m and now to 30m to address these concerns while still allowing this provider (Telstra) a service to their customers. It is considered that other service providers may still have the ability to co-locate on this structure (if approved and/or deemed exempt under Federal or State Legalisation) and therefore provide a service to the residents within the village and the surrounding areas (where coverage is available).

- **A number of signers for the petition in opposition are out of area (live outside Northern Beaches LGA)**

Comment: Issues were raised that persons signing the objectors petition were from outside of the Northern Beaches Local Government Area. A petition maybe signed by another person whether they are from within the area or outside of the area just as a submission maybe made by any person (from within the area or outside of the area).

Therefore, it is considered that this issue has been addressed and does not warrant amendment or refusal of the application.

REFERRALS

Internal Referral Body	Comments
Landscape Officer	As a result of attending various site meetings and discussion with the applicant, amended plans have been provided addressing the concerns raised previously. The amended plans have addressed the following landscaping concerns: • The proposed works have been relocated away from the environmentally sensitive zone, • Trees are to be retained • The cable access for services to the pole are relocated to come through the village and not through the environmentally sensitive area • The monopole and mast head heights have been reduced Therefore, based on the amendments proposed, there are no objections raised for the amended proposal subject to imposed conditions.
NECC (Bushland and Biodiversity)	The amended plans have been reviewed and the changes to the design, specifically the re-routing of the fibre optic cable to avoid impacts to native vegetation within the portion of the site zoned E2, negates the need for an ecological assessment as previously requested. Therefore, based on the amended plans there are no objections to the proposal and no conditions are recommended.
NECC (Coast and Catchments)	12 Development on land within the coastal vulnerability area <i>Development consent must not be granted to development on land that is within the area identified as “coastal vulnerability area” on the Coastal Vulnerability Area Map unless the consent authority is satisfied that:</i> (a) <i>if the proposed development comprises the erection of a building or works—the building or works are engineered to withstand current and projected coastal hazards for the design life of the building or works, and</i> (b) <i>the proposed development:</i> (i) <i>is not likely to alter coastal processes to the detriment of the natural environment or other land, and</i> (ii) <i>is not likely to reduce the public amenity, access to</i>

Internal Referral Body	Comments											
	<i>and use of any beach, foreshore, rock platform or headland adjacent to the proposed development, and</i> <i>(iii) incorporates appropriate measures to manage risk to life and public safety from coastal hazards, and</i> <i>(c) measures are in place to ensure that there are appropriate responses to, and management of, anticipated coastal processes and current and future coastal hazards.</i> <u>Comment:</u> The subject land has not been included on the Coastal Vulnerability Area Map under State Environmental Planning Policy (Coastal Management) 2018 (CM SEPP) and in regard to CM SEPP the proposed development is unlikely to cause increased risk of coastal hazards on the subject land or other land. As such, it is considered that the application does comply with the requirements of the State Environmental Planning Policy (Coastal Management) 2018.											
NECC (Riparian Lands and Creeks)	The proposed development should have no adverse impacts or changes to the identified waterways, riparian land or Narrabeen lagoon environment as appropriate erosion and sediment control measures have been conditioned.											
Strategic and Place Planning (Heritage Officer)	<table><tr><th>HERITAGE COMMENTS</th></tr><tr><th>Discussion of reason for referral</th></tr><tr><td>The application has been referred to Heritage as it is within the vicinity of a number of heritage items</td></tr><tr><td><i>Item I30 – ANZAC War Memorial</i></td></tr><tr><td><i>Item I31 – Building known as ‘Legacy Park’</i></td></tr><tr><td><i>Item I32 – Ruins of Wheeler Homestead, War Veterans Home</i></td></tr><tr><th>Details of heritage items affected</th></tr><tr><td>Details of these items as contained in the Warringah heritage inventory are:</td></tr><tr><td><i>Item I30 – ANZAC War Memorial</i></td></tr><tr><td><u>Statement of Significance</u> This memorial has local historical, social and aesthetic significance both as an individual war memorial and due to its association with the War Veterans Village. Typical example of sculptured bas-relief monuments erected during this period.</td></tr><tr><td><u>Physical Description</u> Stone mural of dressed ashlar sandstone with stepped plinth and straight edged capping. Recessed centre panel features bas-relief sculpture of armed ANZAC soldiers.</td></tr></table>	HERITAGE COMMENTS	Discussion of reason for referral	The application has been referred to Heritage as it is within the vicinity of a number of heritage items	<i>Item I30 – ANZAC War Memorial</i>	<i>Item I31 – Building known as ‘Legacy Park’</i>	<i>Item I32 – Ruins of Wheeler Homestead, War Veterans Home</i>	Details of heritage items affected	Details of these items as contained in the Warringah heritage inventory are:	<i>Item I30 – ANZAC War Memorial</i>	<u>Statement of Significance</u> This memorial has local historical, social and aesthetic significance both as an individual war memorial and due to its association with the War Veterans Village. Typical example of sculptured bas-relief monuments erected during this period.	<u>Physical Description</u> Stone mural of dressed ashlar sandstone with stepped plinth and straight edged capping. Recessed centre panel features bas-relief sculpture of armed ANZAC soldiers.
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Internal Referral Body	Comments																					
	Item I31 - Building known as ‘Legacy Park’ <u>Statement of Significance</u> This building has social & historical significance as the first major building of the War Veteran's village complex. Retains much of its original fabric and detailing and is a good representative example of 1930's domestic architecture. <u>Physical Description</u> Two storey brick building with tiled, gabled roof and projecting square tower with clock above front entrance. Two projecting semi-circular wings at rear with colonnades, providing views over Narrabeen Lakes. Item I115 - Ruins of Wheeler Homestead, War Veterans Home <u>Statement of Significance</u> The site has rare and representative qualities through its association with James Wheeler, one of the original settlers of Warringah and for its potential to demonstrate 19th Century land uses, such as farming in the area. <u>Physical Description</u> Site of the Wheeler Homestead is in a small clearing overgrown with weeds. Only parts of the building slab are evident. An important feature of the site is the remnant fruit trees from the original orchard. Site may have further archaeological potential. Photographic evidence from the 1880's of the farm & homestead provides a valuable means of interpreting the history of the site. <table><tr><th colspan="3">Other relevant heritage listings</th></tr><tr><td>Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005</td><td>No</td><td></td></tr><tr><td>Australian Heritage Register</td><td>No</td><td></td></tr><tr><td>NSW State Heritage Register</td><td>No</td><td></td></tr><tr><td>National Trust of Aust (NSW) Register</td><td>No</td><td></td></tr><tr><td>RAIA Register of 20th Century Buildings of Significance</td><td>No</td><td></td></tr><tr><td>Other</td><td>No</td><td></td></tr></table> Consideration of Application The proposal seeks consent for the construction of a telecommunications monopole within part of the War Veterans complex. The larger complex contains three heritage items being the ANZAC War Memorial, the Legacy Park building and the ruins	Other relevant heritage listings			Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005	No		Australian Heritage Register	No		NSW State Heritage Register	No		National Trust of Aust (NSW) Register	No		RAIA Register of 20th Century Buildings of Significance	No		Other	No	
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Other	No																					

