

STATEMENT OF ENVIRONMENTAL EFFECTS

Sportsground lighting

**Frank Gray & Mike
Pawley fields within
John Fisher Park**

Suite 1, 9 Narabang Way Belrose NSW 2085

Phone: (02) 9986 2535 | Fax: (02) 9986 3050 | www.bbfplanners.com.au

NOTE: This document is Copyright. Apart from any fair dealings for the purposes of private study, research, criticism or review, as permitted under the Copyright Act, no part may be reproduced in whole or in part, without the written permission of Boston Blyth Fleming Pty Ltd, 1/9 Narabang Way Belrose, NSW, 2085.

RESPONSIBLE FOR THIS REPORT:

Michael Haynes

Director - BBF Town Planners

Master Urban and Regional Planning Sydney University

14 November 2019

NOTE: This document is Copyright. Apart from any fair dealings for the purposes of private study, research, criticism or review, as permitted under the Copyright Act, no part may be reproduced in whole or in part, without the written permission of Boston Blyth Fleming Pty Ltd, 1/9 Narabang Way Belrose, NSW, 2085.

TABLE OF CONTENTS

TABLE OF CONTENTS	3
1 Introduction.....	5
1.1 Overview.....	5
1.2 Pre-lodgement Meeting.....	6
1.3 Statement of Environmental Effects	6
1.4 Supporting documentation	7
2 Site Analysis	8
2.1 Site Description	8
2.2 Features of the site and its development.....	8
2.3 Zoning and key environmental considerations	9
3 Project Justification (need for the lighting)	22
3.1 Strategic Planning Context	22
3.1.1 Northern Beaches Sportsgrounds Strategy	22
3.1.2 Key Planning Documents.....	24
3.1.3 Stakeholder engagement and neighbourhood Consultation in relation to the proposed lighting.....	24
4 Description of Proposed Development	25
4.1 Overview.....	25
4.2 Details of the proposal.....	25
4.2.1 Number and location of light poles.....	25
4.2.2 Other works include	25
4.2.3 Lighting and Light Spill Standards	26
4.2.4 Times of operation	26
5 Environmental Assessment	29
6 Environmental planning Instruments.....	30
6.1 Warringah Local Environmental Plan 2011	30
6.2 Other provisions of the LEP	32
6.3 Threatened species, populations, ecological communities listed under State or Commonwealth legislation	36
6.4 State Environmental Planning Policies	36
6.4.3 State Environmental Planning Policy - BASIX	40
6.4.4 State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017	40
6.4.5 State Environmental Planning Policy No 19—Bushland in Urban Areas.....	40
6.5 Plans of Management.....	41
7 Development Control Plan	43
7.1 Overview.....	43

TABLE OF CONTENTS

7.1.1 DCP Clause D3 Noise.....	43
7.1.2 D12 Glare and Reflection	44
7.1.3 Lighting impact.....	45
7.1.4 C2 Traffic, Access and Safety; and C3 Car Parking Facilities.....	46
7.1.5 DCP Clause E3 Threatened species, populations, ecological communities listed under State or Commonwealth legislation, or High Conservation Habitat.....	47
7.1.6 DCP E8 Riparian land.....	48
7.2 Consideration of Relevant DCP Provisions	49
8 Section 4.15 of the Environmental Planning and Assessment Act 1979	53
9 Conclusion	54

1 Introduction

1.1 Overview

This report accompanies and supports a Development Application (DA) for the provision of sportsground lighting at Frank Gray & Mike Pawley fields, within John Fisher Park, at Curl Curl.

The application is made on the basis that there is strong demand for sportsground use; more demand than there is current capacity. As the reserve does not contain existing sportsfield lighting, the proposed development will allow the reserve to be used in the evening periods up until 9.30pm, when currently the usage finishes at night-fall, the time of which varies throughout the year. Sportsground lighting provides a valuable means of extending the hours of use for existing sports grounds and thereby providing an increased overall usage capacity.

The proposal involves 8 lighting poles of 25 to 30m in height. The lighting will enable training and match play after daylight hours with peak lighting usage during mid-winter months. The extended use of the fields will provide additional playing hours, mostly during the week from Monday to Friday.

The proposed sportsground lighting is ancillary to the long-established land use function of the site. The provision of sportsground lighting will not attract more people to the site than what is experienced during current daylight hours use. The proposed sportsground lighting is compatible with the reasonable expectations for the use, character, and environs of a public sportsfield.

The assessment has considered the proposal against Australian Standard 'AS/NZS 4282:2019 - Control of the obtrusive effects of outdoor lighting'. Consideration has been given to the impact upon residents living in the surrounding urban environment from the proposed lighting installation against benchmark standards. In summary, the assessment finds that the proposed development is supportable on lighting impact grounds.

Furthermore, the proposal is responsive to the environmental sensitivities of the location noting that a range of expert studies have been undertaken. The assessment reports have found that the appropriate conditions and circumstances are present support the proposed development. These expert studies include acid sulphate soil, ecological, potential contamination, bushfire, coastal planning, visual impact and illumination.

The proposal is supported by strong planning justification and delivers on Council's commitment to increase the supply of sporting fields to meet community demand. The proposed sportsfield lighting:

- will offer a high-quality, purpose designed that will benefit users of the park and the community more broadly.
- is appropriate in terms of the nature and extent of potential environmental impacts local area's character.
- will provide extended hours of function of the existing sportsground to meet the established and increased need for additional capacity in recreational facilities.

- will improve the function and be compatible with the surrounding amenity.
- is suited to the location.
- is in the public interest.

Furthermore, the minor environmental impacts of the proposal can be mitigated in accordance with recommendations from the supporting reports.

1.2 Pre-lodgement Meeting

A Pre-DA lodgement meeting was held on 8 November 2018 with Council planning officers to discuss key issues associated with the proposed development. The meeting was held at the early stage of concept development.

This development application has been prepared in response to the matters discussed at the pre-lodgement meeting. A number of measures, investigation and modifications to the design have resulted from the advice provided at the meeting. The following key aspects are noted:

- Lighting impact assessment
- Refinement of the lighting design to satisfy the current obtrusive lighting standards
- Biodiversity - flora and fauna assessment
- Acid sulfate soils assessment
- Preliminary contamination assessment

Other issues are addressed within the documentation accompanying the proposal.

1.3 Statement of Environmental Effects

This report is a Statement of Environmental Effects, pursuant to Section 4.15 of the Environmental Planning and Assessment Act 1979. In preparation of this document, consideration has been given to the following:

- Environmental Planning and Assessment Act, 1979
- Warringah Local Environmental Plan 2011
- Relevant Plans of Management
- Relevant State Environmental Planning Policies
- Warringah Development Control Plan

The proposal is permissible and generally in conformity with the relevant provisions of the above planning considerations. The proposal has been considered under the relevant provisions of Section 4.15 of the Environmental Planning and Assessment Act 1979. Overall, it is assessed that the proposed development is satisfactory and the development application should be approved by Council.

1.4 Supporting documentation

The proposal is accompanied and supported by the following expert inputs:

- Lighting Plans and Illumination specifications by Apex Lighting
- Lighting impact report by Lighting Assessment Australia Consultancy
- Statement of Environmental Effects by BBF Town Planners
- Acid Sulfate Soils assessment report by JBSG Consultants
- Preliminary soil assessment report by JBSG Consultants
- Ecological impact assessment by Biosis Consultants
- Survey Plan

2 Site Analysis

2.1 Site Description

The site is known as the Frank Gray & Mike Pawley fields, John Fisher Park, Curl Curl. The study area is approximately 5.5 hectares and consists of Mike Pawley and Frank Gray Oval and the riparian corridor of Greendale Creek, which flows to Curl Curl Lagoon in the east. The study area is zoned as RE1 Public Recreation under the Warringah LEP.

2.2 Features of the site and its development

The playing fields at Frank Gray & Mike Pawley fields, within John Fisher Park, at Curl Curl are currently used for organised sports such as soccer and cricket at both junior and senior levels.

The playing fields are within the larger John Fisher Park recreational area which contains a wide range of sportfields, recreation and natural areas which is classified as Community Land.

The site comprises sports fields (Frank Gray Oval), cricket nets (Mike Pawley Oval) and an amenity building (toilets, changing rooms). There is a pedestrian and cycling path providing an east / west link across the northern section of the site. Natural, treed riparian areas comprise the northern edge of the site

The site is surrounded by Greendale Creek on the north, Weldon Oval to the east, residential properties, Harbord Bowling and recreation club (a registered club and licenced premise) to the south east, Freshwater Senior Campus to the south, and commercial / industrial properties on Harbord Road to the west.

The site has a long-established function (approx. 50 years) as a recreational area and sportsground. The playing fields within the reserve are currently used for organised sports. It is used in the winter by soccer and in the summer by cricket. Other key users informally enjoy the space for general play, dog walking, exercise, ball kicking etc. The site is classified as Community Land.

The land is located off Holloway Place and Manuela Place, being two cul-de-sacs to the south of the site. The fields are also accessible via the wider open space network of fields and spaces to the west, north and east of the site and nearby residentially zoned land. The pedestrian and cycling path across the northern section of the site forms part of a larger path network within John Fisher Park.

The closest off-street, car parking areas to the fields are within the grounds of Harbord Bowling Club, Freshwater Senior Campus, and within John Fisher Park adjacent to Rueb Hudson Oval. Otherwise vehicle access and car parking is via the streets to the south of the site for example Holloway Place, Manuela Place, Bennett Street, Brighton Street and Stirgess Avenue.

Pedestrian access is obtained, via various access points from the surrounding open space network

In terms of public transport, buses travel along Abbott Road (350m from the site), Brighton Street (400m from the site) and Oliver / Bennett Streets (500m from the site) providing appropriate public transport access to the site.