Internal Referral Body	Comments
	of the Wheeler Homestead. However, none of these are close to the proposed location of the monopole. The memorial is located over 400m to the east, the ruins are located over 300m to the west and Legacy Park is located over 400m to the north-east. Given the physical separation between the location of the proposed monopole and the heritage items, the proposal is considered to have no impact on the heritage items or their significance. Therefore, heritage raises no objections to the proposal. Consider against the provisions of CL5.10 of WLEP Is a Conservation Management Plan (CMP) Required? No Has a CMP been provided? No Is a Heritage Impact Statement required? No Has a Heritage Impact Statement been provided? No

External Referral Body	Comments
Ausgrid: (SEPP Infra.)	The proposal was referred to Ausgrid. No response has been received within the 21 day statutory period and therefore, it is assumed that no objections are raised and no conditions are recommended.
NSW Rural Fire Service – local branch (s79BA EPAA)	Correspondence was received by the New South Wales Rural Fire Service (NSW RFS) on the 12 April 2019. The NSW RFS has considered the proposed development and has no objections subject to recommended conditions. These conditions have been included within the conditions of the consent.
Aboriginal Heritage Office	There are no objections to the proposal subject to imposed conditions.

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)

SEPP 55 - Remediation of Land

Clause 7 (1) (a) of SEPP 55 requires the Consent Authority to consider whether land is contaminated. Council records indicate that the subject site has been used for residential purposes for a significant

period of time with no prior land uses. 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 residential land use.

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. No response has been received within the 21 day statutory period and therefore, it is assumed that no objections are raised and no conditions are recommended.

Division 21 - Telecommunications Facilities

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 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 1: A Telecommunications Facility should be sited to minimize visual impact

		Comments from Council	Consistent
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Specific Principles	Comments within the Statement of Environmental Effects by the applicant (Visionstream)		
(a) As far as practical, a telecommunications facility that is to be mounted on an existing building or structure should be integrated with the design and appearance of the building or structure. (b) The visual impact of telecommunications facilities should be minimised, visual clutter is to be reduced particularly on tops of buildings, and their physical dimensions (including support mounts) should be sympathetic to the scale and height of the building to which it is to be attached, and sympathetic to adjacent buildings. (c) Where telecommunications facilities protrude from a building or structure and are predominantly backgrounded against the sky, the facility and their support mounts should be either the same as the prevailing colour of the host building or structure, or a neutral colour such as grey should be used.	"(a) to (c) These principles relate to facilities that are located on an existing building or structure and are not directly applicable to new freestanding monopole elements such as those proposed in this instance. As such, these elements are not applicable.	(a) to (c) The applicant (Visionstream) noted three (3) different locations as follows:- Candidate A - No. 10 Endeavour Drive - rooftop installation Candidate B - No. 3 Lakeshore Drive - rooftop installation (Villers-Bretonneux Building) Candidate C - No. 1 Lakeshore Drive - formerly 41.3m tower now 31.3m tower The proposed site (as per this application) is located adjacent to the building at No. 1 Lakeshore Drive. Conclusion:- It is considered that the Candidate B could not deliver acceptable levels of coverage required.	Yes (a to c) (See attachment No. 2 - Coverage Maps)
(d) Ancillary facilities associated with the telecommunications facility should be screened or housed, using the same colour as the prevailing background to reduce its visibility, including the use of existing vegetation where available, or new landscaping where possible	(d) The associated equipment will be housed in a small equipment shelter which is metallic grey or green colour. Given the modest size of the housing units and the surroundings of the proposed site it is anticipated that a colour match of green would reduce the visual impact.	(d) It is considered that the equipment shelter will be adequately screened from the public.	Yes

and practical.	Vegetation surrounding the facility's proposed location serves to reduce any visual impacts of the ancillary equipment.		
(e) A telecommunications facility should be located and designed to respond appropriately to its rural landscape setting.	(e) The facility has been located and designed to respond to its surrounding urban and rural landscape context. This is discussed in detail in Section 8.	e) The amended location and height for this telecommunications structure has now been considered to respond appropriately to the site, surroundings and landscape setting.	Yes
(f) A telecommunications facility located on, or adjacent to, a State or local heritage item or within a heritage conservation area, should be sited and designed with external colours, finishes and scale sympathetic to those of the heritage item or conservation area.	(f) The proposed site is not within any heritage conservation area and is not in close proximity to any heritage items identified in the Warringah LEP.	(f) The proposal is considered to be adequately distant from the Anzac War Memorial Veterans Parade (I30) and Ruins of the Wheeler Homestead, War Veterans Home (I32). The development will have minimal impact on those heritage items (Warringah Local Environmental Plan 2011 - Schedule 5 Environmental Heritage).	Yes
(g) A telecommunications facility should be located so as to minimise or avoid the obstruction of a significant view of a heritage item or place, a landmark, a streetscape, vista or a panorama, whether viewed from public or private land.	(g) The proposed facility is located on private property against the back drop of forestry vegetation. Minimising disruption to views of this landscape has been reduced through the design characteristics of a monopole. Refer Sections 7 and 8.	(g) Given the amended height and distance from the heritage items it is considered that the proposal demonstrates compliance.	Yes
(h) The relevant local government authority must be consulted where the pruning, lopping, or removal of any tree or other vegetation would contravene a Tree Preservation Order applying to the land or where a permit or development consent is required.	(h) It is proposed that a single tree be removed to make provision for the base station. The tree is approximately 12m high with a diameter of 400mm. An additional nearby tree needs to be trimmed to provide for the mast structure. Furthermore, the plantation vegetation adjacent to the proposed facility would not be subject to a Tree	(h) Amendments to the proposal will see that some tree pruning would be required and considered to be satisfactorily addressed (should the application be approved).	Yes