Land adjoining the sportsground to the south is mainly zoned R2 Low Density Residential and is characterised by dwelling houses and a school (Freshwater Senior Campus) to the south west. Harbord Bowling Club is to the south east and is zoned RE2 Private Recreation and large expanses of recreational land are located to the north.

Vegetation is established at various locations around the perimeter of the site / study area; north along the Greendale Creek riparian corridor; and south, between the fields and residential dwellings. Figures below depict the character scale and general locations of the trees and vegetation.

The immediate residential housing catchment mainly comprises detached dwelling houses within a low-density setting. There are approximately 10-12 detached dwellings adjacent to the southern edge of the reserve. These properties occupy a land that is slightly lower in height (relative level) than the playing fields (approximately RL 5.50). The nearby residential properties are located approximately 30 metres to the south of the fields. Other nearby recreational uses includes hockey fields located to the west of the site, footsal courts bowling greens, and Weldon Oval (used for AFL and cricket) located to the east of the site.

Figures below depict the character of the property, the location and its development context.

2.3 Zoning and key environmental considerations

The property is zoned RE1 Public Recreation under the Warringah Local Environmental Plan 2011 (LEP). Land to the south is zoned R2 Low Density Residential. Land to the north is zoned RE1 Public Recreation and comprises more sportsgrounds within the John Fisher Park precinct.

The site is not affected by key environmental considerations like, for example heritage, bush fire, biodiversity, and geotechnical risk.

The site is affected by acid sulphate soils, flood prone (low risk category) and waterway/- riparian land. These are addressed within Section 6 of this report.

There are no zoning or environmental characteristics that present impediments to the improvements proposed to the land.

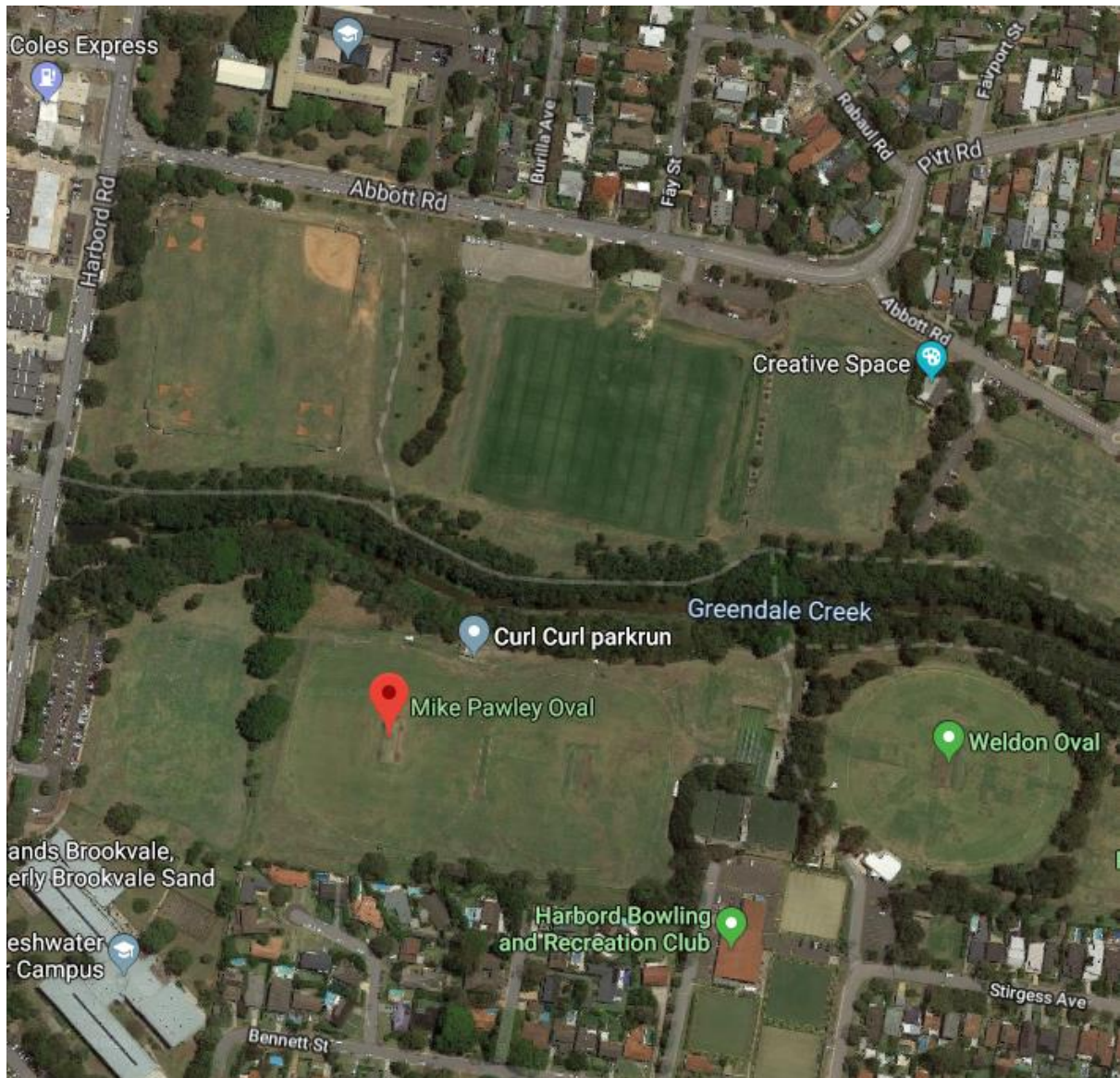


Figure 1 – Location of the site within its wider context (courtesy Google Maps)



Figure 2 – the extent of the study area (courtesy JBSG consultants)



Figure 3 – Freshwater Senior Campus (school) to the south east of the site



Figure 4 – existing landscape character of the site looking north west



Figure 5– existing landscape character of the site looking north west



Figure 6 – existing landscape character of the site looking north east



Figure 7 – existing landscape character of the site looking north east



Figure 8 – existing landscape character of the site looking east



Figure 9 – existing landscape character of the site looking south east



Figure 10 – existing landscape character of the site looking south



Figure 11 - existing landscape character of the site looking south west



Figure 12 – existing landscape character of the site looking south west towards Freshwater Senior Campus (school)



Figure 13 – southern residential interface



Figure 14 – southern residential interface



Figure 15 – southern residential interface



Figure 16 – established vegetation and the site's southern residential interface



Figure 17 – established vegetation and the site's southern residential interface



Figure 18 – Manuela Place cul-de-sac provides access to the subject sportsgrounds and parkland



Figure 19 – Halloway Place provides access to the subject sportsgrounds and parkland

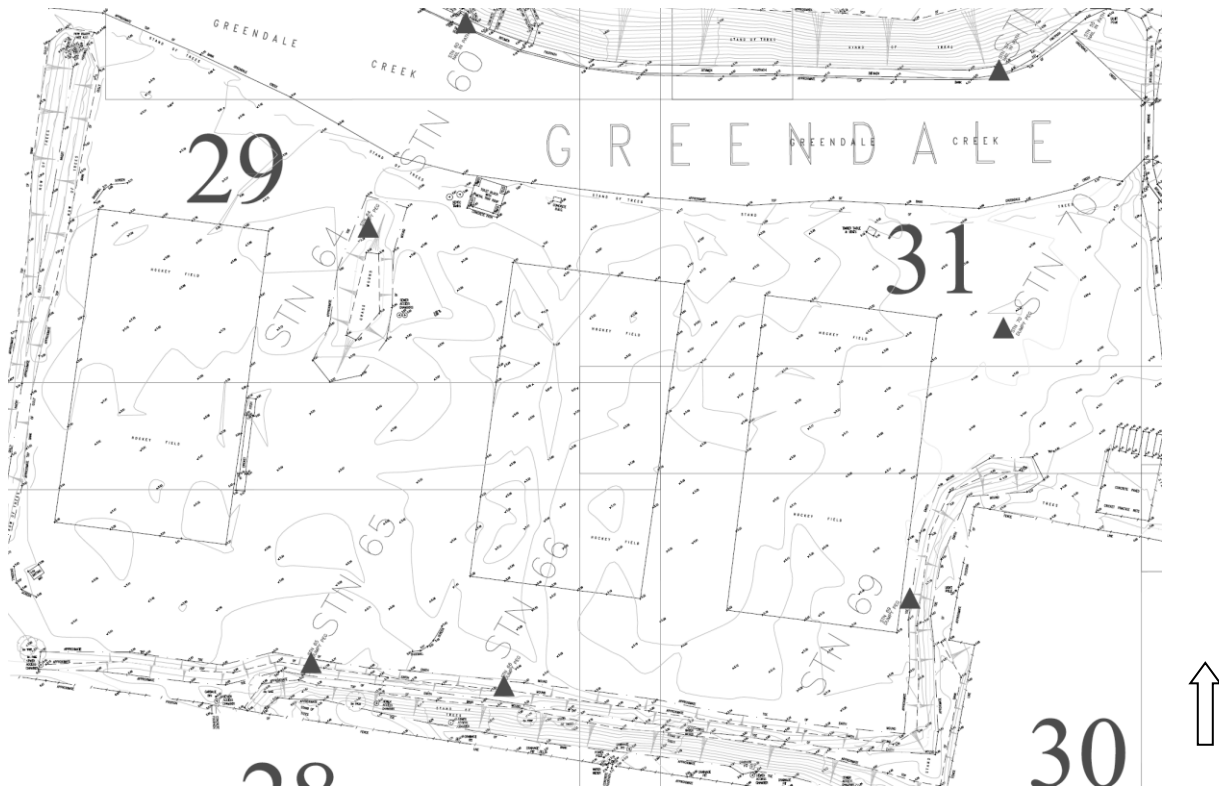


Figure 20 – excerpt of the site survey



Figure 21 – the subject site within its wider context of John Fisher Park and nearby urban land

3 Project Justification (need for the lighting)

There is a high demand for sporting facilities within the Northern Beaches region. The Northern Beaches Council has undertaken significant work involving participation surveys, supply and demand analysis, and community engagement in relation to local sports participation and provision. This work has found that there is a need for an additional 42 hectares of sportsgrounds, culminating in several key reports and action plans (see section 3.2.2 below) to address the need.

Sportsground lighting enables optimised safe use of the sportsground facilities, especially during winter months, by extending evening participation in sport and recreation activities. Currently, there is no or inadequate lighting across many of the region's sporting facilities.

3.1 Strategic Planning Context

3.1.1 Northern Beaches Sportsgrounds Strategy

At its meeting on Tuesday 25 July 2017, Council adopted the Northern Beaches Sportsgrounds Strategy and Strategic Implementation Plan 2017 to 2031. At the meeting the Council resolved the following, to:

A. Adopt the Northern Beaches Sportsgrounds Strategy and Strategic Implementation Plan 2017 to 2031 as outlined in this report.

B. Acknowledge the contributions of sporting groups, golf clubs and the Northern Beaches community for their involvement in developing this strategy.

The Sportsgrounds Strategy contains a key objective to increase the capacity of Council's Sportsgrounds to meet the projected need of an additional 42 hectares of Sportsgrounds by 2031. There is an established amount of land zoned for sportsground use. Opportunities to increase the supply of sportsground land are limited and infrequently present themselves. Sportsground lighting is a key means of achieving this objective through increased utilisation of existing fields at key times of the day, outside of regular working hours.

The above resolution provides a basis for the provision of sportsground lighting at the subject site. From the abovementioned Council report (item 8.1) comes the following excerpt regarding the demand for sportsfields and Council's intention in response:

Major sporting organisations have been calling for many years for more sportsfields and new and improved facilities, particularly now with changing and ever increasing participation rates.

The creation of the Northern Beaches Council just over one year ago provided the opportunity for a single approach to the management and long term planning of these sportsfields and facilities.

In August 2016 Council announced a review and commenced work on this Northern Beaches Sportsground Strategy - a long term sports facility

plan to guide the development of sportsfields and facilities for the next 15 years.

Council engaged experts in sports planning and golf course feasibility and conducted two phases of significant community engagement to seek community feedback on the way forward. This included engagement on a Discussion Paper in April/May 2017 and a Draft Sportsgrounds Strategy in June/July 2017. Over 5,000 submissions were received and this feedback has been fully considered in preparing this Northern Beaches Sportsgrounds Strategy and Strategic Implementation Plan 2017 to 2031 for Council's consideration.

The result is a Strategy that is undoubtedly a win for sport and all that live and play on the Northern Beaches. It sets out an unprecedented investment that will significantly increase the availability and quality of sportsfields and facilities, enabling more residents to be more active more often. The key actions recommended in the Strategy in priority order are:

- A. Allocate sportsfields based on a needs and participation growth basis.*
- B. Improve the capacity and resilience of existing sportsfields.*
- C. Build new and upgrade existing sportsfields in new housing development areas.*
- D. Partner with schools to provide additional sportsfields for the community.*
- E. Install synthetic surfaces on some existing sportsfields to enable greater use.*
- F. Convert suitable open space to sportsgrounds including some golf course land as needed.*

The Strategy focuses clearly on implementing actions that increase capacity of existing fields and provide additional supply. These include re-allocating fields to the sports of greatest need, installing drainage, lighting and reconfiguring grounds. It includes building new fields and upgrading existing fields in Warriewood Valley and Ingleside, working with schools to provide use of school fields for community sports, and installing synthetic surfaces to enable fields to be used to the full potential.

Meeting the need for more sportsfields and improving facilities will enable greater sports participation for all and facilitate more community involvement and volunteering as well as more viable sporting groups.

This Sportsgrounds Strategy and Strategic Implementation Plan 2017 to 2031 to meet current and future sportsfield and facility needs, reflects the extensive community feedback, research and analyses undertaken for this project, and is recommended for adoption.

The provision of sportsground lighting at the subject site responds to key action recommended in the Strategy (above) in that the proposed lighting will increase the capacity of the sportsfields by providing additional usage hours that may be utilised for training and matches.

3.1.2 Key Planning Documents

The strategic planning context for the proposal is established by the following documents:

- Northern Beaches Sportsgrounds Strategy 2017
- Sportsgrounds Strategic Directions Analysis
- Northern Beaches Sportsgrounds 15 year strategic implementation plan
- Sportsgrounds Plan of Management – Former Warringah

3.1.3 Stakeholder engagement and neighbourhood Consultation in relation to the proposed lighting

The subject Development Application presents opportunities to engage with the Parks' users, stakeholders, and local residents in relation to the proposed lighting. The Development Application will involve:

- Notification of the proposal to nearby residents and interested parties.
- Submissions from the community will be invited, considered, and responded to that will be engaged by the Council.
- Any issues raised will be independently assessed by an independent planning consultant.
- The development application will be independently determined by the Northern Beaches Planning Panel. The community will have the opportunity to present their thoughts and issues to the panel for its consideration in determining whether the DA is approved or refused.

The proponent of the Development Application, Council's Manager of Parks, Assets, Planning Design and Delivery, welcomes the community's input on the proposed lighting.

4 Description of Proposed Development

4.1 Overview

This report accompanies and supports a Development Application (DA) for the provision sportsground lighting at Frank Gray & Mike Pawley fields, John Fisher Park at Curl Curl. The application proposes 6 light structures (poles) at 30 metres height and fixed lighting.

The lighting plans and specifications have been prepared by Apex Lighting Pty Limited and are dated 9 September 2018.

The proposed lighting scheme comprises of six lighting towers (poles) of 30m height playing surface to a single crossarm, incorporating fixed lighting on top of each pole. The proposal includes 50 luminaires to light 4 fields and 3 ovals (Frank Gray & Mike Pawley Ovals) to an approximate average of 100 lux. The design was based on generation 3 of the Philips Optivision LED luminaire. Lighting intensity is proposed to a Standard that enables training and game play.

4.2 Details of the proposal

The lighting has been designed to achieve the minimum lighting requirement for club competition and match practice pursuant to Australian Standard AS 2560.2.3 – 2007: Lighting for Football (all codes).

The application seeks to ensure that associated light spill complies with Australian Standard AS 4282 – 1997: Control of the Obtrusive Effects of Outdoor Lighting. A breakdown of the key aspects of the proposal are noted as follows:

4.2.1 *Number and location of light poles*

The proposed lighting structures are marked out on the plans (repeated at figure 22 below) and include:

- 6 lighting structures at 30m which comprise concrete footing, steel pole and lighting structure mounted at the top
- This low-impact style directs lighting to a constrained area directly beneath the lighting fixture.
- The lights are designed to provide even coverage across all of the playing surfaces.

4.2.2 *Other works include*

- Trenching and installation of electrical wiring
- A modest extent of excavation for light post footings
- Footings for the 6 lighting structures
- Installation of 6 lighting posts and their associated fixed lighting panels

4.2.3 Lighting and Light Spill Standards

lighting must achieve the minimum requirements for club competition and match practise as provided by Australian Standard AS 2560.2.3 – 2007: Lighting for Football (all codes).

The subject application seeks provide compliant sports lighting, whilst ensuring that associated light spill complies with Australian Standard AS 4282 – 1997: Control of the Obtrusive Effects of Outdoor Lighting.

The proposal has been assessed in relation to potential lighting impact considerations and is accompanied and supported by a lighting impact assessment report prepared by Lighting Assessment Australia (LAS) Consultancy. The assessment has considered the proposal against Australian Standard 'AS/NZS 4282:2019 - Control the obtrusive effects of outdoor lighting'.

4.2.4 Times of operation

Sportsfield lighting is proposed for weekday training sessions until 9.30pm (with lights programmed to shut down shortly after) for weekdays.

Currently no evening training occurs on the playing fields during the weekend, so the lights are not proposed to be used on weekends.

The maximum extent of regular usage times are: termination at 9.30pm Monday through Saturday and 6.00pm on Sundays.

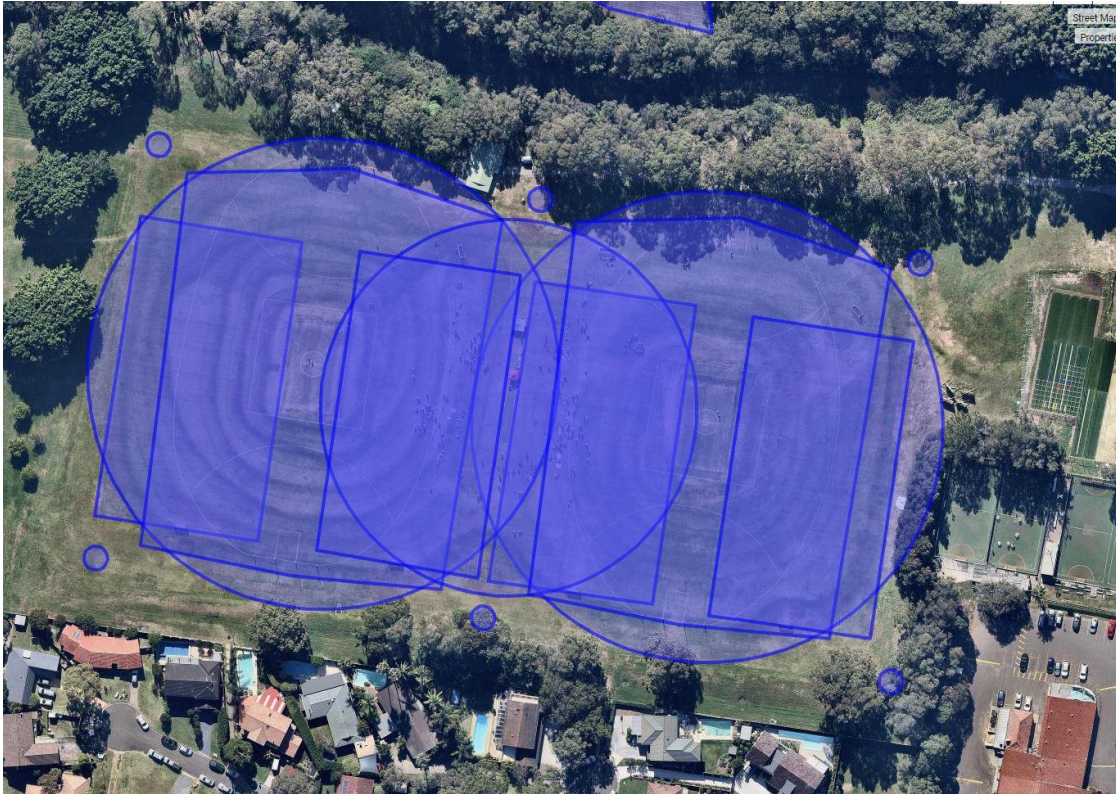


Figure 22 – excerpt from proposed lighting plan



Figure 23 - The proposed luminaire for is the Philips Optivision LED gen2, 1300W, 5700K, fitted with integral shields to help mitigate obtrusive light