	Preservation Order. As per of the development consent, we require Council to grant us a permit for the removal of the tree as illustrated and listed under Section 11.3.8 of this document.		
(i) A telecommunications facility that is no longer required is to be removed and the site restored, to a condition that is similar to its condition before the facility was constructed.	(i) This aspect could be implemented by a condition of consent if the Council considers it appropriate.	(i) A suitable condition could be applied (should the application be approved).	Yes
(j) The siting and design of telecommunications facilities should be in accordance with any relevant Industry Design Guides.	j) The design and siting approach is discussed in detail in Sections 7 and 8."	(j) As stated previously Council considered that the Candidate B was a better location for this telecommunications installation, however the RF coverage is not sufficient to cover the whole village and therefore the amended proposal is now considered to be supported (subject to conditions).	Yes

Principle 2: Telecommunications Facilities should be co-located wherever possible

Specific Principles	Comments within the Statement of Environmental Effects by the applicant (Visionstream)	Comments from Council	Consistent
(a) Telecommunications lines are to be located, as far as practical, underground or within an existing underground conduit or duct.	(a) N/A – The proposal does not involve the installation of new telecommunications lines.	(a) The proposal requires the installation of new fibre optics underground running from Lantana Avenue under the building located at No. 1 Lakeshore Drive to the proposed monopole and ancillary shelter.	Yes
(b) Overhead lines, antennas and ancillary telecommunications facilities should, where practical, be co-located or attached to existing structures such as buildings,	(b)(c)(d)(e) There are currently no existing carrier telecommunications facilities located in the vicinity, with the required position and/or height and/or structural suitability that are potentially	(b),(c), (d) and (e) As Candidate B (rooftop installation on the Villers-Bretonneux Building) has now been discounted. Candidate C (the proposed monopole) is considered to	Yes

public utility structures, poles, towers or other radio communications equipment to minimise the proliferation of telecommunication facilities and unnecessary clutter, (c) Towers may be extended for the purposes of colocation. (d) The extension of an existing tower must be considered as a practical co-location solution prior to building new towers. (e) If a facility is proposed not to be co-located the proponent must demonstrate that colocation is not practicable.	capable of providing the wireless radio services to the locality on which the proposed equipment can be co-located. (Refer to Section 5 and 6).	satisfy these points. Co-location may be still possible for other telecommunication carriers.	
(f) If the development is for a co-location purpose, then any new telecommunications facility must be designed, installed and operated so that the resultant cumulative levels of radio frequency emissions of the co-located telecommunications facilities are within the maximum human exposure levels set out in the Radiation Protection Standard.	f) N/A – The proposal is not for co-location.	f) The proposal is not for co-location.	Yes

Principle 3: Health Standards for exposure to radio emissions will be met

Specific Principles	Comments within the Statement of Environmental Effects by the applicant (Visionstream)	Comments from Council	Consistent
(a) As far as practical, a telecommunications facility that is to be mounted on an existing building or structure	(a) The proposed installation will comply with Australian Communications and Media Authority	(a) It is considered that the proposed installation will comply with Australian Communications and Media	Yes

should be integrated with the design and appearance of the building or structure.	(ACMA) regulatory arrangements with respect to electromagnetic radiation exposure levels.	Authority (ACMA) regulatory arrangements with respect to electromagnetic radiation exposure levels.	
(b) An EME Environmental Report shall be produced by the proponent of development to which the Mobile Phone Network Code applies in terms of design, siting of facilities and notifications. The Report is to be in the format required by the Australian Radiation Protection Nuclear Safety Agency. It is to show the predicted levels of electromagnetic energy surrounding the development comply with the safety limits imposed by the Australian Communications and Media Authority and the Electromagnetic Radiation Standard, and demonstrate compliance with the Mobile Phone Networks Code.	(b) EME Exposure Levels from this site have been calculated in accordance with the ARPANSA prediction methodology and report format. This report has been provided in Appendix 4. Please also refer to Section 11.3.2 – Public Safety"	(b) A Environmental EME Report was lodged with the application dated 31 May 2018 which have calculated in accordance with the ARPANSA prediction methodology and report format.	Yes

Principle 4: Minimise disturbance and risk, and maximise compliance

Specific Principles	Comments within the Statement of Environmental Effects by the applicant (Visionstream)	Comments from Council	Consistent
(a) The siting and height of any telecommunications facility must comply with any relevant site and height requirements specified by the Civil Aviation Regulations 1988 and the Airports (Protection of Airspace) Regulations 1996 of the Commonwealth. It must not penetrate any obstacle limitation surface shown on any relevant Obstacle Limitation	(a) Sydney Airport is located approximately 25km southwest of the proposed facility. However, the facility is outside of the areas penetrated by the airport's OLS.	(a) The amended height of 31.3m is considered to satisfy this requirement.	Yes

Surface Plan that has been prepared by the operator of an aerodrome or airport operating within 30 kilometers of the proposed development and reported to the Civil Aviation Safety Authority Australia.			
(b) The telecommunications facility is not to cause adverse radio frequency interference with any airport, port or Commonwealth Defense navigational or communications equipment, including the Morundah Communication Facility, Riverina.	b) The base station is designed to create no electrical interference problems with other radio based systems and complies with the requirements of relevant Australian standards in this regard (see Section 11.3.2).	(b) It is considered that the proposal will satisfy this requirement.	Yes
c) The telecommunications facility and ancillary facilities are to be carried out in accordance with the applicable specifications (if any) of the manufacturers for the installation of such equipment.	(c) The base station facilities are designed and will be installed in accordance with any relevant manufacturer specifications. The proposal will comply with the requirements of all relevant Australian Standards.	(c) It is considered that the proposal will satisfy this requirement.	Yes
(d) The telecommunications facility is not to affect the structural integrity of any building on which it is erected.	(d) The facility is not being erected on any existing building or structure.	(d) It is considered that the proposal will satisfy this requirement.	Yes
(e) The telecommunications facility is to be erected wholly within the boundaries of a property where the landowner has agreed to the facility being located on the land.	e) The location and layout of the facilities reflect discussions with the private landowner of Lot 2611 on DP752038, 1 Lakeshore Drive, Narrabeen NSW 2101.	(e) The proposal is located wholly within the boundaries of Lot 2611 on DP752038 located adjacent to No. 1 Lakeshore Drive, Narrabeen (off Lantana Avenue).	Yes
<i>(f) The carrying out of construction of the telecommunications facilities must be in accordance with all relevant regulations of the Blue Book – 'Managing Urban</i>	(f) (h) (i) (j) These matters can be appropriately addressed through the imposition of conditions of development consent where relevant.	(f) Suitable conditions could be applied (should the application be approved).	Yes

<i>Stormwater: Soils and Construction' (Landcom 2004), or its replacement.</i>			
(g) Obstruction or risks to pedestrians or vehicles caused by the location of the facility, construction activity or materials used in construction are to be mitigated.	(g) The proposed facility is to be sited on a private lot and is secured by a fenced compound area to avoid access to the public. The proposal is therefore unlikely to put pedestrians or vehicles at risk.	g) Suitable conditions could be applied to ensure safety during construction, materials used for construction and location (should the application be approved).	Yes
(h) Where practical, work is to be carried out during times that cause minimum disruption to adjoining properties and public access. Hours of work are to be restricted to between 7.00am and 5.00pm, Mondays to Saturdays, with no work on Sundays and public holidays.	(h) Work will be carried out in accordance with the standard hours of work as recommended by council.	(h) Suitable conditions could be applied (should the application be approved).	Yes
(i) Traffic control measures are to be taken during construction in accordance with Australian Standard S1742.3-2002 Manual of uniform traffic control devices – Traffic control devices on roads.	These matters can be appropriately addressed through the imposition of conditions of development consent where relevant.	Suitable conditions could be applied (should the application be approved)	Yes
(j) Open trenching should be guarded in accordance with Australian Standard Section 93.080 – Road Engineering AS1165 – 1982 – Traffic hazard warning lamps.	These matters can be appropriately addressed through the imposition of conditions of development consent where relevant.	Suitable conditions could be applied (should the application be approved)	Yes
(k) Disturbance to flora and fauna should be minimised and the land is to be restored to a condition that is similar to its condition before the work was carried out. <i>(l) The likelihood of</i>	(k)(l) Minimal disturbance to flora and fauna has been achieved by siting the proposed facility on an already predominantly cleared area of land that features the lowest density of vegetation in the immediate area. Vegetation	(k)(l) Amended relocation of services such as the electricity are now directly from the Villers-Bretonneux Building and the fibre optics from Lantana Avenue along Lakeshore Drive and under the building at No. 1 Lakeshore Drive for the fibre	Yes

<i>impacting on threatened species and communities should be identified in consultation with relevant state or local government authorities and disturbance to identified species and communities avoided wherever possible.</i>	clearance has been assessed and is not considered significant, with only one tree to be removed to accommodate the base station.	optics therefore minimising the disturbance to flora and fauna. Suitable conditions will be applied (should the application be approved).	
(m) The likelihood of harming an Aboriginal Place and / or Aboriginal object should be identified. Approvals from the Department of Environment, Climate Change and Water (DECCW) must be obtained where impact is likely, or Aboriginal objects are found.	(m) A search of the AHIMS data base has been completed and it indicates that there are no items of Aboriginal archaeological heritage known to be located on, or in the vicinity of, the site.	(m) The Aboriginal Heritage Office completed a site inspection and provided the following comments: - "There are no objections to the proposal subject to imposed conditions".	Yes
(n) Street furniture, paving or other existing facilities removed or damaged during construction should be reinstated (at the telecommunications carrier's expense) to at least the same condition as that which existed prior to the telecommunications facility being installed.	(n) This is unlikely to occur given the nature of the works, however can be addressed through the imposition of conditions of development consent where relevant."	n) Suitable conditions could be applied (should the application be approved).	Yes

SEPP (Coastal Management) 2018

The site is subject to the SEPP Coastal Management (2018). Accordingly, an assessment under the SEPP has been carried out as follows:

10 Development on certain land within coastal wetlands and littoral rainforests area

- (1) *The following may be carried out on land identified as "coastal wetlands" or "littoral rainforest" on the Coastal Wetlands and Littoral Rainforests Area Map only with development consent:*
- (a) *the clearing of native vegetation within the meaning of Part 5A of the Local Land Services Act 2013,*
 - (b) *the harm of marine vegetation within the meaning of Division 4 of Part 7 of the Fisheries Management Act 1994,*
 - (c) *the carrying out of any of the following:*
 - (i) *earthworks (including the depositing of material on land),*
 - (ii) *constructing a levee,*
 - (iii) *draining the land,*

- (iv) *environmental protection works,*
- (d) *any other development.*

Comment:

Not applicable.

11 Development on land in proximity to coastal wetlands or littoral rainforest

- (1) *Development consent must not be granted to development on land identified as “proximity area for coastal wetlands” or “proximity area for littoral rainforest” on the Coastal Wetlands and Littoral Rainforests Area Map unless the consent authority is satisfied that the proposed development will not significantly impact on:*
 - (a) *the biophysical, hydrological or ecological integrity of the adjacent coastal wetland or littoral rainforest, or*
 - (b) *the quantity and quality of surface and ground water flows to and from the adjacent coastal wetland or littoral rainforest.*

Comment:

Not applicable.

12 Development on land within the coastal vulnerability area

Development consent must not be granted to development on land that is within the area identified as “coastal vulnerability area” on the Coastal Vulnerability Area Map unless the consent authority is satisfied that:

- (a) *if the proposed development comprises the erection of a building or works—the building or works are engineered to withstand current and projected coastal hazards for the design life of the building or works, and*
- (b) *the proposed development:*
 - (i) *is not likely to alter coastal processes to the detriment of the natural environment or other land, and*
 - (ii) *is not likely to reduce the public amenity, access to and use of any beach, foreshore, rock platform or headland adjacent to the proposed development, and*
 - (iii) *incorporates appropriate measures to manage risk to life and public safety from coastal hazards, and*
- (c) *measures are in place to ensure that there are appropriate responses to, and management of, anticipated coastal processes*

*and
current
and
future
coastal
hazards.*

Comment:

The subject land has not been included on the Coastal Vulnerability Area Map under State Environmental Planning Policy (Coastal Management) 2018 (CM SEPP) and in regard to CM SEPP the proposed development is unlikely to cause increased risk of coastal hazards on the subject land or other land.