Figure 24 - Generation 3 (image of luminaire without gear box)

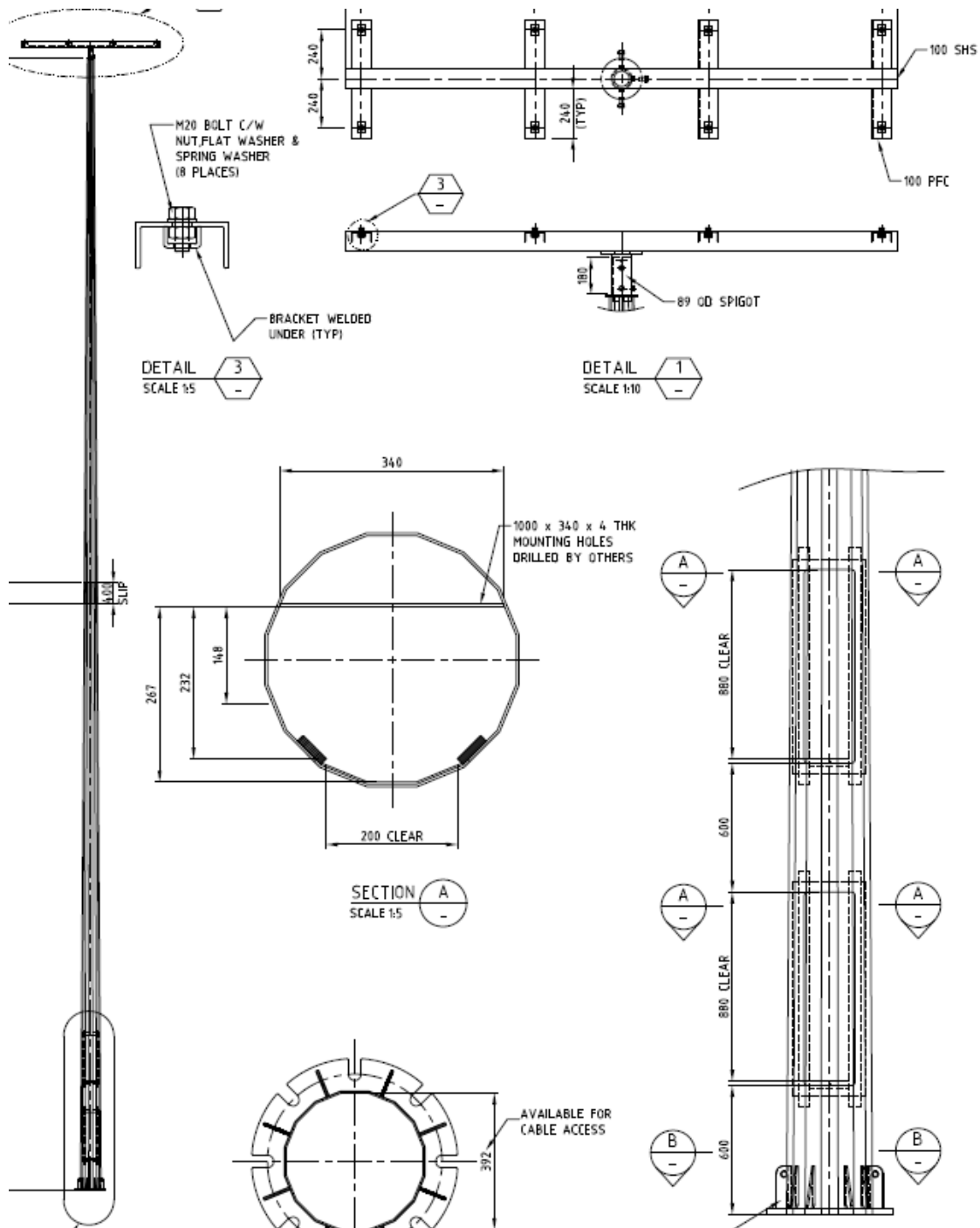


Figure 25 – Indicative details of the pole and lighting structures

5 Environmental Assessment

The following section of the report assesses the proposed development having regard to the statutory planning framework and matters for consideration pursuant to Section 4.15 of the Environmental Planning & Assessment Act, 1979 as amended.

Under the provisions of the Environmental Planning and Assessment Act 1979 (the Act), the key applicable planning considerations, relevant to the assessment of the application are:

- State Environmental Planning Policies – as relevant
- The Local Government Act 1993 – as it relates to public open space, community land and sportsfields
- Warringah Local Environmental Plan 2011
- Warringah Development Control Plan
- Plans of Management - John Fisher Park Plan of Management and Warringah Sportsground Plan of Management 2007

The application of the above plans and policies is discussed in the following section of this report.

The application has been assessed against the relevant heads of consideration under Section 79C of the Act; a summary of these matters are addressed within Section 10 of this report, and the town planning justifications are discussed below.

6 Environmental planning Instruments

6.1 Warringah Local Environmental Plan 2011

As previously noted, the site is zoned RE2 Public recreation pursuant to the provisions of the Warringah Local Environmental Plan 2011 (LEP).

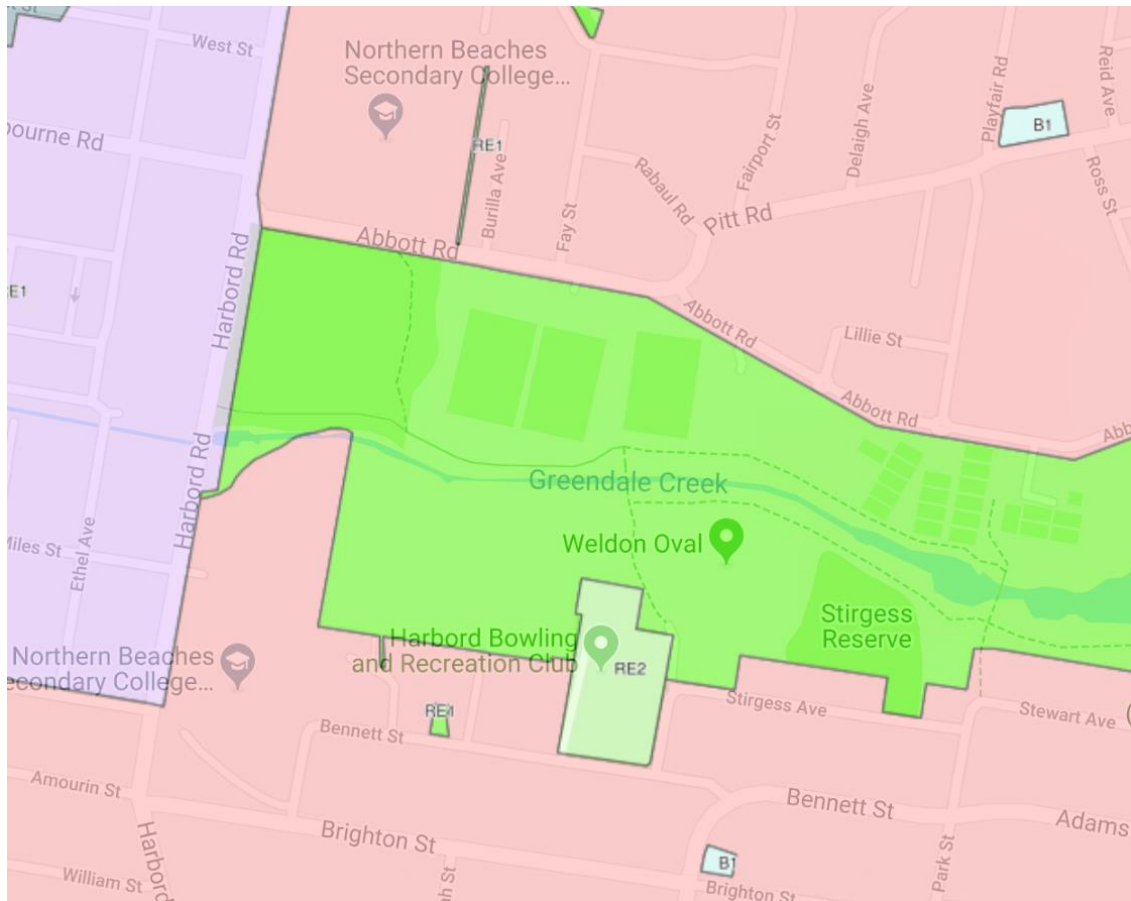


Figure 26 – zone excerpt (Northern Beaches Council Website)