As such, it is considered that the application does comply with the requirements of the State Environmental Planning Policy (Coastal Management) 2018.

13 Development on land within the coastal environment area

- (1) *Development consent must not be granted to development on land that is within the coastal environment area unless the consent authority has considered whether the proposed development is likely to cause an adverse impact on the following:*
- (a) *the integrity and resilience of the biophysical, hydrological (surface and groundwater) and ecological environment,*
 - (b) *coastal environmental values and natural coastal processes,*
 - (c) *the water quality of the marine estate (within the meaning of the Marine Estate Management Act 2014), in particular, the cumulative impacts of the proposed development on any of the sensitive coastal lakes identified in Schedule 1,*
 - (d) *marine vegetation, native vegetation and fauna and their habitats, undeveloped headlands and rock platforms,*
 - (e) *existing public open space and safe access to and along the foreshore, beach, headland or rock platform for members of the public, including persons with a disability,*
 - (f) *Aboriginal cultural heritage, practices and places,*
 - (g) *the use of the surf zone.*

Comment:

A site inspection by Aboriginal Heritage Officer and Coast and Catchments Officer have been completed and the following comments were:-

Aboriginal Heritage Officer

"Reference is made to the proposed development at the above area and Aboriginal heritage.

There are known sites nearby, however, no sites are recorded in the current development area and the area has been subject to previous disturbance reducing the likelihood of surviving unrecorded Aboriginal sites.

Given the above, the Aboriginal Heritage Office considers that there are no Aboriginal heritage issues for the proposed development.

Should any Aboriginal sites be uncovered during earthworks, works should cease and Council, the NSW Office of Environment and Heritage (OEH) and the Metropolitan Local Aboriginal Land Council should be contacted."

It is considered that the proposed development will satisfy all the above objectives.

- (2) *Development consent must not be granted to development on land to which this clause applies unless the consent authority is satisfied that:*
- (a) the development is designed, sited and will be managed to avoid an adverse impact referred to in subclause (1), or
 - (b) if that impact cannot be reasonably avoided—the development is designed, sited and will be managed to minimise that impact, or
 - (c) if that impact cannot be minimised—the development will be managed to mitigate that impact.

Comment: It is considered that the proposed design and siting of the works will have minimal impact on the land and is deemed to satisfy this objective.

14 Development on land within the coastal use area

- (1)
- (a) has considered whether the proposed development is likely to cause an adverse impact on the following:
 - (i) existing, safe access to and along the foreshore, beach, headland or rock platform for members of the public, including persons with a disability,
 - (ii) overshadowing, wind funnelling and the loss of views from public places to foreshores,
 - (iii) the visual amenity and scenic qualities of the coast, including coastal headlands,
 - (iv) Aboriginal cultural heritage, practices and places,
 - (v) cultural and built environment heritage, and
 - (b) is satisfied that:
 - (i) the development is designed, sited and will be managed to avoid an adverse impact referred to in paragraph (a), or
 - (ii) if that impact cannot be reasonably avoided—the development is designed, sited and will be managed to minimise that impact, or
 - (iii) if that impact cannot be minimised—the development will be managed to mitigate that impact, and
 - (c) has taken into account the surrounding coastal and built environment, and the bulk, scale and size of the proposed development.

Comment: It is considered that the proposed design and siting of the works will have minimal impact on the land and is deemed to satisfy the above objectives.

As such, it is considered that the application satisfies the requirements of the State Environmental Planning Policy (Coastal Management) 2018.

15 Development in coastal zone generally—development not to increase risk of coastal hazards

Development consent must not be granted to development on land within the coastal zone unless the

consent authority is satisfied that the proposed development is not likely to cause increased risk of coastal hazards on that land or other land.

Comment: It is considered that the proposed design and siting of the works will have minimal impact and is unlikely to cause an increased risk of coastal hazards on the land and is deemed to satisfy the above objective.

Warringah Local Environmental Plan 2011

Is the development permissible?	No
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:	Not Specified*	30m (top of monopole)** 31.3m (overall height)**	N/A	N/A

* Refer to DCP discussion

** Original submitted at 40m (top of monopole) and 41.3m (overall height) then reduced to 35m (top of monopole) and 36.3m (overall height).

Note: The building height definition excludes communications devices/structures which are not permissible under the Local Environmental Planning (Warringah Local Environmental Plan 2011) and permissible via State Environmental Planning Policy (infrastructure) 2007.

Compliance Assessment

Clause	Compliance with Requirements
Part 1 Preliminary	Yes
Land Use Table	Yes
Part 5 Miscellaneous provisions	Yes
5.5 Development within the coastal zone	Yes
5.10 Heritage conservation	Yes
Part 6 Additional Local Provisions	Yes
6.1 Acid sulfate soils	Yes
6.2 Earthworks	Yes
6.3 Flood planning	Yes
6.4 Development on sloping land	Yes

Detailed Assessment

Warringah Local Environmental Plan 2011

Is the development permissible under **No**

WLEP
2011?

A Telecommunications Facility is a prohibited land use in the SP1 Seniors Housing Health Services Facility 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

The development satisfies 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 amended development will now create a visually acceptable structure within the area. The residential, environmental and public spaces will be impacted to a minor extent given the reduced height, relocated position, re-routing of services, and conditioned universal compact headframe and accordingly, the modified development is considered satisfy the aims of the LEP.

Zone objectives of the LEP?

Yes

Zone SP1 Special Activities

Proposed Use	Permitted or Prohibited
<i>Telecommunications facility means:</i> <i>(a) any part of the infrastructure of a telecommunications network, or</i> <i>(b) any line, cable, optical fibre, fibre access node, interconnect point equipment, apparatus, tower, mast, antenna, dish, tunnel, duct, hole, pit,</i>	Prohibited

<i>pole or other structure in connection with a telecommunications network, or</i> <i>(c) any other thing used in or in connection with a telecommunications network.</i>	
---	--

The underlying objections of the SP1 Special Activities zone

- To provide for special land uses that are not provided for in other zones.*

Comment: The proposed installation would provide improved telecommunications services to the zone and RSL Village. It is considered that the proposal satisfies this merit consideration.

- To provide for sites with special natural characteristics that are not provided for in other zones.*

Comment: The site will maintain natural characteristics which are provided in other surrounding zones ensure consistency with this merit consideration.

- To facilitate development that is in keeping with the special characteristics of the site or its existing or intended special use, and that minimises any adverse impacts on surrounding land.*

Comment: The amended structure ensures that development is in keeping with the special characteristics and generally consistent with the buildings of the site. Given the central location of the monopole, distance from the surrounding residential properties, topography and existing vegetation it is considered that impacts on the surrounding lands are minimised.

It is considered that the proposal satisfies this merit consideration.

Zone E2 Environmental Conservation

Proposed Use	Permitted or Prohibited
<i>Telecommunications facility means:</i> <i>(a) any part of the infrastructure of a telecommunications network, or</i> <i>(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</i> <i>(c) any other thing used in or in connection with a telecommunications network.</i>	Prohibited

The underlying objectives of the E2 Environmental Conservation zone

- To protect, manage and restore areas of high ecological, scientific, cultural or aesthetic values.*

Comment: Given the proximity of the development to the E2 zone (abutting it) it is considered

that the proposal via the following amendments such as the relocation of the monopole, reduction in overall height, conditioned compact universal headframe and re-routing of services will protect or manage the cultural and aesthetic values of the adjoining land/zone.

Given the above the proposal satisfies this merit consideration.

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

Comment: Given the proximity of the development to the E2 zone (abutting it) it is considered that the proposal following amendments such as the relocation of the monopole, reduction in overall height, conditioned compact universal headframe, re-routing of services will prevent destroying, damaging or reducing the effect on those values.

Given the above the proposal satisfies this merit consideration.

- *To protect and enhance the quality and character of visually sensitive areas and preserve significant natural landforms in their natural state.*

Comment: Given the proximity of the development to the E2 zone (abutting it) it is considered that the proposal following amendments such as the relocation of the monopole, reduction in overall height, conditioned compact universal headframe, re-routing of services will protect or enhance the quality and character area of manage the cultural and aesthetic values of the adjoining land/zone.

Given the above the proposal satisfies this merit consideration.

- *To manage development in areas having steep sloping topography or that are subject to any potential landslide.*

Comment: Suitable conditions (if approved) would ensure that the development would demonstrate consistency with this merit consideration.

- *To manage water quality in significant water catchment areas.*

Comment: Suitable conditions (if approved) would ensure that the water quality within this catchment would be protect ensuring consistency with this merit consideration.

- *To ensure that development, by way of its type, design and location, complements and enhances the natural environment in environmentally sensitive areas.*

Comment:: Given the proximity of the development to the E2 zone (abutting it) it is considered that amended proposal via the following amendments such as the relocation of the monopole, conditioned compact universal headframe, re-routing of services and reduction in overall height will ensure that the development will complement and enhance the natural environment within this area.

It is considered that the development fails this merit consideration.

Warringah Development Control Plan

Built Form Controls

Built Form Control	Requirement	Proposed	Complies
B5 Side Boundary Setbacks	Merit Assessment (east)	107m	Yes
	Merit Assessment (west)	390m	Yes
B7 Front Boundary Setbacks	Nil (Lantana Avenue)	85m	Yes
B9 Rear Boundary Setbacks	Merit Assessment (north)	340m	Yes
D1 Landscaped Open Space and Bushland Setting	40% (82,961.3sqm)	63% (130,667.2sqm)	Yes

Compliance Assessment

Clause	Compliance with Requirements	Consistency Aims/Objectives
Part A Introduction	Yes	Yes
A.5 Objectives	Yes	Yes
Part B Built Form Controls	Yes	Yes
B6 Merit Assessment of Side Boundary Setbacks	Yes	Yes
B7 Front Boundary Setbacks	Yes	Yes
B10 Merit assessment of rear boundary setbacks	Yes	Yes
Part C Siting Factors	Yes	Yes
C2 Traffic, Access and Safety	Yes	Yes
C4 Stormwater	Yes	Yes
C5 Erosion and Sedimentation	Yes	Yes
C6 Building over or adjacent to Constructed Council Drainage Easements	Yes	Yes
C7 Excavation and Landfill	Yes	Yes
C8 Demolition and Construction	Yes	Yes
C9 Waste Management	Yes	Yes
Part D Design	Yes	Yes
D1 Landscaped Open Space and Bushland Setting	Yes	Yes
D3 Noise	Yes	Yes
D4 Electromagnetic Radiation	Yes	Yes

Clause	Compliance with Requirements	Consistency Aims/Objectives
D7 Views	Yes	Yes
D9 Building Bulk	Yes	Yes
D10 Building Colours and Materials	Yes	Yes
D12 Glare and Reflection	Yes	Yes
Part E The Natural Environment	Yes	Yes
E1 Preservation of Trees or Bushland Vegetation	Yes	Yes
E2 Prescribed Vegetation	Yes	Yes
E3 Threatened species, populations, ecological communities listed under State or Commonwealth legislation, or High Conservation Habitat	Yes	Yes
E4 Wildlife Corridors	Yes	Yes
E5 Native Vegetation	Yes	Yes
E6 Retaining unique environmental features	Yes	Yes
E7 Development on land adjoining public open space	Yes	Yes
E8 Waterways and Riparian Lands	Yes	Yes
E10 Landslip Risk	Yes	Yes
E11 Flood Prone Land	Yes	Yes
Part F Zones and Sensitive Areas	Yes	Yes
F3 SP1 Special Activities	Yes	Yes
War Veterans Village, Narrabeen	Yes	Yes

Detailed Assessment

War Veterans Village, Narrabeen

Merit consideration:

The original proposed height of 41.3m of the tower was excessive and the development did not adequately respond to the site by keeping below the predominant tree line, which is approximately 15m - 20m in height. The amended height (31.3m), whilst above the predominant tree canopy height, is satisfactory as its visual bulk based on its dimensions is minor and therefore will have minimal visual impacts and not be visually prominent from surrounding locations.. Additionally, the proposed conditioning of the headframe to a compact universal headframe will also reduce the visual impacts.