The application proposes lighting to an existing sportsground used for community sporting activities and as such is permissible with consent in the zone. The use of the land as a sportsground is defined as a **recreation area** which means:

‘a place used for outdoor recreation that is normally open to the public, and includes:

- (a) a children’s playground, or*
 - (b) an area used for community sporting activities, or*
 - (c) a public park, reserve or garden or the like,*
- and any ancillary buildings, but does not include a recreation facility (indoor), recreation facility (major) or recreation facility (outdoor)’.*

The objectives of the zone are as follows:

- *To enable land to be used for public open space or recreational purposes.*
- *To provide a range of recreational settings and activities and compatible land uses.*
- *To protect and enhance the natural environment for recreational purposes.*
- *To protect, manage and restore public land that is of ecological, scientific, cultural or aesthetic value.*
- *To prevent development that could destroy, damage or otherwise have an adverse effect on those values'.*

We have formed the considered opinion that the proposed development is consistent with the zone objectives noting the following considerations:

- The proposed lighting will enable land to be used for public open space or recreational purposes for an extended period of time after daylight hours up until 9.30pm. The proposed lighting will support the use of the land for public open space and recreational purposes.
- The proposed lighting will provide for the sporting needs of the community within an established public sportsfield.
- Based on the findings of the expert reports that accompany the application in the areas of geology, ecology, land surveying and lighting, the land is not identified as having special or unique ecological or scientific qualities that would render it inappropriate for the proposed lighting. The proposal retains the established low impact land use on the site and it does not give rise to any unacceptable ecological or scientific impacts.
- There are no known significant cultural values associated with the land that the proposed lighting would be inconsistent with or antipathetic to.
- In terms of the objective to protect and manage the aesthetic value of the land, the proposed 8 poles are relatively tall and slimline in a large open space setting. They are typical of the types of structures associated with a sportsground. They do not breach any height development standard. Significant established treed vegetation lines the perimeter of the reserve and is of a suitable size, scale and density to provide an appropriate level of visual screening. For these reasons the aesthetic value of the land is not significantly or unreasonably impacted by the proposal.

Accordingly, the proposal has had sufficient regard to the zone objectives and there is no statutory impediment to the granting of consent on zoning grounds.

6.2 Other provisions of the LEP

Other provisions of the LEP that are relevant to the assessment of the proposal are noted and responded to as follows:

LEP Provision	Response	Compl-ies
Part 4 of LEP – Principal Development Standards		
LEP Clause 4.1 Minimum subdivision lot size		NA
LEP Clause 4.3 – Height of Buildings	NA – there is no height limit applicable to the land.	NA
LEP Clause 4.4 – Floor space ratio	NA	NA
LEP Clause 4.6 – Exceptions to development standards	NA	NA
Part 5 of LEP – Miscellaneous Provisions		
LEP Clause 5.4 Controls relating to miscellaneous permissible uses		NA
Clause 5.5 Development within the coastal zone	NA	NA
LEP Clause 5.10 Heritage Conservation	NA	NA
LEP Clause 5.4 Controls relating to miscellaneous permissible uses		NA
Part 6 of LEP – Additional Local Provisions		
LEP Clause 6.1 Acid sulfate soils	<p>Minor excavation for footings is proposed below the existing site levels (approx. AHD RL 5 to 6) which is below AHD RL 5.00.</p> <p>The proposed light poles will be at ground level and involve minor excavation for pad footing foundations for each lighting structure. The footings are approximately the following dimensions: 2m by 2m by 0.6m deep.</p> <p>The site is located within acid sulfate soils Class 2 on the LEP Maps.</p> <p>Due to being within Class 2 land and involving excavation below RL 5.0, the application is accompanied and supported by an Acid Sulfate Soil Assessment by JBSG Australia Pty Ltd dated 20 September 2019</p> <p>The investigation concludes:</p>	Yes

LEP Provision	Response	Compl-ies
	<p><i>Field and laboratory analysis of material found there to be potential Acid Sulfate Soil / Acid Sulfate Soil conditions at BoreHoles (BH) BH01, BH06 and BH07 sample locations;</i></p> <ul style="list-style-type: none"> <i>Laboratory samples were not collected from sample locations BH02, BH05 and BH08 however similar material types were observed across the site;</i> <i>Given similar material types identified to be widespread across the site, at proposed development depths, Acid Sulfate Soil / potential Acid Sulfate Soil management by neutralisation, with the addition of Ag lime is required for all excavated soils;</i> <i>Suspension Peroxide Combined Acidity and Sulphur laboratory testing procedure reported the highest liming rate of 3kg CaCO₃ per tonne is required as a starting point to neutralise Acid Sulfate Soil / Acid Sulfate Soil material and is therefore recommended this amount of Ag lime be used to neutralise excavated soils.</i> <p>The assessment recommends the following (which may reasonably form a condition of development consent):</p> <p><i>An Acid Sulfate Soil Management Plan (ASSMP) should be prepared to document the management procedures surrounding disturbed acid sulfate soils during the proposed development and facilitate the requirements for ongoing field pH testing and liming rate adjustment during excavation and treatment, including disposal of any excess soils that may exhibit Acid Sulfate Soil conditions.</i></p> <p>Based on the above, the provisions of clause 6.1 are assessed as being satisfied by the proposal.</p>	
LEP Clause 6.2 Earthworks	<p>Minor excavation for footings is proposed below the existing site levels (being at approx. AHD RL 5 to 6).</p> <p>The proposed light poles will be at ground level and involve minor excavation for pad footing foundations for each lighting structure. The footings are approximately the following dimensions: 2m by 2m by 0.6m deep.</p>	Yes

LEP Provision	Response	Compl-ies
	<p>Consideration of LEP clause 6.2 is made. In response, the proposal:</p> <ul style="list-style-type: none"> ▪ Noting the small size of the pad footing foundations for each lighting structure, is unlikely to have any detrimental effect on, existing drainage patterns and soil stability; ▪ is unlikely to have any detrimental effect on the future use or redevelopment of the land; ▪ the quality of the soil to be excavated has been assessed in the soil assessment report undertaken by JSBG engineers and recommendations have been made to appropriately manage and treat the disposal of excavated material; ▪ is unlikely to have any detrimental effect on the existing and likely amenity of adjoining properties noting that the proposal will not result in any significant material change to the appearance of the approved development, including its landscape presentation to the adjoining land. ▪ does not trigger the need for fill material; the need to dispose of any excavated material will be undertaken in accordance with statutory requirements; ▪ the source of any fill material and the destination of any excavated material; ▪ is unlikely to disturb any relics; ▪ has considered the proximity of the adjacent watercourse to the north and east and will not adversely impact upon it (as described in response to LEP clause 6.3 below; ▪ is not located within a drinking water catchment or environmentally sensitive area. <p>Based on the above, LEP Clause 6.2 is satisfied by the proposal.</p>	
LEP Clause 6.3 Flood planning	<p>The site is located within a 1:100 year flood area.</p> <p>The proposed light poles will be at ground level and involve minor excavation for pad footing</p>	NA

LEP Provision	Response	Compl-ies
	<p>foundations for each lighting structure. The footings are approximately the following dimensions: 2m by 2m by 0.6m deep.</p> <p>It is considered that the most likely impacts on the flood water at the time of flooding would be debris impacting or wrapping around the lower section of the poles. Given the large area of the space that the lighting poles will be located within this is not assessed as a significant hazard or limitation.</p> <p>The poles have been designed by a Structural Engineer and they will take into account the effects of flooding implications. Noting the small footprint of the lighting poles and their footings they will not significantly reduce the flood storage area of the floor plane nor will they significantly or inappropriately impact on the movement of flood waters.</p> <p>In response to clause 6.3(3) the consent authority may be satisfied that the development:</p> <ul style="list-style-type: none"> ▪ is compatible with the flood hazard of the land, and ▪ will not significantly adversely affect flood behaviour resulting in detrimental increases in the potential flood affectation of other development or properties, and ▪ does not need to incorporate appropriate measures to manage risk to life from flood, and ▪ will not significantly adversely affect the environment or cause avoidable erosion, siltation, destruction of riparian vegetation or a reduction in the stability of river banks or watercourses, and ▪ is not likely to result in unsustainable social and economic costs to the community as a consequence of flooding. <p>The provisions of the clause are assessed as being satisfied by the proposal.</p>	
LEP Clause 6.4 Development on sloping land	Not applicable to Passmore Reserve which is located on slope A on the LEP Maps.	NA

6.3 Threatened species, populations, ecological communities listed under State or Commonwealth legislation

The proposal has been assessed in relation to potential flora and fauna impact considerations and is accompanied and supported by a flora and fauna assessment report prepared by Biosis consultants.

The implications for the project were assessed in relation to key biodiversity legislation and policy including:

Environment Protection and Biodiversity Conservation Act 1999
Environmental Planning and Assessment Act 1979
Biodiversity Conservation Act 2016
State Environmental Planning Policy (Coastal Management) 2018
(Coastal Management SEPP)
Warringah Development Control Plan 2011

Assessments were undertaken to determine the significance of potential impacts to threatened fauna within the study area and surrounding locality. These assessments found that:

'....no significant impacts are likely to occur for the threatened species with the potential to occur within the vicinity of the proposed works, provided the recommendations included in this assessment report are adopted to minimise light spill into the ecologically sensitive areas. These mitigation measures will also be of benefit to non-threatened fauna species that are also likely to be present within the locality, ensuring that any potential impacts on non-threatened fauna species in the area are also minimised'.

In summary, the report finds that the proposed development is supportable on flora and fauna grounds. Based on the above considerations it is assessed that these considerations are satisfied by the proposal.