THREATENED SPECIES, POPULATIONS OR ECOLOGICAL COMMUNITIES

The proposal will not significantly effect threatened species, populations or ecological communities, or their habitats.

CRIME PREVENTION THROUGH ENVIRONMENTAL DESIGN

The proposal is consistent with the principles of Crime Prevention Through Environmental Design.

POLICY CONTROLS

Northern Beaches Section 7.12 Contributions Plan 2019

The proposal is subject to the application of Northern Beaches Section 7.12 Contributions Plan 2019.

A monetary contribution of \$2,654 is required for the provision of new and augmented public infrastructure. The contribution is calculated as 1% of the total development cost of \$265,375.

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 and draft Environmental Planning Instruments;
- Warringah Local Environment Plan;
- Warringah Development Control Plan; and
- Codes and Policies of Council.

This assessment has taken into consideration the submitted plans, Statement of Environmental Effects, all other documentation supporting the application and public submissions, and does not result in any unreasonable impacts on surrounding, adjoining, adjacent and nearby properties subject to the conditions contained within the recommendation.

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

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 and draft Environmental Planning Instruments;
- Warringah Local Environment Plan 2011;
- Warringah Development Control Plan 2011;
- Codes and Policies of Council; and
- State Environmental Planning Policy (Infrastructure) 2007

This assessment has taken into consideration the submitted and amended plans, Statement of Environmental Effects, all other documentation supporting the application and public submissions and petitions, and does not result in any unreasonable impacts on surrounding, adjoining, adjacent and nearby properties subject to the conditions contained within the recommendation.

In consideration of the amended 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; and
- Consistent with the objects of the Environmental Planning and Assessment Act 1979

The proposed telecommunication monopole, ancillary shed and associated infrastructure has been considered on a balanced approach with the amended height, submissions/petitions and the impacts of this proposal to the surrounding properties, public spaces and the community.

The amended height, scale and character is compatible with other buildings and structures within the vicinity. The proposal is of similar size and scale as the monopoles located within Plateau Park and Narrabeen Fitness Camp. Therefore, it is considered the proposal will be reasonably screened from the majority of the public domain due to its central location, and the screening provided by the surrounding buildings and mature vegetation. It is considered that the visual impacts are reasonable for the surrounding community from nearby and afar.

The proposed installation will provide a much needed and reliable telecommunication service to the residents, visitors and emergency services within this current area and therefore it is considered overall that the public interest is served.

Accordingly the application is recommended for approval (subject to conditions).

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

RECOMMENDATION

THAT the Northern Beaches Local Planning Panel, on behalf of Northern Beaches Council as the consent authority grant Development Consent to DA2018/1481 for Construction of a telecommunications facility (Monopole tower and associated equipment shelter) on land at Lot 2611 DP 752038, 1 / 0 Veterans Parade, NARRABEEN, 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

Architectural Plans - Endorsed with Council's stamp		
Drawing No.	Dated	Prepared By
N110310 (S1)	17 May 2018	Telstra
N110310 (S1-1)	17 May 2018	Telstra
N110310 (S1-2)	17 May 2018	Telstra
N110310 (S3)	17 May 2018	Telstra
N110310 (S3-1)	17 May 2018	Telstra

Reports / Documentation – All recommendations and requirements contained within:		
Report No. / Page No. / Section No.	Dated	Prepared By
Geotechnical Investigation	September 2018	Martens Consulting Engineers
Preliminary Bushfire Assessment	3 April 2019	Visionstream

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

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. (DACPLB01)

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:

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Other Department, Authority or Service	EDMS Reference	Dated
NSWRFS	Referral - RFS - Lot 1 Veterans Parade Narrabeen	12 April 2019

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

Reason: To ensure the work is carried out in accordance with the determination and the statutory requirements of other Department, Authority or Body's. (DACPLB02)

3. Prescribed Conditions

- (a) All building works must be carried out in accordance with the requirements of the Building Code of Australia (BCA).
- (b) BASIX affected development must comply with the schedule of BASIX commitments specified within the submitted BASIX Certificate (demonstrated compliance upon plans/specifications is required prior to the issue of the Construction Certificate);
- (c) A sign must be erected in a prominent position on any site on which building work, subdivision work or demolition work is being carried out:
 - (i) showing the name, address and telephone number of the Principal Certifying Authority for the work, and
 - (ii) showing the name of the principal contractor (if any) for any building work and a telephone number on which that person may be contacted outside working hours, and
 - (iii) stating that unauthorised entry to the work site is prohibited.

Any such sign is to be maintained while the building work, subdivision work or demolition work is being carried out, but must be removed when the work has been completed.
- (d) Residential building work within the meaning of the Home Building Act 1989 must not be carried out unless the Principal Certifying Authority for the development to which the work relates (not being the Council) has given the Council written notice of the following information:
 - (i) in the case of work for which a principal contractor is required to be appointed:
 - A. the name and licence number of the principal contractor, and
 - B. the name of the insurer by which the work is insured under Part 6 of that Act,
 - (ii) in the case of work to be done by an owner-builder:
 - A. the name of the owner-builder, and
 - B. if the owner-builder is required to hold an owner-builder permit under that Act, the number of the owner-builder permit.

If arrangements for doing the residential building work are changed while the work is in progress so that the information notified under becomes out of date, further work must not be carried out unless the Principal Certifying Authority for the development to which the work relates (not being the Council) has given the Council written notice of the updated information.
- (e) Development that involves an excavation that extends below the level of the base of the footings of a building on adjoining land, the person having the benefit of the development consent must, at the person's own expense:
 - (i) protect and support the adjoining premises from possible damage from the

- excavation, and
- (ii) where necessary, underpin the adjoining premises to prevent any such damage.
- (iii) must, at least 7 days before excavating below the level of the base of the footings of a building on an adjoining allotment of land, give notice of intention to do so to the owner of the adjoining allotment of land and furnish particulars of the excavation to the owner of the building being erected or demolished.
- (iv) the owner of the adjoining allotment of land is not liable for any part of the cost of work carried out for the purposes of this clause, whether carried out on the allotment of land being excavated or on the adjoining allotment of land.

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

Reason: Legislative Requirement (DACPLB09)

4. **General Requirements**

- (a) Unless authorised by Council:
Building construction and delivery of material hours are restricted to:

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

Demolition and excavation works are restricted to:

- 8.00 am to 5.00 pm Monday to Friday only.