6.4 State Environmental Planning Policies

6.4.1 State Environmental Planning Policy (Coastal Management) 2018

The Coastal Management Act 2016 establishes a strategic planning framework and objectives for land use planning in relation to designated coastal areas within NSW. The Act is supported by the State Environmental Planning Policy (Coastal Management) 2018 which came into effect on 3 April 2018. It is applicable because the site is within the designated:

- Coastal environment area – Division 3 - Clause 13

As relevant to these affectations, the provisions of the SEPP within clause 13 are addressed in the table below. In summary, the proposal is assessed as being consistent with the provisions of the SEPP.



Figure 27 – the extent of the Coastal environment area affecting the site

Clause 13 - Development on land within the coastal environment area

The provisions of clause 13 *Development on land within the coastal environment area* are addressed as follows:

13 Development on land within the coastal environment area	Response
(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,	<ul style="list-style-type: none"> ▪ The land and its development for recreational (sportsground) purposes is established on the site. The extent of proposed works is supported by the appropriate range of technical studies. ▪ The proposal is assessed as satisfactory in relation to this consideration.
(b) coastal environmental values and natural	<ul style="list-style-type: none"> ▪ The land and its development for recreational

13 Development on land within the coastal environment area	Response
<i>coastal processes,</i>	<p>purposes is established on the site. The extent of proposed works is supported by the appropriate range of technical studies.</p> <ul style="list-style-type: none"> ▪ The proposal is assessed as satisfactory in relation to this consideration.
<i>(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,</i>	<ul style="list-style-type: none"> ▪ The subject site is established for recreational (sportsground) purposes. Development is established on the site. ▪ Provision of appropriate stormwater management has been made for the site. ▪ The proposal does not relate to <i>sensitive coastal lakes identified in Schedule 1</i> ▪ The proposal is assessed as satisfactory in relation to this consideration.
<i>(d) marine vegetation, native vegetation and fauna and their habitats, undeveloped headlands and rock platforms,</i>	<ul style="list-style-type: none"> ▪ The subject site is established for recreational (sportsground) purposes. ▪ Development for sportsfield and recreational use is established on the site. ▪ The proposal is assessed as satisfactory in relation to this consideration.
<i>(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,</i>	<ul style="list-style-type: none"> ▪ The proposal will not adversely impact upon existing access provisions. ▪ The proposal is assessed as satisfactory in relation to this consideration.
<i>(f) Aboriginal cultural heritage, practices and places,</i>	<ul style="list-style-type: none"> ▪ The proposed lighting locations are not known to be places of Aboriginal cultural heritage significance. ▪ The proposal is assessed as satisfactory in relation to this consideration.
<i>(g) the use of the surf zone</i>	<ul style="list-style-type: none"> ▪ Not relevant to the assessment of the proposal. ▪ The proposal is assessed as satisfactory in relation to this consideration.
(2) Development consent must not be granted to development on land to which this clause applies unless the consent authority is satisfied that:	
<i>(a) to the development is designed, sited and will be managed to avoid an adverse impact referred to in subclause (1), or</i>	<ul style="list-style-type: none"> ▪ Responses have been made above in relation to the considerations within subclause (1). ▪ The proposal is assessed as satisfactory in relation to these considerations.
<i>(b) if that impact cannot be reasonably</i>	<ul style="list-style-type: none"> ▪ The proposal is assessed as satisfactory in relation

13 Development on land within the coastal environment area	Response
<i>avoided—the development is designed, sited and will be managed to minimise that impact, or</i>	to this consideration.
<i>(c) if that impact cannot be minimised—the development will be managed to mitigate that impact.</i>	<ul style="list-style-type: none"> Aside from compliance with relevant codes, standard conditions of consent, and Australian Standards there are no other mitigation measures foreseen to be needed to address coastal impacts. The proposal is assessed as satisfactory in relation to this consideration.
(3) This clause does not apply to land within the Foreshores and Waterways Area within the meaning of Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005.	<ul style="list-style-type: none"> Noted; not applicable.

6.4.2 State Environmental Planning Policy No 55 – Remediation of Land

State Environmental Planning Policy No. 55 - Remediation of Land applies to all land and aims to provide for a State-wide planning approach to the remediation of contaminated land. The application is accompanied and supported by a Preliminary Site Investigation (PSI) or 'Phase 1' assessment, into potential contamination, by JBSG Consultants Pty Ltd. Furthermore, an Environmental Management Plan (EMP) is in place for the land. It was most recently updated in March 2019 by the same consultants, JBSG Pty Ltd.

The following key conclusions from the Preliminary Site Investigation summarise the matter:

Based on the findings of this investigation, and subject to the limitation in Section 6, the following conclusions were made:

- A detailed inspection of the site did not identify the presence or indicators of significant contamination.*
- Review of the site history indicated there is a potential for contamination at the site as a result of historic land use activities including uncontrolled landfilling and land reclamation. The review identified that John Fisher Park has been subject to environmental investigations which have identified the presence of soil, groundwater and ground gas contamination.*
- The site is subject to an existing EMP (JBS&G 2019) for the greater John Fisher Park area. As such, anticipated ground disturbance works associated with the proposed redevelopment should be conducted in accordance with the requirements of the management plan. The EMP states the site is suitable for the current open space and recreational land use subject to the ongoing implementation of the EMP requirements.*

- *Based on the proposed development (sub-grade <0.6 m) there is unlikely to be significant ground disturbance or excavation. All materials surplus to the requirements of the proposed development should be managed in accordance with the EMP including classification in accordance with EPA Waste Classification Guidelines (EPA, 2014) prior to offsite disposal.*

Based on the findings of the Preliminary Site Investigation assessment documented herein and noting the site is on land subject to ongoing implementation of an EMP by Northern Beaches Council, JBS&G consider potential contamination will not constrain the proposed development and the site is suitable for ongoing use relating to public open space including parks and playing fields.

Subject to the recommendations of the Preliminary Site Investigation assessment and Environmental Management Plan, the land is capable of accommodating the proposed development and satisfies the provisions of the SEPP.

6.4.3 State Environmental Planning Policy - BASIX

The proposal is not “BASIX affected development” for the purposes of State Environmental Planning Policy (building Sustainability Index: BASIX) 2004 (“SEPP (BASIX)”).

6.4.4 State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017

State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017 applies to the land and aims to provide a State-wide planning approach to protecting biodiversity values and preserving amenity through the preservation of trees and other vegetation.

Under Clause 9(2) of the policy, Council’s applicable Development Control Plan does not declare the trees upon the property as having special significance as referred to in (2) (a) to (d).

Aside from reasonable pruning, no significant changes are proposed to the existing trees upon the property and the provisions of the policy are assessed as being satisfied by the proposal.

6.4.5 State Environmental Planning Policy No 19—Bushland in Urban Areas

The proposed development is on land that is adjacent to Bushland within the urban area of Warringah as identified by State Environmental Planning Policy No 19—Bushland in Urban Areas. As such the SEPP is an applicable consideration to the proposal.

Bushland is defined in the SEPP as

bushland means land on which there is vegetation which is either a remainder of the natural vegetation of the land or, if altered, is still representative of the structure and floristics of the natural vegetation.

The sportsfield lighting is proposed on land categorised and used as a sportsground under the District Park Plan of Management (addressed further in the following section of this report).

The proposed works do not encroach or impact on natural areas including, bushland, trees or wildlife corridors. The proposal does not involve disturbance to bushland zoned or reserved for public open space purposes and the proposal does not seek consent for such purposes. It is therefore assessed that the application satisfies the SEPP in terms of the DA assessment.

6.5 Plans of Management

6.5.1 Overview

The following Plans of Management are applicable to the assessment of the proposal:

- John Fisher Park Plan of Management
- Warringah Sportsgrounds Plan of Management

6.5.2 John Fisher Park Plan of Management

The site is located within John Fisher Park which is identified as Community land as per the Local Government Act 1993. The John Fisher Park Plan of Management is applicable to the land and the proposal.

The proposed sportsfield lighting is contained on land categorised and used as Sportsground under the John Fisher Park Plan of Management.

The proposed sportsfield lighting is ancillary to the land's sportsfield use and typical of the type of development that is anticipated upon this category of open space.

The proposed works do not encroach or impact on natural areas including, bushland, trees, or wildlife corridors. The works are within 40m of Greendale Creek riparian land which is a matter addressed within the accompanying Flora and fauna assessment report.

The proposed development is assessed as being consistent with the strategies and management actions of the Plan of Management.

6.5.3 Sportsground – Plan of Management 2007

The subject sportsground also falls under the Warringah Council Sportsgrounds Plan of Management 2007. The purpose of this generic plan (applicable to multiple sites) is to

provide the community, sporting / recreational users and Council with a clear statement on the future use and management of Council's sportsgrounds.

Section 9.2 of the Plan states that the plan authorises the construction of all works associated with the provision of sporting facilities in the management of grounds. This includes irrigation, drainage, lighting, buildings and ancillary structures provided to support recreation and appropriate community activities.

The proposed lighting to ensure the safety and best use of fields is identified as an ongoing priority and to that extent the proposed development represents works anticipated in the Plan of Management.

7 Development Control Plan

7.1 Overview

The Warringah Development Control Plan is applicable to the proposal; however, it is noted that no built form controls are applicable to the land. Relevant provisions of the Warringah DCP are addressed within the section below.

Key assessment considerations relating to the proposal are noted as follows:

- Noise
- Glare and light intensity
- Car parking and traffic
- Flora and fauna
- Riparian land

Each of these is responded to below.

7.1.1 DCP Clause D3 Noise

Clause D3 Noise is an applicable consideration in the assessment of the proposed development. The objectives of this control are as follows:

- *To encourage innovative design solutions to improve the urban environment.*
- *To ensure that noise emission does not unreasonably diminish the amenity of the area or result in noise intrusion which would be unreasonable for occupants, users or visitors.*

The provision of sportsground lighting does not increase the intensity of the use of the existing sportsfields or change the capacity of the sportsground to accommodate more people or sporting events when it's in use. Therefore, the existing capacity for the fields to generate noise is not increased. However, the provision of sportsground lighting is intended to extend the hours of use of the playing fields, and in doing so, the time period within which noise may be generated is likely to increase as a result of the proposal from nightfall (depending on the time of year), up until 9.30pm at night.

Therefore, the impacts would be similar to that already experienced during the use of the reserve up to night fall.

Noise associated with usage will be typical of that associated with this type of recreational land use and will be restricted to existing allocated sportsground usage hours terminating around 9.30pm Monday through Saturday and 6.00pm on Sundays.

The EPA's Noise Policy for Industry (2017) establishes guidelines for the consideration of noise within urban areas. However, the policy states within section 1.5 that it does not apply to noise from sporting facilities. The extension of the existing usage times from night fall till 9.30pm is considered to be consistent within residential expectations for environs surrounding a public sportsfield.

In summary, the provision of sportsground lighting does not trigger additional noise emission intensity at the location but rather, a modest extension of the time within which noise is likely to be generated. The extension of the time to 9.30pm is considered to be acceptable based on being outside of the noise sensitive hours of 10 pm to 7 am.

Based on the above, it is concluded that:

- Noise associated with sports usage from nightfall to 9.30pm will be typical of that associated with the existing sports and recreational use of the land. The proposed sportsground lighting will not result in any significant increase in noise levels or noise generation within identified sensitive times.
- The current use of the sportsfields over the past 50 years (approximately) does not represent an unreasonable residential amenity impact. The additional hours of use will not result in unreasonable extension of existing impacts on the basis that play on the sportsfields does not occur in the noise sensitive hours of 10 pm to 7 am, when sleep disturbance may be an issue.
- The proposed sportsground lighting is ancillary to the established land use function of the site and therefore consistent with reasonable expectations for residential environs surrounding a public sportsfield.

Accordingly, Council can be satisfied that this DCP provision is satisfied.

7.1.2 D12 Glare and Reflection

Pursuant to Clause D12 Glare and Reflection, any glare from artificial illumination is to be minimised by utilising one or more of the following:

- *Indirect lighting;*
- *Controlling the level of illuminations; and*
- *Directing the light source away from view lines.*

Furthermore, the objectives of this control are as follows:

- *To ensure that development will not result in over spill or glare from artificial illumination or sun reflecting*
- *To maintain and improve the amenity of public and private land.*
- *To encourage innovative design solutions to improve the urban environment.*

In response to these DCP provisions the application is accompanied by a Lighting Plan and Specification, prepared by Apex Lighting Pty Ltd which details the illuminance associated with the proposed lighting. Furthermore, the application is accompanied and supported by a Light Impact Assessment by Lighting Assessment Australia (LAS) Consultancy. The findings of the Light Impact Assessment are summarised within the section below.

7.1.3 Lighting Impact

The proposal has been assessed in relation to potential lighting impact considerations and is accompanied and supported by a lighting impact assessment report prepared by Lighting Assessment Australia (LAS) Consultancy.

The assessment has considered the proposal against Australian Standard 'AS/NZS 4282:2019 - Control the obtrusive effects of outdoor lighting'. The Standard recommends limits to control the obtrusive effects of outdoor lighting to environmentally sensitive areas, in particular residential areas.

The standard recommends limits to light obtrusions as a benchmark of what a person living in an urban environment can be reasonably expected to tolerate as a result of an adjacent lighting installation. AS4282 specifies different limits for the light based on technical parameters for the different ambient conditions (environmental zones). In addition, the standard nominates a curfew period where lower limits are applied. The default curfew period is between 11:00pm and 6:00am. The consent authority has the option to change the hours if required.

Assessment of the proposed sportsground lighting was made against the key parameters of AS/NZS 4282:2019 including:

- Vertical Illuminance Levels
- Maximum Luminous Intensity per luminaire
- Threshold Increment (TI) Conformance
- Upward Light Ratio (ULR) Conformance

The site was assessed to located within or adjacent to A3 environmental zones, 'medium district brightness', 'Suburban areas in towns and cities'. As detailed within Section 6 of the lighting impact assessment report, the proposed lighting conformed with each of the above assessment parameters within the standard. The report positively concludes the following:

All three sites were assessed against the limits of the latest standard of AS/NZS 4282:2019 to determine the impact of the proposed lighting schemes on the nearby residences and streets.

The revised calculations for Passmore Reserve, and John Fisher Park show conformance with environmental zone A3.

The impact of the proposed lighting scheme on its surrounds/wildlife was assessed by analysing Vertical Illuminance around the site. Lighting, Art & Science has not identified any areas of concern, and deem the impact of the proposed lighting installations on its surrounds to be minimal given the locations of these areas and the sites.

In summary, the report finds that the proposed development is supportable on lighting impact grounds. Based on the above, it is concluded that the proposed lighting is appropriate in satisfying the statutory provisions, without any significant or unreasonable environmental impacts and on this basis satisfies the D12 of the DCP.

Accordingly, Council can be satisfied that the proposed development will not result in any excessive or unreasonable adverse glare or light spill impacts on any adjoining residential property and accordingly complies with the applicable Australian Standards and the DCP provision.

7.1.4 C2 Traffic, Access and Safety; and C3 Car Parking Facilities

Clause C2 Traffic, Access and Safety is an applicable consideration in the assessment of the proposed development. The objectives of this control are as follows:

To minimise:

- a) traffic hazards;*
- b) vehicles queuing on public roads*
- c) the number of vehicle crossings in a street;*
- d) traffic, pedestrian and cyclist conflict;*
- e) interference with public transport facilities; and*
- f) the loss of "on street" kerbside parking.*

Furthermore, C3 Car Parking Facilities is an applicable consideration in the assessment of the proposed development. The objectives of this control are as follows:

- To provide adequate off street carparking.*
- To site and design parking facilities (including garages) to have minimal visual impact on the street frontage or other public place.*
- To ensure that parking facilities (including garages) are designed so as not to dominate the street frontage or other public spaces.*

The proposal has been assessed in relation to car parking and traffic considerations as provided below.

Existing Access and Car Parking Provision

There is no directly accessible (adjacent), designated, public, off-street car parking associated with the sportsfields.

The closest off-street, car parking area to the fields is Harbord Bowling Club. The Club is known to be a popular after sports meeting place, located adjacent to the south east of the site. It includes a large areas of surface parking bays with 72 car parking bays and is understood to be used for car parking in association with the fields.

The next closest off-street, car parking area to the fields is 120m to the west. It is accessed from Harbord Road, is part of the Freshwater Senior Campus and accommodates approximately 90 car spaces.

Other nearby off-street car parking areas within John Fisher Park are accessed from Abbott Road, located adjacent to Rueb Hudson Oval 275m to the north of the site. Otherwise vehicle access and car parking is via the streets to the south of the site, for example, Bennett Street, Brighton Street and Stirgess Avenue.

Pedestrian access is obtained, via various access points from the surrounding open space network to the west, north and east of the site and nearby residentially zoned land. Buses travel along Abbott Road (350m from the site), Brighton Street (400m from the site) and Oliver / Bennett Streets (500m from the site) providing appropriate public transport access to the site.

The park is highly accessible in terms of established walking and cycling in relation to nearby residential communities. Pedestrian access is obtained, via various access points from the surrounding open space network to the west, north and east of the site and nearby residentially zoned land. The pedestrian and cycling path across the northern section of the site forms part of a larger path network within John Fisher Park.

Consideration of potential traffic and car parking impact

The sportsground is an existing and long-established land use of the land.

The provision of sportsground lighting does not increase the intensity of the use of the land or change the capacity of the sportsground to accommodate an increased amount of people when it's in use. Similarly, the provision of sportsground lighting does not trigger additional vehicle movements or increased traffic within the local road network beyond the existing levels.

In accordance with the DCP's car parking requirements, there are no specific provision for carparking associated with sportsgrounds. However, the sportsground is an existing and long-established land use and the proposal does not involve increasing its intensity, therefore the number of car parking spaces associated with the sportsground is not assessed as significant matter in the consideration of the proposal.

The provision of sportsground lighting is intended to extend the hours of use of the playing fields, and in doing so, the existing and associated demand for traffic and car parking may be extended by the proposed development from nightfall (depending on the time of year), up until 9.30pm at night. Therefore, the impacts would be equivalent or similar to that already experienced during the use of the reserve up to night fall. In this regard, the extension of the existing parking and traffic situation from night fall till 9.30pm is considered to be consistent within normal residential expectations for environs surrounding a public sportsfield.

In summary, the provision of sportsground lighting is ancillary to the established land use function of the site and does not intensify the use of the land. The extension of car parking demand associated with the sportsfields during their proposed extended hours of use (until 9.30pm) does not trigger the need for more car parking at the location. Furthermore, the extension of traffic demand during these times is appropriate, noting that it will occur outside of peak evening traffic times, will be reflective of the sportsfields current usage capacity and therefore reflective of current demand on the surrounding streets during usage times.

Based on the above, it is concluded that the site is appropriately served by the existing access and car parking provisions and these DCP provisions are satisfied by the proposal.

7.1.5 DCP Clause E3 Threatened species, populations, ecological communities listed under State or Commonwealth legislation, or High Conservation Habitat

The proposal has been assessed in relation to potential flora and fauna impact considerations and is accompanied and supported by a flora and fauna assessment report prepared by Biosis consultants.