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

- (b) At all times after the submission the Notice of Commencement to Council, a copy of the Development Consent and Construction Certificate is to remain onsite at all times until the issue of a final Occupation Certificate. The consent shall be available for perusal of any Authorised Officer.
- (c) Where demolition works have been completed and new construction works have not commenced within 4 weeks of the completion of the demolition works that area affected by the demolition works shall be fully stabilised and the site must be maintained in a safe and clean state until such time as new construction works commence.
- (d) Onsite toilet facilities (being either connected to the sewer or an accredited sewer management facility) for workers are to be provided for construction sites at a rate of 1 per 20 persons.
- (e) Prior to the release of the Construction Certificate, payment of the Long Service Levy is required. This payment can be made at Council or to the Long Services Payments Corporation. Payment is not required where the value of the works is less than \$25,000. The Long Service Levy is calculated on 0.35% of the building and construction work. The levy rate and level in which it applies is subject to legislative change. The applicable fee at the time of payment of the Long Service Levy will apply.

- (f) The applicant shall bear the cost of all works associated with the development that occurs on Council's property.
- (g) 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.
- (h) Demolition materials and builders' wastes are to be removed to approved waste/recycling centres.
- (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) Requirements for new swimming pools/spas or existing swimming pools/spas affected by building works.
 - (1) Child resistant fencing is to be provided to any swimming pool or lockable cover to any spa containing water and is to be consistent with the following;

Relevant legislative requirements and relevant Australian Standards (including but not limited) to:

 - (i) Swimming Pools Act 1992
 - (ii) Swimming Pools Amendment Act 2009
 - (iii) Swimming Pools Regulation 2008
 - (iv) Australian Standard AS1926 Swimming Pool Safety
 - (v) Australian Standard AS1926.1 Part 1: Safety barriers for swimming pools
 - (vi) Australian Standard AS1926.2 Part 2: Location of safety barriers for swimming pools.
 - (2) A 'KEEP WATCH' pool safety and aquatic based emergency sign, issued by Royal Life Saving is to be displayed in a prominent position within the pool/spa area.
 - (3) Filter backwash waters shall be conveyed to the Sydney Water sewerage system in sewered areas or managed on-site in unsewered areas in a manner that does not cause pollution, erosion or run off, is separate from the irrigation area for any wastewater system and is separate from any onsite stormwater management system.
 - (4) Swimming pools and spas must be registered with the Division of Local

Government.

Reason: To ensure that works do not interfere with reasonable amenity expectations of residents and the community. (DACPLB10)

FEES / CHARGES / CONTRIBUTIONS

5. **Policy Controls**

Northern Beaches 7.12 Contributions Plan 2019

A monetary contribution of \$2,653.75 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 \$265,375.00.

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

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.

6. **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 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, 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).

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

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

7. Compliance with Standards

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

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

Reason: To ensure the development is constructed in accordance with appropriate standards. (DACPLC02)

8. Amendments to the approved plans

The following amendments are to be made to the approved plans:

- The monopole is to be fitted with a Universal Compact Headframe.

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

Reason: To ensure development minimises unreasonable impacts upon surrounding land. (DACPLB02)

9. Waste Management Plan

A Waste Management Plan must be prepared for this development. The Plan must be in accordance with the Development Control Plan.

Details demonstrating compliance must be provided to the Certifying Authority prior to the issue of the Construction Certificate.

Reason: To ensure that any demolition and construction waste, including excavated material, is reused, recycled or disposed of in an environmentally friendly manner.

CONDITIONS THAT MUST BE ADDRESSED PRIOR TO ANY COMMENCEMENT

10. Tree protection

- (a) Existing trees which must be retained
 - i) All trees not indicated for removal on the approved plans, unless exempt under relevant planning instruments or legislation
 - ii) Trees located on adjoining land

(b) Tree protection

- i) No tree roots greater than 30mm diameter are to be cut from protected trees unless authorised by a qualified Arborist on site.

- ii) All structures are to bridge tree roots greater than 30mm diameter unless directed otherwise by a qualified Arborist on site.
- iii) All tree protection to be in accordance with AS4970-2009 Protection of trees on development sites, with particular reference to Section 4 Tree Protection Measures.
- iv) All tree pruning within the subject site is to be in accordance with WDCP2011 Clause E1 Private Property Tree Management and AS 4373 Pruning of amenity trees
- v) All tree protection measures, including fencing, are to be in place prior to commencement of works.

Reason: To ensure compliance with the requirement to retain and protect significant planting on the site. (DACLAD01)

CONDITIONS TO BE COMPLIED WITH DURING DEMOLITION AND BUILDING WORK

11. **Waste Management During Development**

The reuse, recycling or disposal of waste during works must be done generally in accordance with the Waste Management Plan for this development.

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

Reason: To ensure demolition and construction waste is recycled or reused and to limit landfill.

12. **Protection of rock and sites of significance**

a) All rock outcrops outside of the area of approved works are to be preserved and protected at all times during demolition excavation and construction works.

b) Should any Aboriginal sites be uncovered during the carrying out of works, those works are to cease and Council, the NSW Office of Environment and Heritage (OEH) and the Metropolitan Local Aboriginal Land Council are to be contacted.

Reason: Preservation of significant environmental features (DACLAEOG1)

13. **Survey Certificate**

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

(a) At completion of the monopole and headframe 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 buildings under construction comply with levels shown on approved plans. (DACPLE01)

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

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

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

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

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

15. **Removal of All Temporary Structures/Material and Construction Rubbish**

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

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

Reason: To ensure bushland management. (DACPLF01)

16. **Waste Management Confirmation**

Prior to the issue of a Final Occupation Certificate, evidence / documentation must be submitted to the Principal Certifying Authority that all waste material from the development site arising from demolition and/or construction works has been appropriately recycled, reused or disposed of generally in accordance with the approved Waste Management Plan.

Reason: To ensure demolition and construction waste is recycled or reused and to limit landfill.

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

17. **Tree Protection**

No tree other than on land identified for the construction of buildings and works as shown on the building drawing can be felled, lopped, topped, ringbarked or otherwise wilfully destroyed or removed without the approval of Council.

Reason: To prevent the destruction of trees on other properties adjoining the development site.