The implications for the project were assessed in relation to key biodiversity legislation and policy including:

Environment Protection and Biodiversity Conservation Act 1999
Environmental Planning and Assessment Act 1979
Biodiversity Conservation Act 2016
State Environmental Planning Policy (Coastal Management) 2018
(Coastal Management SEPP)
Warringah Development Control Plan 2011

Assessments were undertaken to determine the significance of potential impacts to threatened fauna within the study area and surrounding locality. These assessments found that:

'...no significant impacts are likely to occur for the threatened species with the potential to occur within the vicinity of the proposed works, provided the recommendations included in this assessment report are adopted to minimise light spill into the ecologically sensitive areas. These mitigation measures will also be of benefit to non-threatened fauna species that are also likely to be present within the locality, ensuring that any potential impacts on non-threatened fauna species in the area are also minimised'.

In summary, the report finds that the proposed development is supportable on flora and fauna grounds. Based on the above considerations it is assessed that these considerations are satisfied by the proposal.

7.1.6 DCP E8 Riparian land

Pursuant to Clause E8 of the DCP, the subject property is adjacent to Manly Creek and therefore DCP clause E8 riparian land is a relevant consideration in the assessment of the proposal.

In response, the proposal has been assessed in relation to flora and fauna considerations which are associated with the riparian land and is accompanied and supported by a flora and fauna Assessment Report prepared by Biosis consultants.

The assessment has considered the provisions of the DCP in relation to the proposed structures as follows:

The study area occurs adjacent to Greendale Creek a first order stream, which flows into Curl Curl Lagoon to the east. The proposed lighting installation is planned to occur within 40 metres from the top of bank of Greendale Creek. The proposed development will need to be the subject of a controlled activity permit in regards to the installation of lighting poles.

Due to the setback of the proposed lighting poles being greater than 10 metres from the top of bank of Greendale Creek, the preparation of a VMP for the entirety of the riparian corridor, within the site, is not recommended. The Natural Resource Access Regulator (NRAR) will assess the controlled activity permit application in regards to stormwater pipe installation.

Furthermore, the report positively concludes the following within Section 4.1 of the report:

‘....no significant impacts are likely to occur for the threatened species with the potential to occur within the vicinity of the proposed works, provided the recommendations included in this assessment report are adopted to minimise light spill into the ecologically sensitive areas. These mitigation measures will also be of benefit to non-threatened fauna species that are also likely to be present within the locality, ensuring that any potential impacts on non-threatened fauna species in the area are also minimised’.

The report also notes that ‘Works are proposed within 40 metres of the top of the bank of Greendale Creek and the proposed development will need to be the subject of a controlled activity permit in regards to the proposal.

In summary, the report finds that the proposed development is supportable in relation to its potential impact upon riparian land. Based on the above, it is concluded that Clause E8 of the DCP is satisfied by the proposal.

7.2 Consideration of Relevant DCP Provisions

Clause	Compliance with Requirement	Consistent with aims and objectives
Part C - Siting Factors		
C2 Traffic, Access and Safety	Yes	Yes
C3 Parking Facilities	Yes	Yes
C4 Stormwater	Yes	Yes
C5 Erosion and Sedimentation	Yes	Yes
C8 Demolition and Construction	Yes	Yes
C9 Waste Management	Yes	Yes
Part D - Design		
D1 Landscaped Open Space and Bushland Setting	NA	NA
D3 Noise This matter has been addressed previously within this report.	Yes	Yes
D6 Access to Sunlight The proposed lighting structures are tall and narrow. Due to their ‘slim-line’ form, they will not cast significant or excessive shadows. Furthermore, they are proposed to be located with significant and sufficient separation to nearby residentially zoned	Yes	Yes

Clause	Compliance with Requirement	Consistent with aims and objectives
<p>land to avoid any significant adverse shading impacts.</p> <p>It is concluded that the proposal will not significantly or unreasonably reduce the available sunlight to the adjoining properties and the provisions of the control are satisfied by the proposal.</p>		
<p>D7 Views</p> <p>New development is to be designed to achieve a reasonable sharing of views available from surrounding and nearby properties.</p> <p>The proposed lighting structures are tall and narrow. They are proposed to be located with significant and sufficient separation to nearby residentially zoned land.</p> <p>The proposed structures will not significantly or unreasonably impede any established views from surrounding community properties or public vantage points.</p>	Yes	Yes
<p>D8 Privacy</p> <p>Privacy has been considered in the proposed design and satisfies the DCP's objectives.</p> <p>The proposal will not significantly or unreasonably alter the privacy enjoyed by nearby residential dwellings.</p> <p>It is concluded that the proposal will not significantly or unreasonably affect the privacy of the neighbouring properties.</p>	Yes	Yes
<p>D9 Building Bulk</p> <p>The proposed 8 lighting structures are tall and narrow in a large open space setting.</p> <p>They are typical of the types of structures associated with a District sportsground.</p> <p>Due to their 'slim-line' form and their development and land use context, they will not present a significant, unreasonable or excessive bulk.</p>	Yes	Yes
D10 Building Colours and Materials	Yes	Yes
<p>D12 Glare and Reflection</p> <p>This matter has been addressed previously within</p>	Yes	Yes

Clause	Compliance with Requirement	Consistent with aims and objectives
this report.		
D22 Conservation of Energy and Water	Yes	Yes
Part E - The Natural Environment		
E1 Preservation of Trees or Bushland Vegetation In response to clause 3 of section E1, a Vegetation Clearing Permit is not required in relation to the proposal because it is not proposed to remove or cut down of any Tree over five (5) metres in height. Nor is it proposed to remove more than ten percent (10%) of a tree canopy.	Yes	Yes
E2 Prescribed Vegetation It is not proposed to remove or cut down of any Tree over five (5) metres in height. Nor is it proposed to remove more than ten percent (10%) of a tree canopy. The proposal therefore satisfies this DCP provision.	Yes	Yes
E3 Threatened species, populations, ecological communities listed under State or Commonwealth legislation, or High Conservation Habitat This matter has been addressed previously within this report. A Flora and Fauna Assessment accompanies and supports the application and satisfies this clause.	Yes	Yes
E4 Wildlife Corridors In response to requirement 1 of this clause, the land to be modified is less than 50m ² and does not involve the modification of native vegetation. Therefore requirement 1 the clause is satisfied. In response to requirement 2 of this clause a Flora and Fauna Assessment accompanies and supports the application. In response to requirement 3 of this clause based on the findings of the Flora and Fauna Assessment, the need for a Biodiversity Management Plan is not triggered by the proposal.	Yes	Yes
E5 Native Vegetation This matter is assessed within the accompanying flora and fauna Assessment Report prepared by Biosis consultants. The report concludes that:	Yes	Yes

Clause	Compliance with Requirement	Consistent with aims and objectives
<i>'assuming the recommendations included in this report are adopted, no significant impact is likely to result from the proposed lighting installation. As such, this assessment addresses all requirements outlined in the Warringah Development Control Plan (DCP) 2011 for the removal/modification of native vegetation as well as activities that may impact the Wildlife Corridor (Greendale Creek riparian corridor)'.</i>		
E8 Waterways and Riparian Lands This matter has been addressed previously within this report.	Yes	Yes
E10 Landslip Risk	NA	NA
E11 Flood Prone Land This matter has been addressed previously within this report.	Yes	Yes

8 Section 4.15 of the Environmental Planning and Assessment Act 1979

The proposal has been assessed having regard to the matters for consideration pursuant to S.4.15 of the Act and to that extent Council can be satisfied of the following:

- There will be no significant or unreasonable adverse built environment impacts arising from the proposed physical works on the site.
- The site is appropriate for accommodating the proposed development. The proposal has sufficiently addressed environmental considerations. There will be no significant or unreasonable adverse environmental impacts arising from the proposal.
- The proposal will result in positive social and economic impacts, noting:
 - Economic benefits, arising from the investment in improvements to the land and employment during the construction phase of the works
 - Social benefits arising from the extended use of the land for a period of time after daylight hours up until 9.30pm. The proposed lighting will provide for the sporting needs of the community within an established public sportsfield.
- The proposal is permissible and consistent with the objectives of the zone, pursuant to the LEP. The proposal satisfies the provisions of the relevant provisions of the applicable Plan(s) of Management and Council's DCP.
- It is compatible with the current and likely future character of development within the local context.
- It will not result in any significant unacceptable offsite impacts that limit the use or enjoyment of nearby or adjoining land.
- The proposal will have an acceptable impact when considering key amenity issues such as visual impact, views, overshadowing, noise and privacy.
- Given the site's location and established function, the site is assessed as being entirely suitable for the proposed development.
- The public interest is best served through the approval of the application.

9 Conclusion

The application seeks development consent for sportsground lighting at Frank Gray & Mike Pawley fields, within John Fisher Park at Curl Curl. The proposed development has been assessed with consideration to the relevant statutory policies. In summary:

- the proposed sportsground lighting is ancillary to the long-established use of the land as a sportsfield.
- the proposal is consistent with the zoning objectives, provisions of the applicable Plans of Management and other planning controls that are applicable to the land.
- the proposed lighting satisfies obtrusive lighting assessment criteria and is consistent within residential expectations for environs surrounding a public sportsfield.
- the proposed lighting design is responsive to its context and is compatible with the local character. The proposed lighting will not result in any unacceptable amenity impacts.
- the proposed lighting design will have an acceptable visual impact when viewed from surrounding land.
- the minor environmental impacts of the proposed lighting can be mitigated in accordance with recommendations from the supporting reports.
- the Northern Beaches is in need of increased sportsfield capacity to meet current and growing demand. The proposed lighting enables increased function and capacity for uses of the fields by expanding their usage hours. The proposed development will thereby provide an important social benefit that is consistent with adopted council resolutions.
- the development is in the public interest.

The proposal succeeds when assessed against the Heads of Consideration pursuant to section 4.15 of the Environmental Planning and Assessment Act, 1979 and is worthy of being granted development consent.

BBF Town Planners



Michael Haynes - Director